

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

The Board of Pondera County Commissioners met daily in informal session and in scheduled meetings on March 6, 13, 20, and 27, 2019. Unless indicated, all Commissioners were present.

**EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) COUNTY CONTRIBUTION COMMITMENT-** March 6, 2019

Commissioner Seifert moved to sign a letter of commitment for \$34,165 (50% match) for the FY2019-20 EMPG program period October 1, 2019 through September 30, 2020. Commissioner Morren seconded. Motion carried.

**WOMEN, INFANTS, AND CHILDREN (WIC) AMENDED TASK ORDER CONTRACT APPROVED** – March 6, 2019

Commissioner Morren moved to approve the amended WIC Task Order Contract with the MT Department of Public Health and Human Services for October 1, 2018-September 30, 2019. The amended amount of the contract was decreased from \$\$41,145 to \$36,727 due to the Breastfeeding Peer Counselor position being moved to Teton County. Commissioner Seifert seconded. Motion carried.

**ENCROACHMENT AGREEMENT APPROVED** – March 6, 2019

Commissioner Morren moved and Commissioner Seifert seconded to approve the Encroachment Agreement requested by Sporleder's for placement of an irrigation pipe under Sanders Rd West. Motion carried.

**CONRAD AIRPORT LAND LEASE APPROVED** – March 6, 2019

Commissioner Seifert moved and Commissioner Morren seconded to approve an airport land lease with Don Bollinger in the amount of \$96 per year for a period of 10 years. Motion carried.

**APPOINTMENT OF RURAL FIRE DISTRICT BOARD OF TRUSTEES** – March 6, 2019

The Rural Fire District Board members are elected to their positions. Montana law provides that if the number of candidates is equal to or less than the number of positions to be elected, the election administrator may cancel the election. In such case, the county governing body shall declare elected by acclamation each candidate who filed a nominating petition for a position. If a nomination is not made for one or more trustee offices, the county governing body shall appoint one or more trustees as necessary to fill those offices. A trustee taking office pursuant to this subsection serves the trustee term of office as if that trustee had been elected.

There were no candidate filings for the open trustee position. Commissioner Seifert moved to appoint Clint Rouns to fill the open trustee position. Commissioner Morren seconded. Motion carried.

**RESOLUTION AUTHORIZING PROSECUTORIAL ASSISTANCE-ADOPTED** – March 6, 2019

**PONDERA COUNTY MONTANA  
RESOLUTION #29 – 2018/19  
AUTHORIZING PROSECUTORIAL ASSISTANCE**

WHEREAS, the Pondera County Attorney has requested prosecutorial assistance in the case of State v. Marian Vandebos Tooley and Cynthia Renee Meiler, 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. § 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

**March 2019**

WHEREAS, Mont. Code Ann. § 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. § 44-4

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 trial will be the County's responsibility as with all other prosecutions.

Adopted this 6th day of March, 2019 as moved by Commissioner Seifert, seconded by Commissioner Morren, 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

RESOLUTION CANCELLATION OF OUTSTANDING WARRANTS-ADOPTED –  
March 13, 2019

PONDERA COUNTY MONTANA  
RESOLUTION #30 – 2018/19  
CANCELLATION OF OUTSTANDING WARRANTS

WHEREAS Section 7-6-2607, Montana Code Annotated, directs the Board of County Commissioners to examine the county warrants and cancel all county warrants that have remained uncalled for one (1) year or more; and

WHEREAS upon examination of the warrants paid from the Pondera County Petty Cash account maintained by the Pondera County Clerk and Recorder and the outstanding warrant register for claims and payroll warrants issued by Pondera County, there appears to be outstanding for more than one (1) year, the following warrants:

PETTY CASH FUND				
Check No.	Date Issued		Amount	Payable To
None				
CLAIMS FUND				
Warrant No.	Claim No.	Date Issued	Amount	Payable To
60927	72737	6/12/2014	\$11.92	Janis Lundby
62136	74181	4/10/2015	\$11.00	Jonathan Kujava
PAYROLL FUND				
Warrant No.	Date Issued		Amount	Payable To
None				

THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pondera County that the above warrants are hereby canceled; and

BE IT FURTHER RESOLVED that, pursuant to Section 7-6-2607(3), MCA, the Clerk and Recorder of Pondera County is directed to enter the cancellation of the above-referenced warrants and the date of said cancellation on the records of the Petty Cash account and Claims and Payroll Warrant Register, and, further, this resolution shall constitute the list of canceled warrants to be entered on the minutes of the Board.

