

**REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS
PONDERA COUNTY, MONTANA
Held in January 2022**

The Board of Pondera County Commissioners met daily in informal session and in scheduled meetings on January 5, 12, 19, and 26, 2022.

JANUARY 5, 2022 REGULAR MEETING OF THE COMMISSION:

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

COMMISSION REORGANIZATION

Commissioner Kuka moved to appoint Commissioner Seifert as Chair of the Board and Commissioner Morren as Vice Chair. Commissioner Morren seconded. Motion carried.

RESOLUTION ON SETTING MILEAGE ALLOWANCE, LODGING AND PER DIEM REIMBURSEMENT RATES

PONDERA COUNTY, MONTANA

RESOLUTION #21 – 2021/22

SETTING MILEAGE ALLOWANCE, LODGING AND PER DIEM REIMBURSEMENT RATES

WHEREAS Sections 2-18-501 through 2-18-503, and Section 7-4-2108, Montana Code Annotated, provide that persons who may be entitled to mileage, lodging and per diem reimbursement paid from public funds when using their own automobiles, incurring costs for lodging and per diem, in the performance of official duties are entitled to collect mileage for the distance actually traveled by automobile at a rate equal to the mileage allotment allowed by the Internal Revenue Service for the preceding calendar year; and

WHEREAS the mileage rate for state and local government employees has been established for calendar year 2022 by the Internal Revenue Service as 58.5 cents per mile for the first 1,000 miles of travel within each month and the rate for mileage over 1,000 miles per month at 55.5 cents per mile (3 cents less per mile, per 2-18-503(b), Montana Code Annotated)

WHEREAS the State of Montana has established the lodging and per diem rates for state and local government employees as follows:

In-state lodging reimbursement rate is \$96.00 plus tax for all communities except for Big Sky/ West Yellowstone – Gallatin County, Helena – Lewis & Clark County, Missoula – Missoula County, Kalispell/Whitefish – Flathead County, and Gardiner-Park County, which communities are considered high cost areas.

<u>Per Diem Rates</u>	<u>In-State</u>	<u>Out-of-State</u>
Morning Meal	\$ 7.50	\$ 13.00
Mid-Day Meal	\$ 8.50	\$ 14.00
Evening Meal	<u>\$ 14.50</u>	<u>\$ 23.00</u>
Totals	\$ 30.50	\$ 50.00

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pondera County that the mileage allotment allowed to Pondera County employees during calendar year 2021 shall be 58.5 cents per mile (up to and including 1,000 miles) and 55.5 cents per miles (over 1,000 miles) during each calendar month; and

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Board of County Commissioners of Pondera County that the in-state lodging reimbursement and per diem rates shall be

In-state lodging reimbursement rate is \$96.00 plus tax for all communities except for Big Sky/ West Yellowstone – Gallatin County, Helena – Lewis & Clark County, Missoula – Missoula County, Kalispell/Whitefish – Flathead County, and Gardiner-Park County, which communities are considered high cost areas.

<u>Per Diem Rates</u>	<u>In-State</u>	<u>Out-of-State</u>
Morning Meal	\$ 7.50	\$ 13.00
Mid-Day Meal	\$ 8.50	\$ 14.00
Evening Meal	<u>\$ 14.50</u>	<u>\$ 23.00</u>
Totals	\$ 30.50	\$ 50.00

Adopted this 5th day of January, 2022 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

by phone
Thomas A Kuka, Member

ATTEST:

/s/ Jim Morren
Jim Morren, Member

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

RESOLUTION ON PROVIDING FOR PUBLIC PARTICIPATION AND ESTABLISHING NOTICE POSTING LOCATION

PONDERA COUNTY
RESOLUTION #22 – 2021/22
PROVIDING FOR PUBLIC PARTICIPATION AND ESTABLISHING NOTICE POSTING LOCATION

WHEREAS Section 2-3-103(1), Montana Code Annotated, requires that the Board of County Commissioners develop procedures for permitting and encouraging the public to participate in decisions of the Board of County Commissioners that are of significant interest to the public, and

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

1. Prior to making a final decision that is of significant interest to the public, the Board of County Commissioners will afford reasonable opportunity for public participation;
2. To assure adequate notice and assist public participation before a final decision is made or final action is taken on any matter that is of significant interest to the public, the Board of County Commissioners will post its weekly agenda on the main hallway bulletin board in the Pondera County Courthouse;
3. The weekly agenda will be posted no later than 5:00 p.m. on Friday of the previous week. Matters that require statutory notice by publication or posting will be complied with as the particular statute may require.
4. The Board of County Commissioners will hold a regular meeting from 10:00 a.m. to 12:00 noon on Wednesday of each week for the purpose of taking final action on any matter of significant interest to the public involving the adoption of any rule or resolution, determining a contested case, entering into or awarding a contract or any other matter of significant interest to the public.

