

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

The Board of Pondera County Commissioners met daily in informal session and in scheduled meetings on November 3, 10, 17, and 24, 2021.

NOVEMBER 3, 2021 REGULAR MEETING OF THE COMMISSION:

PRESENT: Commissioner Thomas Kuka, Commissioner Dale Seifert, Commissioner Jim Morren

TASK ORDER CONTRACT AMENDMENT FOR EMERGENCY PREPAREDNESS GRANT-APPROVED

Commissioner Morren moved to approve the Emergency Preparedness Task Order Contract Amendment with MT Department of Public Health and Human Services for fiscal years 2021 and 2022, allocating an additional \$30,745.00 for upgrading and enhancing local health capacity to respond to the COVID-19 pandemic. Commissioner Kuka seconded. Motion carried.

MONTANA CANCER CONTROL PROGRAMS/MONTANA CANCER & CHRONIC DISEASE SELF-MANAGEMENT PROGRAM/MONTANA TOBACCO USE PREVENTION PROGRAM SUBCONTRACT APPROVED

Commissioner Kuka moved to approve the Montana Cancer & Chronic Disease Management Program/Montana Cancer & Chronic Disease Self-Management Program/Montana Tobacco Use Prevention Program Subcontract with Teton County as Administrative Site in the amount of \$36,900 for fiscal year 2021-22. Commissioner Morren seconded the motion. Motion carried.

TASK ORDER CONTRACT FOR WOMEN, INFANTS, & CHILDREN (WIC) GRANT-APPROVED

Commissioner Morren moved and Commissioner Kuka seconded to approve the fiscal year 2021-22 Women, Infants, & Children (WIC) task order contract with the Montana Department of Health & Human Services in the amount of \$274,520 for October 1, 2021 through September 30, 2022. Motion carried.

NOVEMBER 10, 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 Public- David Cates, Rob Cook

Public Comment-

City Councilman David Cates had questions concerning the Federal ARPA funds, allotted to the County.

Public Comment-

Rob Cook was present to discuss the congressional re-districting lines for Pondera County.

TAX ABATEMENTS 1143-1145-APPROVED

Commissioner Morren moved to approve the following abatement:

NUMBER	REASON	CANCEL	ADD	PARCEL NO
1143	Clerical error	142.94		391200
1144	Parcel was split incorrectly	1184.07		100800
1145	Parcel was split incorrectly		1187.45	100805

Commissioner Kuka seconded. Motion carried.

REVISED JOB DESCRIPTION FOR ACCOUNTING, RECORDING & ELECTION CLERK-APPROVED

Commissioner Kuka moved and Commissioner Morren seconded the approval of the revised job description for Accounting, Recording and Election Clerk. Motion carried.

RESOLUTION ON AUTHORIZING BUDGET AMENDMENTS TO PONDERA COUNTY BUDGET

PONDERA COUNTY MONTANA
 RESOLUTION #15 – 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 corrections 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 Amount	Description	Prior Amount	New
1000-351015	Victim & Witness Adv	\$200	\$800
1000-362002	Sale of Surplus Inventory	\$4,000	\$6,000
2110-362002	Sale of Surplus Inventory	\$18,000	30,000
2110-362021	Misc Revenue	\$1,000	\$1,800
2290-341012	Extension Services-Ag	\$6,500	\$8,500
2300-342001	Fingerprinting Serv	\$400	\$600
2300-342002	Copies of Reports	\$100	\$200
2401-363040	Penalty & Interest	\$50	\$150
2811-365000	Contributions	\$0	\$900
4011-362002	Sale of Surplus Inventory	\$0	\$4,100

Expenditure Amount	Description	Prior Amount	New
2290-504-450407-210	Extension (Ag) Supplies	\$6,697	\$8,397
2290-504-450407-311	Extension (Ag) Postage	\$0	\$ 300
2964-448-440002-210	Supplies	\$25,702	\$10,402
2964-448-440002-228	Educational Supplies	\$0	\$15,000
2964-448-440002-231	Gas, Oil & Fuel	\$0	\$100
2964-448-440002-335	Memberships, Registrations	\$0	\$200

Adopted this 10th day of November, 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/ Jim Morren
 Jim Morren, Member

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

RESOLUTION ON DESIGNATING COUNTY OFFICE HOURS – HOLIDAY CLOSING

PONDERA COUNTY, MONTANA
 RESOLUTION #16 – 2021/22
DESIGNATING COUNTY OFFICE HOURS – HOLIDAY CLOSING

WHEREAS, Section 7-4-102, MCA, grants the Board of County Commissioners the power and authority to set office hours of the County offices (by formal resolution after a public hearing and if consented to by any affected elected county officer); and

WHEREAS, it is the intent of the Pondera County Commissioners to provide its employees availability for a long week-end when certain holidays fall on a Tuesday or Thursday or additional hours on Christmas Eve to observe the holiday; and

WHEREAS a public hearing on this resolution was conducted on Wednesday, November 10, 2021 at 10:00 a.m. in the Pondera County Commissioners office. Notice of the hearing was posted on the County website, social media page, and at the courthouse, and no elected county officer nor any members of the public objected to the proposed office hours;

WHEREAS, employees will need to use compensatory time accrued and/or vacation hours to receive pay for the hours normally worked. Employees wishing to work during the affected hours and/or employees who do not have vacation and/or compensatory hours to apply to the benefit hours may work the hours.