Adopted this 13th day of March, 2019 as moved by Commissioner Seifert, seconded by Commissioner Kuka and passed on a 2-0 vote of the 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:

Absent  
Jim Morren, Member

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

FEBRUARY COMMISSION MINUTES-APPROVED – March 13, 2019  
Commissioner Seifert moved and Commissioner Kuka seconded to approve the February 2019 Minutes of the Commission. Motion carried.  
Commissioner Morren was absent.

EXPENDITURES IN EXCESS OF \$500-APPROVED – March 13, 2019  
Commissioner Seifert moved to approve the purchase of a cabinet unit heater from Heartland Heating & Mechanical to be placed in the courtroom. Total cost of the unit is \$4,000, which will be paid from the Building Maintenance fund. Commissioner Seifert seconded. Motion carried.  
Approval before purchase is necessary when the expenditure is in excess of \$500  
Commissioner Morren was absent.

RESOLUTION APPROVING A LOAN FROM THE AERONAUTICS DIVISION OF THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF MONTANA-ADOPTED – March 20, 2019

PONDERA COUNTY, MONTANA  
RESOLUTION #31 – 2018/19

A RESOLUTION ENTITLED; “A RESOLUTION OF THE COUNTY OF PONDERA, APPROVING A LOAN IN THE AMOUNT OF \$27,000, TOGETHER WITH INTEREST THEREON AT THE RATE OF 2.75% PER ANNUM ON THE UNPAID BALANCE OF THE PRINCIPAL UNTIL PAID, FROM THE AERONAUTICS DIVISION OF THE DEPARTMENT OF TRANSPORTION OF THE STATE OF MONTANA TO THE COUNTY OF PONDERA, FOR THE PURPOSE OF INSTALLING A SELF-SERVICE FUEL SYSTEM AT THE PONDERA COUNTY AIRPORT, LOCATED IN CONRAD, MONTANA, PROVIDING FOR THE REPAYMENT OF LOAN, AND THE TERMS THEREOF.”

WHEREAS, the County of Pondera, hereinafter known as “SPONSOR”, has approval from the Aeronautics Division of the Department of Transportation of the State of Montana, hereafter know as “DIVISION”, for a loan of State funds in the amount of \$27,000, together with interest thereon at the rate of 2.75% per annum of the unpaid balance of the principal until paid, for the purpose of Airport Improvements described above.

The DIVISION, has prescribed the terms and conditions under which loan is to be repaid, to wit: Said sum of \$27,000 together with interest thereon at the rate of 2.75% per annum on the unpaid balance of the principal until paid, must be repaid to the DIVISION, in annual installments in such payment amounts and in accordance with the schedule of

repayments as set forth in the repayment schedule attached hereto and marked EXHIBIT "A".

The SPONSOR accepts such DIVISION monies and agrees to expend same upon such terms and conditions as are prescribed by the DIVISION, and in accordance with the Airport Aid Application Part Four (Representations) and Section Three (Sponsor Assurances) and by this reference incorporated herein as though fully set forth.

NOW, THEREFORE, IT IS RESOLVED by the County of Pondera, known herein as the SPONSOR, as follows:

1. SPONSOR hereby agrees to receive and expend such loan totaling \$27,000 for the improvements of the Pondera County Airport, located in Conrad, Montana, in the manner and form applied for, and as approved by the DIVISION.
2. That in consideration of said loan, that SPONSOR hereby obligates itself during the period of time as set forth in EXHIBIT "A", to repay to the DIVISION, the loan of \$27,000, together with interest thereon at the rate of 2.75% per annum on the unpaid balance of the principal until paid, in annual installments in accordance with EXHIBIT "A". The first of said payments, in the amount as stated in EXHIBIT "A" will be made on or before the date set forth in EXHIBIT "A", in the full amount of the loan together with interest as aforesaid; and
3. The SPONSOR shall have the right of prepayment of the principal and interest of the loan, or any part thereof, without penalty, at any time. Any prepayment shall be applied first to interest then accrued at the time of payment and the balance of the payment shall be applied to the principal balance of the loan at the time of prepayment. Any prepayment of principal shall accordingly reduce the amount of interest to be paid on the loan. The prepayment shall not relieve the SPONSOR from making the next succeeding payment installment or installments when due until the total balance of the loan is paid in full.
4. SPONSOR, in consideration of said loan, does hereby obligate itself to include within its budget for the period of time during which loan is to be repaid, sufficient funds to pay and discharge loan together with interest thereon in the amount as stated in EXHIBIT "A".

Adopted this 20<sup>th</sup> day of March, 2019 as moved by Commissioner Seifert, seconded by Commissioner Morren, and passed on a 3-0 vote of the full board. Effective upon 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:

Absent  
Jim Morren, Member

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

EXPENDITURES IN EXCESS OF \$500-APPROVED – March 20, 2019

Commissioner Seifert moved to approve the purchase of three printers/copies from Preferred Office Supply:

Sharp MX3571	Health Department	\$7,827
Sharp MX3071	Extension Department	\$6,067
	(w/added features)	
Sharp MX3071	Sheriff Department	\$5,109

Commissioner Morren seconded. Motion carried.

