

**REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
PONDERA COUNTY, MONTANA  
Held in May 2019**

The Board of Pondera County Commissioners met daily in informal session and in scheduled meetings on May 1, 8, 15, 22, 28, and 30, 2019. Unless indicated, all Commissioners were present.

**FIRST READING ENACTING AN ORDINANCE FOR THE PONDERA COUNTY  
AIRPORT AFFECTED AREA REGULATIONS– May 1, 2019  
AN ORDINANCE FOR THE PONDERA COUNTY AIRPORT AFFECTED AREA  
REGULATIONS  
Ordinance #1 – 2018/19**

A full copy of the proposed Ordinance is available in the Clerk & Recorder's office filed under Document Number 332838

PASSED on first reading this 1<sup>st</sup> day of May, 2019, by the Board of Commissioners, County of Pondera, State of Montana.

/s/ Thomas A. Kuka  
Thomas A. Kuka, Chair

/s/ Dale J Seifert  
Dale J Seifert, Member

/s/ Jim Morren  
Jim Morren, Member

Attest:

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

Second and Final Reading: June 4, 2019 at 10:00 am in the Commissioner's Office

**HELP AMERICA VOTE ACT (HAVA) ELECTION SECURITY FUNDS GRANT  
APPLICATION-APPROVED– May 1, 2019**

Commissioner Morren moved to approve a HAVA Election Security Grant application for cost share to update election equipment (AutoMarks) required for polling places to assist disabled voter. Commissioner Seifert seconded. Motion carried.

The HAVA money was distributed to each state and the Secretary of State of Montana is responsible for distributing the matching funds to counties.

**APPROVE CONTRACT WITH BERN & PUGH FOR SECTION 125 ACCOUNT –  
May 1, 2019**

Commissioner Morren moved and Commissioner Seifert seconded to approve the Section 125 contract renewal for fiscal year 2020 with Bern & Pugh. Motion carried.

**HAYING AGREEMENTS-APPROVED – May 1, 2019**

The deadline to apply for a permit to hay the county road rights-of way was May 1, 2019. Commissioner Seifert moved to approve the following Yearly Right-of-Way Forage Removal Agreement/Applications, pending approval by the County Road Supervisor:

Devon Kelly Rauscher	West Valley Rd, Arod Lakes Rd 1st 5 miles heading west
Brad and Nancy Bruner	Price Rd starting at Midway South to Berland Loop, both sides

Commissioner Morren seconded. Motion carried.

**ENCROACHMENT AGREEMENT-APPROVED – May 1, 2019**

**May 2019**

Commissioner Seifert moved to approve the Encroachment Agreement requested by the Nelson Farm & Ranch of Valier to install an approach for agricultural purposes on Bullhead Road. Commissioner Morren seconded. Motion carried.

TAX ABATEMENT/ADD-ON 1078 & 1079-APPROVED – May 8, 2019

Commissioner Morren moved to approve the following abatement/add-on:

NUMBER	REASON	CANCEL	ADD	PARCEL NO
1078	Land is owned by Gov't entity	\$130.29		514300
1079	Overcharge on SM plate	\$1,285.67		1325900

Commissioner Seifert seconded. Motion carried.

Also attending: McKenzie Graye, Reporter for the Independent Observer.

DATE, TIME AND PLACE SET FOR PUBLIC HEARING – CONSOLIDATION OF RURAL POLLING PLACES – May 8, 2019

Commissioner Morren moved and Commissioner Seifert seconded to set Thursday, May 30, 2019 at 6:30pm at the Dupuyer Community Center for a public hearing on the proposed consolidation of the Dupuyer polling place with the Valier polling place, beginning with the 2020 Federal Primary Election. Motion carried.

Also attending: McKenzie Graye, Reporter for the Independent Observer.

APRIL COMMISSION MINUTES-APPROVED – May 8, 2019

Commissioner Morren moved and Commissioner Seifert seconded to approve the April 2019 Minutes of the Commission. Motion carried.

Also attending: McKenzie Graye, Reporter for the Independent Observer.

REQUEST FOR LOAN FORGIVENESS FROM PORT AUTHORITY-APPROVED – May 15, 2019

Rob Cook, Executive Director of the Pondera Regional Port Authority, sent the commissioners with a request for loan forgiveness of the loan payment in the amount of \$12,962.50 under the current fiscal year. The written request outlined the Port Authority's role in economic development and the need for the loan forgiveness in order to keep up operating costs, as well as to maintain a fund for further economic development. Commissioner Morren moved to approve the loan forgiveness of repayment and to treat the loan as a transfer of funds for fiscal year 2018-19. Commissioner Seifert seconded. Motion carried.