NOW, THEREFORE, BE IT RESOLVED by the Pondera County Board of Commissioners that the Pondera County offices will be closed:

All day, Friday, November 26, 2021 (day after Thanksgiving Day);

BE IT FURTHER RESOLVED that employees will need to use compensatory time accrued and/or vacation hours to receive pay for the hours normally worked. Employees wishing to work during the affected hours and/or employees who do not have vacation and/or compensatory hours to apply to the benefit hours may work.

Adopted this 10th day of November, 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

/s/ Dale J Seifert
Dale J Seifert, Chair

/s/ Thomas A Kuka
Thomas A Kuka, Member

ATTEST:

/s/ Jim Morren
Jim Morren, Member

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

REVISED JOB DESCRIPTION FOR COUNTY ATTORNEY SECRETARY/
ASSISTANT-APPROVED

Commissioner Morren moved and Commissioner Kuka seconded the approval of the revised job description for County Attorney Secretary/ Assistant. Motion carried.

NOVEMBER 15, 2021 SPECIAL MEETING OF THE COMMISSION:

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

CANVASS OF MUNICIPAL GENERAL ELECTION –

Commissioners Morren, Seifert, and Kuka met with the Clerk and Recorder, Kody Farkell, and canvassed the November 2, 2021 Municipal General Election Returns. Commissioner Kuka moved to approve the canvassed returns and direct the Clerk and Recorder to enter the official results in the Clerk and Recorder’s records. Commissioner Morren seconded. Motion carried.

NOVEMBER 17, 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, County Attorney Rosanne Lockhart

W. ADAM DUERK OF KNIGHT NICASTRO MACKAY LLC LEGAL SERVICES CONTRACT APPROVED

Commissioner Morren moved to approve a contract with W. Adam Duerk of Knight Nicastro MacKay LLC for temporary legal services. Commissioner Kuka seconded. Motion carried.

RESOLUTION ON AUTHORIZING PROSECUTORIAL ASSISTANCE IN JUSTICE COURT CASE

PONDERA COUNTY MONTANA
RESOLUTION #17-2021/22
**AUTHORIZING PROSECUTORIAL ASSISTANCE
IN JUSTICE COURT CASE**

WHEREAS, the Pondera County Attorney ("COUNTY ATTORNEY") has requested the prosecutorial assistance of Adam Durek ("SPECIAL COUNSEL"), member of Knight Nicastro MacKay, located at 283 West Front Street Suite 203 Missoula, Montana 59802, and,

WHEREAS, a Legal Services Agreement was executed on November 17, 2021 between the Pondera County Attorney's Office ("COUNTY"), by and through the COUNTY ATTORNEY, and SPECIAL COUNSEL.

WHEREAS, § 7-4-2712, M.C.A., provides that the COUNTY ATTORNEY is the public prosecutor and shall: (1) institute proceedings before magistrates for the arrest of persons charged with or reasonably suspected of public offenses when the county attorney has information that the offenses have been committed and for that purpose, whenever not otherwise officially engaged, must be present and assist the magistrate in cases of arrest and appear before and give advice to the grand jury whenever cases are presented to them for their consideration; and (2) draw all indictments and informations.

WHEREAS, § 7-4-2716, M.C.A., provides that the COUNTY ATTORNEY shall (1) attend the district court and conduct, on behalf of the state, all prosecutions for public offenses and represent the state in all matters and proceedings to which it is a party or in which it may be beneficially interested, at all times and in all places within the limits of the county; and (2) when ordered or directed by the attorney general to do so, promptly institute and diligently prosecute in the proper court and in the name of the state of Montana any criminal or civil action or special proceeding;

WHEREAS, § 7-4-2705, M.C.A., authorizes the COUNTY to employ, or authorize the COUNTY ATTORNEY to employ, special counsel to assist in the prosecution of criminal cases pending in the county or to represent the county in any civil action in which the county is a party.

WHEREAS, SPECIAL COUNSEL is licensed to practice law in the State of Montana and has significant experience prosecuting felony level criminal offenses as an Assistant United States Attorney (AUSA), a Special Assistant United States Attorney (SAUSA), and Special Attorney to the United States Attorney General, pursuant to § 7-4-2705, M.C.A.

IT IS HEREBY RESOLVED: That SPECIAL COUNSEL is hereby appointed as special deputy county attorney for Pondera County for the purpose of assisting in the prosecution and may fulfill the functions set out in Mont. Code Ann. Section 44-4-103, pursuant to the aforementioned Legal Services Agreement.

Adopted this 17th day of November, 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/ Jim Morren
Jim Morren, Member

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

ADMINISTRATIVE MATERIALS "G" AGRICULTURAL COVENANT –

Commissioner Kuka moved to allow an agricultural covenant to be placed on a tract of land in T25N, R5E, Section 35, S2S2 and N2SE4, as permitted under the Montana Subdivision and Platting Act, 76-3-101 through 76-3-625, MCA. Commissioner Morren seconded. Motion carried.

