

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

The Board of Pondera County Commissioners met daily in informal session and in scheduled meetings on September 1, 8, 15, 22, 29, 2021.

**SEPTEMBER 1, 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

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TASK ORDER  
FOR MATERNAL AND CHILD HEALTH BLOCK GRANT PROGRAM (MCH)-  
APPROVED

Commissioner Morren moved to approve Task Order 19-07-5-01-037-0 to the Master Contract for the Maternal and Child Health Block Grant Program Grant (MCH). The County will receive \$6,302 for federal fiscal year 2021-22. Commissioner Kuka seconded. Motion carried.

**SEPTEMBER 8, 2021 REGULAR MEETING OF THE COMMISSION:**

PRESENT: Commissioner Thomas Kuka, Commissioner Dale Seifert by phone, Commissioner Jim Morren, Clerk & Recorder Kody Farkell

RESOLUTION ON AUTHORIZING PROSECUTORIAL ASSISTANCE IN DISTRICT  
COURT CASE-ADOPTED

PONDERA COUNTY MONTANA  
RESOLUTION #11-2021/22  
AUTHORIZING PROSECUTORIAL ASSISTANCE  
IN DISTRICT COURT CASE

WHEREAS, the Pondera County Attorney has requested prosecutorial assistance in the case of State v. James Reid, 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 8<sup>th</sup> day of September, 2021 as moved by Commissioner Morren, seconded by Commissioner Kuka, and passed on a unanimous vote of the full board. Effective on passage and approval.

BOARD OF COUNTY COMMISSIONERS  
Pondera County, Montana

/s/ Dale J Seifert  
Dale J Seifert, Chair

/s/ Thomas A Kuka  
Thomas A Kuka, Member

ATTEST:

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

/s/ Jim Morren  
Jim Morren, Member

**SEPTEMBER 15, 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

MSU EXTENSION SERVICE AGREEMENT—APPROVED

Commissioner Morren moved and Commissioner Kuka seconded to approve the FY2022 Extension Services Agreement between Montana State University Extension and Pondera County. The Agreement includes the amount budgeted for the Extension Office in Pondera County, including the County portion of the Agents' salaries which is set at 65% of the Clerk and Recorder's base salary for each Agent. The total is \$67,751.76 for all agents. Motion carried.

NACO DEFERRED COMP PROGRAM

Commissioner Kuka moved and Commissioner Morren seconded to approve the Nationwide Indexed Principal Protection Plan be added to employee's section 457 retirement options. This is a conservative investment that guarantees the investor's investment will not go into the negative. There will be no cost to Pondera County. Motion carried.

RESOLUTION ON AUTHORIZING BUDGET AMENDMENTS TO PONDERA COUNTY BUDGET-ADOPTED

PONDERA COUNTY MONTANA  
RESOLUTION #12 – 2021/22  
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:

Revenues	Description	Prior Amount	New Amount
2830-335070	Junk Vehicle Grant	\$11,698	\$12,11
2973-331143	MCH Grant	\$6,988	\$6,302
2966-331992	COVID-19 Mental Health	\$10,262	\$9,836
4009-383010	Transfer to 2300	\$77,500	\$87,500
Expenditure	Description	Prior Amount	New Amount
2830-308-430801-311	Postage	\$25	\$200
2830-308-430801-323	Publications	\$200	\$350
2830-308-430801-345	Telephone	\$200	\$300
2830-308-430801-361	Vehicle Repairs	\$1,240	\$1,228
2973-406-440191-210	Supplies	\$9,561	\$8,875
2966-404-440153-210	Supplies	\$394	\$2,026
2300-208-521013-820	Transfer	\$0	\$10,000

Adopted this 15<sup>th</sup> day of September, 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 COUNTY COMMISSIONERS  
Pondera County, Montana

/s/ Dale J Seifert  
Dale J Seifert, Chair

/s/ Thomas A Kuka  
Thomas A Kuka, Member

ATTEST:

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

/s/ Jim Morren  
Jim Morren, Member

RESOLUTION ON PROVIDING FOR THE ADOPTION AND ENFORCEMENT OF THE "STATE BUILDING CODE", ESTABLISHING PROCEDURES FOR PRACTICE AND ENFORCEMENT AND PROVIDING FOR A BOARD OF APPEALS- ADOPTED

PONDERA COUNTY, MONTANA  
RESOLUTION #13 – 2020/21

PROVIDING FOR THE ADOPTION AND ENFORCEMENT OF THE "STATE BUILDING CODE", ESTABLISHING PROCEDURES FOR PRACTICE AND ENFORCEMENT AND PROVIDING FOR A BOARD OF APPEALS.