CONTRACT FOR PURCHASE OF A GENERATOR & TRANSFER SWITCH AT BROKEN PICK SITE– May 15, 2019

Bids were opened on April 10 for the purchase and installation of a generator and switch with a 5-year warranty as well as removal of the old equipment. Three bids were received:

1. Jones Z Electric – 16 kw Generator - \$10,899
2. A-H Electrical Contractors – 11 kw Generator- \$5,655
3. Kronebusch Electric – 17.52 kw Generator - \$13,249

After reviewing the bids and their specifications, Commissioner Seifert moved to accept the bid from A-H Electrical Contractors. Commissioner Morren seconded the motion. Motion carried.

DATE, TIME, AND PLACE SET FOR COUNTY COMPENSATION BOARD – May 15, 2019

Commissioner Seifert moved to set the County Compensation Board meeting for Wednesday, June 12 at 9:00 a.m. in the Commissioner's Office. Commissioner Morren seconded. Motion carried.

VALIER LAW ENFORCEMENT AGREEMENT APPROVED – May 22, 2019

An agreement between the Town of Valier and Pondera County to provide law enforcement services was approved by Town of Valier. Agreement includes sum of

\$58,710 for the fiscal year July 1, 2019 – June 30, 2020, and \$60,471.30 for fiscal year July 1, 2020 – June 30, 2021. Payments are to be made on a quarterly basis in September, December, March, and June; beginning September 2019 and expiring June 2021.

Commissioner Seifert moved to approve the Valier Law Enforcement Agreement. Commissioner Morren seconded. Motion carried.  
Also attending: Glenn Wunderlich, Valier Mayor and Mary Ann Ries, County Attorney

CONTRACT FOR DISPATCH SERVICES FOR THE CITY OF CONRAD  
APPROVED – May 22, 2019

The City of Conrad accepted and signed the Contract For Dispatch Services for the term of July 1, 2019 through June 30, 2022. Annual payments for dispatch services will be \$15,961 for FY2019-20, \$16,440 for FY2020-21, and \$16,440 for FY2021-22, reflecting an increase of 3% each year. Payments are due in the months of December and June.

Commissioner Morren moved to approve the Contract for Dispatch Services for the City of Conrad. Commissioner Seifert seconded. Motion carried.

MASTER CONTRACT FOR PREVENTATIVE ORAL HEALTH CARE PROGRAM-  
APPROVED – May 22, 2019

Commissioner Morren moved to approve the Master Contract from the MT Department of Public Health and Human Services For The Provision of Public Health Services by Pondera County for the term of July 1, 2019 through June 30, 2022. The Master Contract is entered into every seven years and during the term of the Contract, Task Orders and grant awards are made for public health, nutritional, and preventative grants. Commissioner Seifert seconded. Motion carried.

HAYING AGREEMENTS-APPROVED – May 22, 2019

The deadline to apply for a permit to hay the county road rights-of way was May 1, 2019. Commissioner Seifert moved to approve the following Yearly Right-of-Way Forage Removal Agreement/Applications, pending approval by the County Road Supervisor:

Ronald & Darlene Denney	Pondera Coulee Rd, from Price Rd to Moulton School Rd; North Price Rd from Sollid Rd to Hwy 366 Price Rd 1 mile S of Sollid Rd to Midway Rd;
Wylie Gustafson	Furlough Rd
Dale Seifert	Bullhead Rd
Ray & Kevin Moritz	Hovde Rd N & S Sides; Prospector Rd both sides; Primrose Rd both Sides; Pondera Coulee Rd both sides; Kelly Rd both sides

Commissioner Morren seconded. Motion carried.

RESOLUTION AUTHORIZING FORGIVENESS OF REPAYMENT OF INTERFUND  
LOAN-ADOPTED – May 22, 2019

PONDERA COUNTY, MONTANA  
RESOLUTION #40 – 2019/20  
AUTHORIZING FORGIVENESS OF REPAYMENT OF INTERFUND LOAN

WHEREAS, the Board of County Commissioners has, from time to time, determined it to be in the best interests of the County to authorize loans from one fund to another at a reasonable rate of interest; and

WHEREAS, the Board has determined that the interfund loan (for FY2018-19 funds) from the General Fund to the Port Authority Fund, authorized under Resolution #22-2018/19, be forgiven under the terms of the January 9, 2019 Loan Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pondera County that the Clerk and Recorder effect the forgiveness of repayment of the above-described loan, in the amount of \$12,962.50, principal, and all interest that would have accrued; treating the same as a transfer from the General Fund to the Port Authority Fund.

Adopted this 22<sup>nd</sup> day of May, 2019 as moved by Commissioner Morren, seconded by Commissioner Seifert, and passed on a 3-0 vote of the full board. Effective on passage and approval.

