

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

The Board of Pondera County Commissioners met daily in informal session and in scheduled meetings on April 10, 17, and 24, 2019. Unless indicated, all Commissioners were present.

RESOLUTION AUTHORIZING BUDGET AMENDMENTS TO PONDERA COUNTY BUDGET-ADOPTED – April 10, 2019

PONDERA COUNTY MONTANA
RESOLUTION #34 – 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:

Table with 4 columns: Revenue, Description, Prior Amount, New Amount. Rows include Federal Payment (FEMA) for revenue codes 1000-331047, 2110-331047, 2130-331047, and 2820-331047.

Adopted this 10th day of April 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:

/s/ Jim Morren
Jim Morren, Member

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

RESOLUTION AUTHORIZING PARTICIPATION IN MONTANA VEBA HRA-ADOPTED – April 10, 2019

RESOLUTION # 35 – 2018/19
AUTHORIZING PARTICIPATION IN
STATE OF MONTANA HEALTH REIMBURSEMENT ACCOUNT
“MONTANA VEBA HRA”

WHEREAS, Section 501(c)(9) of the Internal Revenue Code authorizes the creation of a Voluntary Employees' Beneficiary Association which is a tax-exempt health and welfare trust; and

WHEREAS, such trust is authorized to provide benefits to members including a self-insured medical reimbursement plan as authorized in Internal Revenue Section 105; and

WHEREAS, the State of Montana Department of Administration has established such plan known as "The State of Montana Voluntary Employees' Beneficiary Association Health Reimbursement Account" also known as "MONTANA VEBA HRA"; and

WHEREAS, the MONTANA VEBA HRA will accept for participation eligible Employers who properly complete a State of Montana Health Reimbursement Account and Trust Employer Adoption Agreement, and who agree to abide by the terms of such agreement and to the terms of the MONTANA VEBA HEALTH REIMBURSEMENT ACCOUNT and Trust.

THEREFORE, PONDERA COUNTY, MONTANA ("Employer") hereby resolves as follows:

SECTION 1: Effective on April 10, 2019, the Employer hereby elects to participate in the State of Montana Voluntary Employee Beneficiary Association Health Reimbursement Account as presently constituted or hereafter amended and hereby makes the plan available to eligible employees.

SECTION 2: The Plan will be funded by Employer contributions.

Non-represented employees shall qualify for participation when employee benefit policies are amended for such contributions.

Represented employees shall qualify for participation when collective bargaining agreements or memorandums of understanding provide for such contributions.

SECTION 3: The proper officers of the Employer are authorized and directed to take such actions as are necessary to effect this resolution.

Adopted this 10th day of April, 2019 as moved by Commissioner Morren, seconded by Commissioner Seifert, 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:

/s/ Jim Morren
Jim Morren, Member

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

RESOLUTION DECLARING PROPERTY SURPLUS AND SETTING SALE-ADOPTED – April 10, 2019

PONDERA COUNTY
RESOLUTION #36 – 2018/19
DECLARING PROPERTY SURPLUS AND SETTING SALE

WHEREAS, pursuant to Section 7-8-2211, MCA, Authorization to sell and exchange county property, the Board of Pondera County Commissioners declares the following personal property belonging to the County as surplus property which is not necessary to the conduct of county business or the preservation of its property:

- Nine (9) Taser x26's
- Seven (7) Taser cartridge holders

WHEREAS, the Commissioners have determined it is in the best interests of the County to sell the items through trade for one (1) new Taser x26P.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners:

- 1) hereby declares the property listed above as surplus property which is not necessary to the conduct of county business or the preservation of its property,
- 2) agrees to sell the listed items through trade for one (1) new Taser x26P.