BE IT RESOLVED BY THE PONDERA COUNTY COMMISSIONERS, PONDERA COUNTY, MONTANA

Section 1.

- a. The International Building Code (hereinafter referred to as "IBC"), 2018 Edition as described in and amended by Section 24.301.131, 1 through 3, of the Administrative Rules of Montana (hereinafter referred to as "A.R.M.") and 24.301.146, 1 and 2 and including IBC Appendix C (Group U- Agricultural Buildings) and Appendix H.
- b. The International Energy Conservation Code (hereinafter referred to as the IECC) 2018 Edition, as amended by Section A.R.M. 8.70.204(1).  
These codes are hereby adopted and incorporated herein as if fully set out in their entirety herein.

Section 2. BUILDING PERMITS.

- a. Any person wishing to obtain a building permit shall submit a completed application to the Building Inspector.
- b. The building inspector shall specify the manner in which said application shall be completed. At a minimum, the application shall contain:
  - i. A description of the land which it will affect;
  - ii. The present use of any existing structures;
  - iii. Plans and specifications indicating the entire scope of work.
- c. The applicant shall furnish such other documents as the building inspector deems relevant and necessary, at his/her discretion, for review of the proposed work.
- d. The building inspector may, at his/her discretion, waive any of the requirements hereunder when the proposed work is of an insubstantial nature of effect.

Section 3. PLAN REVIEW.

- a. The building inspector shall be responsible for coordination of building plan review and for issuance of building permits.
- b. Upon application by any person for a building permit, the building inspector shall review the plans for compliance with this code. The building inspector shall submit the plans to any other affected county department for review and approval by the department(s) before issuing a permit.
- c. Building plan review shall be completed by the building inspector within sixty (60) working days of submission of a completed application.

- d. The building inspector may, in certain cases, request the building codes division, other state agencies or design professionals to aid in the plan review process. In such cases, the building inspector may lengthen the completion of time for review by twenty (20) working days when necessary.
- e. One such approved set of plans and specifications shall be retained by the building inspector as a public record, for a period of not less than ninety (90) days from the date of completion of the work covered therein, one set of approved plans and specifications shall be given to Pondera County for permanent record according to the Montana Local Government Retention and Disposition Schedule, MR6 section 2, and one set of approved plans and specifications shall be returned to the applicant, which set shall be kept on such building or work site at all time during which the work authorized thereby is in progress and shall be open to inspection by public officials. Such approved plans and specifications shall not be changed, modified or altered without authorization from the building inspector and all work shall be done in accordance with the approved plans.

Section 4. INSPECTIONS.

- a. Inspections shall be conducted by the building inspector. Where other departments require inspection, the building inspector shall ensure they are conducted within the time frame allowed in **section 4-1-2**. Final inspections and issuance of certificates of occupancy shall be conducted in accordance with the I. B.C.
- b. Building systems relying on other than natural ventilation and/or light; plumbing systems, gas piping, electrical or other related elements will require acceptance by the authority having jurisdiction for disciplines as mentioned, in writing and must be presented in a manner acceptable by the building inspector before a certificate of occupancy is issued,

Section 5. INSPECTOR QUALIFICATIONS AND DUTIES.

- a. The building inspector shall possess adequate knowledge of the building trade and such other qualifications as may be prescribed by the county commissioners from time to time.
- b. As building inspector, his/her duties shall include those set forth in the I.B.C. and in Montana Code Annotated title 50, chapter 60, 2013, as now or hereinafter amended.

Section 6. FACTORY BUILT BUILDINGS.

- a. Factory Built buildings bearing an insignia issued by the Montana Building Codes Division, Department of Labor and Industry, shall be subject to local government zoning, utility connections, building permit and subsequent inspections for foundations and appurtenances to the structure (landings, stairs, decks, covered porches, etc.).
- b. Applications to Pondera County for the erection and utility connection shall be in accordance with the I.B.C.

Section 7. PERMIT FEES.

- a. Building permit fees shall be set and established by the county commissioners from time to time by appropriate resolution.

Section 8. TERRITORIAL APPLICATION.

- a. The jurisdictional area of the county shall be commercial buildings and structures and permits therefore within the county boundaries of Pondera County.

Section 9. BOARD OF APPEALS.

- a. In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of the I.B.C., there shall be and is hereby created a board of appeals, consisting of five (5) members, who are qualified by experience and training to pass upon matters pertaining to building construction. The members shall appoint one of their own to act as secretary to take the minutes of all meetings. The Board of Appeals shall be appointed by the county commissioners and shall hold office for three (3) year staggered terms, without term limits. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings, in writing, to Pondera County,

with a duplicate copy to the applicant. The board may recommend to the commissioners such new legislation as is consistent herewith.