BOARD OF COMMISSIONERS  
Pondera County, Montana

/s/ Thomas A Kuka  
Thomas A Kuka, Chair

/s/ Dale J Seifert  
Dale J Seifert, Member

ATTEST:

/s/ Jim Morren  
Jim Morren, Member

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

JOB DESCRIPTIONS APPROVED – May 22, 2019

Commissioner Seifert moved to approve the job description for a part time Chronic Disease Specialist to be paid from the Health Department’s Chronic Disease Prevention grant. Commissioner Morren seconded. Motion carried.

INTERGOVERNMENTAL TRANSFER FOR PONDERA MEDICAL CENTER-APPROVED – May 22, 2019

Commissioner Morren moved to approve the State of Montana Intergovernmental Agreement for the Transfer of Monies to the State, Fiscal Year 2019. Under this agreement, Pondera Medical Center will receive a lump sum payment of Medicaid monies for “at risk” county affiliated nursing facilities in the amount of 303,570.60 from the Montana Department of Health and Human Services. Prior to the PMC receiving the payment, the county agrees to pay the matching funds amount of \$243,980.02. Pondera Medical Center provides the matching money to the county which, in turn, will provide the State of Montana with a county warrant the amount of the matching funds. Commissioner Seifert seconded. Motion carried.

SET DATE, TIME, AND PLACE OF NEXT COMMISSIONER’S MEETING – May 22, 2019

Commissioner Morren moved and Commissioner Seifert seconded to reschedule next week’s meeting for Tuesday, May 25 at 10:00 am in the Commissioner’s office as a quorum will not be available on Wednesday, May 26. Motion carried.

Commissioner Morren moved and Commissioner Seifert seconded to reschedule the Wednesday, June 5<sup>th</sup> meeting for Tuesday, June 4<sup>th</sup> at 10:00 am in the Commissioner’s office due to a MACO District meeting scheduled for June 5. Motion carried.

STATE OF MONTANA HEALTH REIMBURSEMENT ACCOUNT-VOLUNTARY EMPLOYEES’ BENEFICIARY ASSOCIATION (VEBA) HRA POLICIES APPROVED – May 28, 2019

POLICY FOR THE  
PONDERA COUNTY VEBA HEALTH BENEFIT PLAN  
 (“MONTANA VEBA HRA”)

PONDERA COUNTY (“Employer”) hereby adopts the following Policy.

The Employer is eligible for participation in the State of Montana VEBA Health Benefit Plan and Trust (“the Plan”) by acceptance of a completed Employer Adoption Agreement by the State of Montana Department of Administration.

This Policy requires that all employees separating from service in such group while this Policy is in effect shall be required to contribute the value of their unused sick leave to the Plan.

The (“Employer”) agrees to contribute to the Plan on behalf of employees in **Group 1: Sheriff Department and DES** (“Employee Group or Bargaining Group”).

Such contributions shall be applied uniformly to all eligible employees and such contributions shall be made on behalf of all eligible employees based on the following selected funding formulas:

- Cash-out value of 25% unused sick leave days for employees eligible for such contributions at their separation from service.
- Cash-out of 100% of unused vacation leave days for employees eligible for such contributions at their separation from service.

The effective date of this policy shall be May 26, 2019 to May 25, 2020.

Approval by Board of Pondera County Commissioners

/s/ Thomas A Kuka  
Thomas A. Kuka, Chairman

/s/ Dale J Seifert  
Dale J. Seifert, Member

/s/ Jim Morren  
Jim Morren, Member

May 28, 2019  
Date

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The ("Employer") agrees to contribute to the Plan on behalf of employees in **Group 2: Road Department and Transit Driver** ("Employee Group or Bargaining Group").

Such contributions shall be applied uniformly to all eligible employees and such contributions shall be made on behalf of all eligible employees based on the following selected funding formulas:

- Cash-out value of 25% unused sick leave days for employees eligible for such contributions at their separation from service.
- Cash-out value of 100% of unused vacation leave days for employees eligible for such contributions at their separation from service.

The effective date of this policy shall be May 26, 2019 to May 25, 2020.

Approval by Board of Pondera County Commissioners

Approval by Board of Pondera County Commissioners

/s/ Thomas A Kuka  
Thomas A. Kuka, Chairman

/s/ Dale J Seifert  
Dale J. Seifert, Member

/s/ Jim Morren  
Jim Morren, Member

May 28, 2019

Date

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The ("Employer") agrees to contribute to the Plan on behalf of employees in **Group 3: Clerk & Recorder's Office, Clerk of Court's Office, Justice Court, County Attorney's Office, Maintenance/Housekeeping, Treasurer's Office, Health Department, Central Supply and Weed Department** ("Employee Group or Bargaining Group").