ADOPTED this 10th day of April, 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:

/s/ Jim Morren
Jim Morren, Member

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

EXPENDITURES IN EXCESS OF \$500-APPROVED – April 10, 2019

Commissioner Seifert moved to approve the purchase of an iPad from the MSU Bookstore in the amount of \$750 for the Extension Service. The iPad, purchased through the Extension Service fund, will be used during educational seminars or meetings, recording educational videos, and as a tool when conducting 4-H workshops. Commissioner Morren seconded. Motion carried. Approval before purchase is necessary when the expenditure is in excess of \$500.

TREASURER’S SECURITIES REPORT – April 10, 2019

The following are the investments as of March 31, 2019

STIP \$8,002,000.00 @ 2.4740924%

STOCKMAN BANK BALANCES \$1,650,504.69

STOCKMAN BANK –Collateral Report

912828G95	\$5,000,000.00	US TREAS 1000079	1.63%	Matures 12/31/19
3130A6NA1	\$1,700,000.00	FHLB 2000959	1.40%	Matures 10/29/19

RAYMOND JAMES

02587CFF2	\$200,000.00	2.2500%	Due 5/24/2021 (CD)
38147JL42	\$200,000.00	2.05%	Due 6/25/2019 (CD)
06740KHS9	\$250,000.00	2.1000%	Due 08/13/2019 (CD)
140420XL9	\$245,000.00	2.1500%	Due 11/04/2020
48125YT87	\$250,000.00	1.250%	Due 05/06/2021(step)
254672T24	\$250,000.00	2.000%	Due 11/23/2021 (CD)
06051VE36	\$250,000.00	2.50%	Due 08/06/2020 (CD)
61690UED8	\$250,000.00	2.85%	Due 02/14/2022 (CD)

INDEPENDENCE BANK

CDARS 1022263613	02/07/19	1.44983%	\$500,000.00
CDARS 1021435607	6/6/19	1.83316%	\$500,000.00
CDARS 1021687851	08/15/19	2.03913%	\$1,000,000.00
CDARS 1021870648	10/10/19	2.05873%	\$500,000.00
CDARS 1021969202	11/07/19	2.13707%	\$2,000,000.00
CDARS 1022052493	12/05/19	2.447%	\$1,000,000.00

Elaine McLean, Treasurer

GROUP HEALTH INSURANCE RENEWAL-APPROVED – April 10, 2019

Renewal rates and the County’s contribution toward premiums was discussed. The employee insurance committee met with the Commissioners prior to the meeting and made their recommendation. Commissioner Seifert moved to renew the County’s current plan with Joint Powers Trust committing to a 3-year term and to continue to offer four options to the employees, a traditional major medical plan with a \$1,000 deductible, a traditional major medical plan with a \$1,500 deductible, a high deductible option with \$2,600 first-pay option and a high deductible option with a \$3,500 first-pay option. The County contribution for employee-only coverage will be \$774.65 for full-time employees and a pro-rated portion of \$774.65 for part-time employees. Commissioner Morren seconded. Motion carried.

EXTENSION OF EXCESS VACATION-APPROVED – April 10, 2019

Commissioner Seifert moved and Commissioner Morren seconded to approve an extension for Deputy Bill Gobert and Deputy Norman Vanderbush to use their excess vacation hours on the books as of March 31, 2019, due to staff shortage. Motion carried.

BID OPENING FOR A GENERATOR & TRANSFER SWITCH AT BROKEN PICK SITE– April 10, 2019

Three bids were received for the purchase and installation of a new generator at the Broken Pick site. Bids must include generator and switch with a 5-year warranty as well as removal of the old equipment.

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

Commissioner Seifert moved to take the bids under advisement. Commissioner Morren seconded. Motion carried.