OCTOBER COMMISSION MINUTES APPROVED

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

NOVEMBER 24, 2021 MEETING OF THE COMMISSION:

PRESENT: Commissioner Thomas Kuka, Commissioner Dale Seifert, Commissioner Jim Morren, Deputy Clerk & Recorder Tammy Bartsch, Road/Bridge Superintendent Steve Kaphammer

TAX ABATEMENTS 1146-1153-APPROVED

Commissioner Kuka moved to approve the following abatement:

NUMBER	REASON	CANCEL	ADD	PARCEL NO
1146	Name change & acreage adjust	89.39		259351
1147	Name change & acreage adjust	11.43		260900
1148	Name change & acreage adjust	401.28		260300
1149	Name change & acreage adjust	28.24		259350
1150	Name change & acreage adjust	24.20		259800
1151	Acreage change, class code change	12.77		261250
1152	Name change & acreage adjust	41.00		261200
1153	Name change & acreage adjust	351.53		259300

Commissioner Morren seconded. Motion carried.

GRANT APPLICATION CORRECTION WITH FAA FOR CONRAD AIRPORT-

Commissioner Kuka moved and Commissioner Morren seconded to correct the date on the grant application with FAA for Conrad Airport loan to Broadwater County. Motion carried.

EXPENDITURES IN EXCESS OF \$500-APPROVED

Commissioner Morren moved and Commissioner Kuka seconded the purchase of Document Pro from Tyler Technology. There is a one-time cost of \$46,150.00 to install the program, and a \$5,640.00 payment per year for the program. Motion carried.

RESOLUTION ON AUTHORIZING BUDGET AMENDMENTS TO PONDERA COUNTY BUDGET

PONDERA COUNTY MONTANA
RESOLUTION #18 – 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
2976-331147	COVID 19 Immun. Serv.	\$0	\$56,736
Expenditure	Description	Prior Amount	New Amount
2976-448-440194-110	Salaries	\$0	\$21,500
2976-448-440194-140	Benefits	\$0	\$ 8,000
2976-448-440194-210	Supplies	\$0	\$27,236

Adopted this 24^h day of November, 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/ Jim Morren
Jim Morren, Member

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

EXPENDITURES IN EXCESS OF \$500-APPROVED

Commissioner Morren moved and Commissioner Kuka seconded the purchases for the Road/Bridge Department of a rock picker bucket for the amount of \$1862.00, purchased from Northwest Parts. Doors for the road department building in Valier was also purchased for the amount of \$9,345.00, from DeVoe's. Motion carried.

ENTERED INTO AGREEMENT FOR PROJECT MANAGER WITH AMERESCO-

Commissioner Morren moved and Commissioner Kuka seconded to enter an agreement with Ameresco to become the project manager for the replacement of the heating system in the courthouse. Ameresco will provide general statements, occupancy and space plan requirements, owner functional requirements, owner's closeout requirements, owner's instructions to designers, owner's technical requirements and owner's commissioning requirements. Motion carried.

CLAIMS APPROVED FOR PAYMENT

<u>FUND</u>	Fund Description	
1000	GENERAL	87,797.70
2110	ROAD	24,678.28
2130	BRIDGE	167.10
2140	WEED	843.36
2160	COUNTY FAIR	125.00
2170	AIRPORT	1,220.84
2230	AMBULANCE	263.85
2235	COUNTY HOSPITAL	676.52
2290	EXTENSION SERVICE	7,088.57

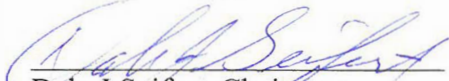
2300	PUBLIC SAFETY (LAW ENFORCEMENT)	16,658.90
2401	BRADY LIGHTS MAINTENANCE	268.84
2821	ENHANCED GAS TAX (BARSAR)	1,885.85
2830	JUNK VEHICLE	389.85
2850	911 EMERGENCY	692.85
2854	911 RADIO PURCHASE GRANT	128,160.19
2860	LAND USE PLANNING	1,521.00
2866	NORTHERN TRANSIT INTERLOCAL	239.41
2958	EP (DES) GRANTS	377.78
2963	ORAL HEALTH SERVICES GRANT	85.00
2964	ALLIANCE FOR YOUTH	472.88
2973	MATERNAL CHILD HEALTH	221.85
2976	IMMUNIZATION ACTION GRANT	145.20
2978	CHRONIC DISEASE GRANT	140.44
4012	GENERAL FUND CAPITAL IMP	22,071.56
7920	REFUND FUND	2,536.02

TOTAL CLAIMS		298,728.84
TOTAL PAYROLL	\$	307,311.51
TOTAL CLAIMS AND PAYROLL FUNDS	\$	606,040.35

ADJOURNMENT

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

Pondera County, Montana.


 Dale J Seifert, Chairman

ATTEST:


 Kody L Farkell, Clerk & Recorder