Such contributions shall be applied uniformly to all eligible employees and such contributions shall be made on behalf of all eligible employees based on the following selected funding formulas:

- Cash-out value of 25% unused sick leave days for employees eligible for such contributions at their separation from service.
- Cash-out value of 100% of unused vacation leave days for employees eligible for such contributions at their separation from service.

The effective date of this policy shall be May 26, 2019 to May 25, 2020.

Approval by Board of Pondera County Commissioners

/s/ Thomas A Kuka

Thomas A. Kuka, Chairman

/s/ Dale J Seifert

Dale J. Seifert, Member

/s/ Jim Morren

Jim Morren, Member

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PUBLIC HEARING FOR CONSIDERATION OF CONSOLIDATING DUPUYER  
POLLING PLACE WITH VALIER POLLING PLACE – May 30, 2019

Commissioner Kuka called the hearing to order at 6:30 pm at the Dupuyer Community Hall. Those in attendance were Commissioners Kuka and Seifert; Clerk & Recorder/Election Administrator Kody Farkell; and public members Marilyn Seifert, Susan Anderson, Joyce Jones, on Jones, Ali Newkirk, Rita Christiaens, Becky Rappold, and Leanne Hayne.

The purpose of the hearing was to gather public input regarding the consolidation of the Dupuyer polling place with the Valier polling place beginning with the 2020 Federal Primary Election. The hearing was advertised in the Independent Observer and The Valierian on May 22 and 29, 2019.

Election Administrator Farkell began by explaining the reasons for considering the consolidation of polling places. Precinct 23 Dupuyer, with 158 voters, is the smallest precinct in the county with its own polling place. The cost of elections; replacement of equipment required by federal law being replaced, maintenance and programming of equipment for each election, cost of judges, training, and supplies are always increasing. Due to increasing numbers of absentee voters, the number of polling place voters are decreasing. Election laws and processes must be adhered to with great care, and is most efficiently done with multiple precincts in one polling place.

**May 2019**

Ali Newkirk stated she hated to lose the polling place as it would be a hardship for elderly to travel to Valier. Ron Jones said he understood the economics of the decision but worried about continuing to lose other services. Susan Anderson spoke in favor of the consolidation. She said as a judge she sees the financial cost and felt it would not be a hardship as absentee voting is available. Rita Christiaens posed the question of consolidating with Conrad instead of Valier. She felt it would be less of a hardship because a lot of people to travel to Conrad to conduct business. Ron Jones agreed that, if a consolidation was necessary, Conrad would be less of a hardship for him. Becky Rappold was concerned about being able to get to either Conrad during business hours to get an absentee ballot. It was explained by Farkell that an absentee ballot request can be done my mail. Rappold suggested putting out instructions to all voters on how absentee voting works. Commissioner Seifert suggested re-advertising another public hearing for re-consideration of the consolidation, leaving the conversation open for discussion of Valier OR Conrad. All members agreed to meet again on the consolidation. The hearing was adjourned at 7:40 pm.

**CLAIMS APPROVED FOR PAYMENT – May 31, 2019**

<b><u>FUND</u></b>	
GENERAL	18366.52
ROAD	8131.81
BRIDGE	2661.63
WEED	678.82
AIRPORT	2923.3
AMBULANCE	311.64
COUNTY FAIR	2,500.00
911 EMERGENCY	693.89
LAND USE PLANNING	795.00
GAS APPORTIONMENT TAX	7,909.35
NORTHERN TRANSIT INTERLOCAL	502.22
EMERGENCY PREPAREDNESS GRANT	486.41
ORAL HEALTH GRANT	344.89
WIC GRANT	213.44
MATERNAL CHILD HEALTH	127.73
IMMUNIZATION ACTION PROGRAM	14.03
CHRONIC DISEASE PREVENTION GRANT	306.60
HEALTH CARE FOUNDATION GRANT	73.46
JUNK VEHICLE GRANT	13.15
GENERAL FUND CAPITAL IMPROV	6,325.00
PUBLIC SAFETY CAP IMPROV	8,870.49
REFUND FUND	11,005.18
TOTAL CLAIMS	\$ 73,254.56
TOTAL PAYROLL	<u>264,928.28</u>
TOTAL CLAIMS AND PAYROLL FUNDS	<u><u>338,182.84</u></u>

**ADJOURNMENT**

The meeting adjourned at 5:00 p.m. on May 31, 2019

Pondera County, Montana.

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Thomas A Kuka, Chairman

ATTEST:

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Kody L Farkell, Clerk & Recorder