MARCH COMMISSION MINUTES-APPROVED – April 10, 2019

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

RESOLUTION CANCELLING DELINQUENT PROPERTY TAXES ON MOBILE HOMES-ADOPTED – April 17, 2019

PONDERA COUNTY, MONTANA
 RESOLUTION #37 – 2018/19
CANCELLING DELINQUENT PRPOERTY TAXES
ON MOBILE HOMES

WHEREAS, Section 15-24-212(1), MCA, states that “the board of county commissioners may order the cancellation of delinquent property taxes on a mobile home ... if the mobile home ... is to be moved for the purposes of destruction or recycling.” ; and

WHEREAS, the mobile homes previously situated on the below-described real property located in the Arrow Addition of the City of Conrad have been destroyed; and

WHEREAS, Section 15-24-212(2), requires the following information be included in the cancellation order:

delinquent tax, int & penalties	Date Delinquent	Taxpayer ID
\$1,090.74	5/2011 – 11/2019	2015200
\$428.59	11/2017 – 5/2019	2017800

WHEREAS, Section 15-24-212(3), MCA, also directs that one copy of this order be recorded with the county clerk and recorder as a public record, and one copy of the order must be filed with the county treasurer as a permanent record of the treasurer's office.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of County Commissioners of Pondera County that the delinquent taxes, penalty and interest accrued against the mobile homes which have been destroyed or recycled be cancelled; and

BE IT FURTHER RESOLVED AND ORDERED, that the clerk and recorder record this Resolution in the public records of Pondera County and that the treasurer file a copy of this Resolution as a permanent record in the treasurer's office.

Adopted this 17th day of April, 2019 as moved by Commissioner Seifert, seconded by Commissioner Morren, and passed on a 3-0 vote of the 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:

/s/ Jim Morren
Jim Morren, Member

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

RESOLUTION FOR CONSTRUCTION AND MAINTENANCE AGREEMENT OF NO NAME DITCH-ADOPTED – April 17, 2019

PONDERA COUNTY MONTANA
RESOLUTION #38 – 2018/19
CONSTRUCTION AND MAINTENANCE AGREEMENT STPB 9037(36)
NO NAME DITCH BR -4 M SE OF VALIER
UPN 8866000

This Agreement by and between Pondera County (County), and the Montana Department of Transportation (MDT, Department, or State), establishes the responsibilities and duties of the parties in respect to project activities on a portion of Blue Sky Road located within the County of Pondera, Montana. Whereas, the construction will be accomplished through Uniform Project Number 8866000, Federal-Aid Project Number STPB 9037(36), titled No Name Ditch BR - 4 M SE of Valier (Project) located on Blue Sky Road between 1.3 and 1.4; and, Whereas, State and/or Federal Highway Administration (FHWA) funds will be used to pay for the construction, the County and State must ensure that federal and state requirements are met in fulfilling its obligations to the FHWA and for the project to remain eligible for state and/or federal funding; and, Whereas, the road upon which the Project is located is a public road not on any commission-designated highway system, and the road is under the legal jurisdiction of the County; and,

WHEREAS, the Montana Department of Transportation (Department), at the request of Pondera County, proposes to replace the off-system county bridge NBI 37031001+03001 over "L" Canal in S.19 & S.20, R.4W, T.29.N, and Whereas, the costs necessary to complete the project shall be funded by the Federal Bridge Replacement Program; and,

WHEREAS, the County and MDT recognize the need to construct the Project and to duly execute this Agreement in advance of construction phase programming; and,

WHEREAS, the County desires to have the Project constructed, the County deeming it to be a valuable and beneficial consideration, and it will perform the functions, duties and responsibilities as set forth in Agreement;

NOW, THEREFORE BE IT RESOLVED, the parties agree to the terms outlined in the full agreement

Adopted this 17th day of April, 2019 as moved by Commissioner Seifert, seconded by Commissioner Morren, and passed on a 3-0 vote of the 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:

/s/ Jim Morren
Jim Morren, Member

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

FIRST READING ENACTING AN ORDINANCE FOR THE PONDERA COUNTY AIRPORT AFFECTED AREA REGULATIONS—ADOPTED – April 17, 2019

PONDERA COUNTY MONTANA
RESOLUTION #39 – 2018/19
AN ORDINANCE FOR THE PONDERA COUNTY AIRPORT AFFECTED AREA REGULATIONS

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

Adopted this 17th day of April, 2019 as moved by Commissioner Seifert, seconded by Commissioner Morren, and passed on a 3-0 vote of the 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:

/s/ Jim Morren
Jim Morren, Member

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

CLARIFICATION TO COUNTY SUBDIVISION REVIEW FEE SCHEDULE – April 17, 2019

Commissioner Seifert moved and Commissioner Morren seconded to add a clarifying statement to the County Subdivision Review Fee Schedule as follows:

Subdivision Exemption Review Fee
\$200 for each exemption review submitted

The clarification is necessary due to the fact that the County is charged a \$200 fee by the County Planner each time an exemption review is done, even if it is a subsequent review for the same application due to inaccurate or incomplete information provided to the Planner by the Surveyor completing the review application. Motion carried.

ENCROACHMENT AGREEMENT-APPROVED – April 24, 2019

Commissioner Seifert moved to approve the Encroachment Agreement requested by the Northwestern Energy for electrical work along Blazen Road. Commissioner Morren seconded. Motion carried.

PURCHASE OF FREIGHTLINER TRUCKS-APPROVED – April 24, 2019

Road Supervisor John Stokes submitted a request to purchase two Freightliner 114SD trucks at a cost of \$95,878 each from IState Truck, Inc. The quote for the trucks was obtained through the State Procurement Process, therefore, no bid is required. Commissioner Seifert moved and Commissioner Morren seconded to purchase two Freightliner 114SD trucks from IState Truck, Inc; to be paid from the Road & Bridge Capital Improvement fund. Motion carried.

DESIGNATION OF CHEMICAL DEPENDENCY SERVICE PROVIDER – April 24, 2019

Commissioner Seifert moved and Commissioner Morren seconded to designate Center For Mental Health as Pondera County’s Chemical Dependency Service Provider of outpatient alcohol rehabilitation services for fiscal year 2019-20. The source of funding for this program is the State of Montana earmarked revenue. Motion carried.

CLAIMS APPROVED FOR PAYMENT – April 30, 2019

FUND	
GENERAL	34102.44
ROAD	13077.79
BRIDGE	3023.67
WEED	1580.79
AIRPORT	4341.15
AMBULANCE	218.07
EXTENSION SERVICE	5621.47
PUBLIC SAFETY (LAW ENFORCEMENT)	10671.35
HEALTH INSURANCE - EMPLOYER CONTRIBUTION	3314.59
RECORDS PRESERVATION	3300
BRADY LIGHTS MAINTENANCE	366.64
911 EMERGENCY	1,285.64
LAND USE PLANNING	400.00
GAS APPORTIONMENT TAX	10,319.16
ENHANCED GAS TAX (BARSAR)	6,335.52
NORTHERN TRANSIT INTERLOCAL	307.63
VICTIM & WITNESS ADVOCATE	461.00
ELECTRONIC PLAT BOOK GRANT	2,723.75
EMERGENCY PREPAREDNESS GRANT	1,591.39
ORAL HEALTH GRANT	73.95
WIC GRANT	217.66
MATERNAL CHILD HEALTH	88.35
IMMUNIZATION ACTION PROGRAM	250.00
CHRONIC DISEASE PREVENTION GRANT	379.03
HEALTH CARE FOUNDATION GRANT	95.87
JUNK VEHICLE GRANT	40.63
GENERAL FUND CAPITAL IMPROV	14,398.00
PUBLIC SAFETY CAP IMPROV	5,109.00
REFUND FUND	1,285.67
TOTAL CLAIMS	\$ 124,980.21
TOTAL PAYROLL	<u>251,106.63</u>
TOTAL CLAIMS AND PAYROLL FUNDS	<u><u>376,086.84</u></u>

ADJOURNMENT

The meeting adjourned at 5:00 p.m. on April 30, 2019

Pondera County, Montana.

Thomas A Kuka, Chairman

ATTEST:

Kody L Farkell, Clerk & Recorder