Section 10. VIOLATIONS AND PENALTIES.

- a. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, raze, convert, demolish, equip, use, occupy or maintain any building or structure in the county, or cause or permit the same to be done, contrary to, or in violation of, any of the provisions of this chapter.
- b. Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offence for each and every day during which any violation of any of the provisions of this code is committed, continued or permitted and upon conviction of any such violation, such person shall be punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

Section 11. COPY ON FILE.

- a. One copy of each of the code mentioned above shall be on file with Pondera County for inspection by the public.

Section 12. EFFECT ON FUTURE AMENDMENTS TO THE "STATE BUILDING CODE".

- a. Each and every provision of this resolution shall be amended by resolution of Pondera County within ninety (90) days of notification of changes adopted by the Department of Labor and Industry, Building Codes Bureau, when and as any future amendments are made to the codes referred herein above so as to conform to future amendments.
- b. This resolution shall have full force and effect thirty (30) days from the date of its adoption and approval by the Pondera County Commissioners.

Adopted this 15<sup>th</sup> day of September, 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 COUNTY COMMISSIONERS  
Pondera County, Montana

/s/ Dale J Seifert  
Dale J Seifert, Chair

/s/ Thomas A Kuka  
Thomas A Kuka, Member

ATTEST:

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

/s/ Jim Morren  
Jim Morren, Member

AUGUST COMMISSION MINUTES APPROVED

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

REGULAR MEETING SEPTEMBER 29, 2021 CANCELLED

Commissioner Kuka moved and Commissioner Morren seconded to cancel the regular meeting of the Commissioners scheduled for September 29, 2021. All three commissioners will be attending the Montana Association of Counties Annual Conference. Motion carried.

PURCHASE IN EXCESS OF \$500 APPROVED –

Commissioner Kuka moved to approve the installation of a Boiler Gasket Kit for a total of \$14,715.00 from Montana Boiler Services Inc. Purchase will be paid out of the General Fund. Commissioner Morren seconded. Motion carried.

JOB DESCRIPTION FOR PONDERA COUNTY CONTACT TRACING  
COORDINATOR AND PUBLIC HEALTH DEPARTMENT ADMINISTRATIVE  
ASSISTANT APPROVED

Commissioner Kuka moved and Commissioner Morren seconded to approve the job description for a full time Contact Tracing Coordinator and Public Health Department Administrative Assistant. Motion carried.

**SEPTEMBER 22, 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

ENCROACHMENT AGREEMENT REQUESTED BY JUSTIN VANDYKE

Commissioner Kuka moved to approve an Encroachment Agreement for Justin VanDyke for installing a water line on Pondera Coulee Road. Commissioner Morren seconded. Motion carried.

CLAIMS APPROVED FOR PAYMENT

<u>FUND</u>	Fund Description	
1000	GENERAL	29,701.41
2110	ROAD	10,478.66
2130	BRIDGE	30,375.89
2140	WEED	1,108.50
2170	AIRPORT	1,200.04
2230	AMBULANCE	135.29
2290	EXTENSION SERVICE	6,003.04
2300	PUBLIC SAFETY (LAW ENFORCEMENT)	6,703.96
2390	DRUG FORFEITURE	1,440.00
2401	BRADY LIGHTS MAINTENANCE	292.83
2830	JUNK VEHICLE	68.34
2850	911 EMERGENCY	15,415.89
2853	911 CAD GRANT	107,637.93
2860	LAND USE PLANNING	58.63
2866	NORTHERN TRANSIT INTERLOCAL	17,849.61
2958	EP (DES) GRANTS	1,350.03
2963	ORAL HEALTH SERVICES GRANT	85.00
2964	ALLIANCE FOR YOUTH	1,837.79
2973	MATERNAL CHILD HEALTH	110.13
2976	IMMUNIZATION ACTION GRANT	389.57
2978	CHRONIC DISEASE GRANT	99.51
4012	GENERAL FUND CAPITAL IMP	4,747.08
7920	REFUND FUND	145.17
TOTAL CLAIMS		237,234.30
TOTAL PAYROLL		\$ 286,683.46
TOTAL CLAIMS AND PAYROLL FUNDS		\$ 523,917.76

ADJOURNMENT

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

Pondera County, Montana.

  
Dale J Seifert, Chairman

ATTEST:

  
Kody L Farkell, Clerk & Recorder



**September 2021**