Approval before purchase is necessary when the expenditure is in excess of \$500.

CLAIM FOR INDIGENT BURIAL APPROVED FOR PAYMENT – March 20, 2019

Commissioner Seifert moved to approve payment of \$750 for burial of an indigent resident of the county. Commissioner Morren seconded. Motion carried.

RESOLUTION COMBINING OIL & GAS ACCELERATED TAX FUND INTO  
GENERAL CAPITAL IMPROVEMENT FUND-ADOPTED – March 27, 2019  
PONDERA COUNTY, MONTANA  
RESOLUTION #32 – 2018/19  
COMBINING OIL & GAS ACCELERATED TAX FUND  
INTO COUNTY CAPITAL IMPROVEMENT FUND

WHEREAS certain expenditures of the Oil & Gas Accelerated Tax Fund have been completed; and

WHEREAS Montana Code Annotated MCA 15-36-325 was repealed in 1999 and, as a result, no revenues have been received since that time; and

WHEREAS the remaining funds will be moved into the County General Capital Improvement Fund, and

WHEREAS the Board of County Commissioners has determined that it is in the best interests of the County and its citizens to combine the Oil & Gas Accelerated Tax Fund into the General Capital Improvement fund.

NOW, THEREFORE, BE IT RESOLVED by the Pondera County Board of Commissioners that, effective March 27, 2019, the Oil & Gas Accelerated Tax Fund will be combined into the General Capital Improvement Fund.

Adopted this 27<sup>th</sup> day of March, 2019 as moved by Commissioner Seifert, 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/ Thomas A Kuka  
Thomas A Kuka, Chair

/s/ Dale J Seifert  
Dale J Seifert, Member

ATTEST:

Absent  
Jim Morren, Member

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

RESOLUTION AUTHORIZING BUDGET AMENDMENTS TO PONDERA COUNTY  
BUDGET-ADOPTED – March 27, 2019  
PONDERA COUNTY MONTANA  
RESOLUTION #33 – 2018/19  
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
2971-331141	Grant Revenue	\$60,161	\$55,743
Expenditure	Description	Prior Amount	New Amount
2971-401-440171-140	Benefits	\$ 5,508	\$ 3,200

2971-401-440171-210           Supplies                           \$13,263                           \$11,151

Adopted this 27<sup>th</sup> day of March, 2019, as moved by Commissioner Seifert, 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/ Thomas A Kuka  
Thomas A Kuka, Chair

/s/ Dale J Seifert  
Dale J Seifert, Member

ATTEST:

Absent  
Jim Morren, Member

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

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

<b>FUND</b>	<b>Mar</b>
GENERAL	\$ 32,891.76
ROAD	39,402.49
BRIDGE	5,979.63
WEED	1,570.22
COUNTY FAIR	500.00
AIRPORT	24,641.77
AMBULANCE	3,109.55
EXTENSION SERVICE	6,224.85
PUBLIC SAFETY (LAW ENFORCEMENT)	8,080.44
HEALTH INSURANCE - EMPLOYER CONTRIBUTION	3,314.59
BRADY LIGHTS MAINTENANCE	366.64
NORTHERN TRANSIT INTERLOCAL	2,740.49
ALCOHOL REHABILITATION	2,489.00
911 EMERGENCY	3,229.97
LAND USE PLANNING	250.00
EMERGENCY PREPAREDNESS GRANT	160.37
WIC GRANT	303.20
MATERNAL CHILD HEALTH	143.20
IMMUNIZATION ACTION PROGRAM	52.33
CHRONIC DISEASE PREVENTION GRANT	2,288.98
ORAL HEALTH SERVICES GRANT	58.00
HEALTH CARE FOUNDATION GRANT	89.48
JUNK VEHICLE GRANT	13.15
NOXIOUS WEED GRANTS	12,858.00
GENERAL FUND CAPITAL IMPROVEMENT	3,871.00
WEED CAPITAL IMPROVEMENT	23,687.00
REFUND FUND	95,382.46
<b>TOTAL CLAIMS</b>	<b>\$ 273,698.57</b>
<b>TOTAL PAYROLL</b>	<b>113,308.79</b>
<b>TOTAL CLAIMS AND PAYROLL FUNDS</b>	<b>\$ 387,007.36</b>

**ADJOURNMENT**

The meeting adjourned at 5:00 p.m. on February 28, 2019

Pondera County, Montana.

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Thomas A Kuka, Chairman

ATTEST:

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Kody L Farkell, Clerk & Recorder