Prior to taking final action on any matter of significant interest to the public, the chairman or presiding commissioner of the Board will provide reasonable time for any person present to submit data or comments either orally or in writing regarding final action that may be taken by the Board;

5. The office of the Board of County Commissioners is open for business from 9:00 a.m. to 3:00 p.m., Monday through Thursday. The office will be open for business on Friday by appointment. No notice will be given of routine matters or impromptu discussions with county employees, vendors or other citizens. All meetings of the

County Commissioners are open to the public unless closed as provided by statute.

Adopted this 5th day of January, 2022 as moved by Commissioner Morren, seconded by 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

by phone
Thomas A Kuka, Member

ATTEST:

/s/ Jim Morren
Jim Morren, Member

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

RESOLUTION ON SETTING COSTS IN TAX LIEN SALES, ASSIGNMENTS, REDEMPTIONS AND TAX DEED SALES, AND OWNERSHIP AND INTEREST SEARCH BIDS

PONDERA COUNTY, MONTANA
RESOLUTION #23 – 2021/22
RESOLUTION SETTING COSTS IN TAX LIEN SALES, ASSIGNMENTS, REDEMPTIONS AND TAX DEED SALES, AND OWNERSHIP AND INTEREST SEARCH BIDS

WHEREAS, Section 15-17-121(2)(a), MCA, defines “Costs” incurred by the county as a result of a taxpayer’s failure to pay taxes when due, including but not limited to any actual out-of-pocket expenses incurred by the county plus the administrative costs; and the county costs collected may be deposited in the county General Fund, pursuant to Section 15-17-322, MCA; and

WHEREAS, Section 15-17-212, MCA, directs the county treasurer, upon receipt of all delinquent taxes, penalties, interest and costs, to prepare a TAX SALE CERTIFICATE and the costs to a purchaser other than the County, shall be set as follows:

- preparation of list of delinquent taxes
 - preparation of notice of pending tax sale
 - conducting the tax sale
 - preparation of the tax sale certificate
- Total, per parcel \$25.00

WHEREAS, Section 15-17-323, MCA, directs the county treasurer, upon receipt of all delinquent taxes, penalties, interest and costs, to prepare an ASSIGNMENT certificate of the county’s interest in property in which the county is listed as the purchaser and the costs to an assignee, shall be set as follows:

- preparation of Assignment Certificate
 - recording fees
 - distribution of payment
- Total, per parcel \$50.00

WHEREAS, Section 15-18-113 and Section 15-18-114, MCA, directs the county treasurer, upon receipt of all delinquent taxes, penalties, interest and costs, to process the REDEMPTION of the County’s or assignee’s interest in the property redeemed and the refund to the assignee, shall be set as follows:

- processing redemption
 - distribution of payment
 - processing refund to assignee
 - certified mail and/or publication costs
- Total, per parcel \$25.00

WHEREAS, Section 15-18-211, MCA, directs the county treasurer, upon receipt of all delinquent taxes, penalties, interest and costs, to grant the purchaser a TAX DEED for the property, and the costs shall be set as follows:

- preparation and postage for courtesy letters

identification and notification of interested persons		
certified mail and/or publication costs		
title search costs		
publication of legal notices		
recording fees		
preparation of deed		
	Total, per parcel	\$300.00

WHEREAS, Section 15-18-212, MCA, directs notification to all persons considered interested parties in the property and the current occupant of the property, if any, that a tax deed may be issued to the county unless the property tax lien is redeemed prior to the expiration date of the redemption period, the County intends to contract for the services of a licensed title company to perform ownership and interest searches on all properties selected by the Board of County Commissioners. Inasmuch as there is only one licensed title company with its office in Pondera County, the Commissioners will contract with said First American Title Company for its services in determining interested parties and issuance of a Litigation Guarantee on each parcel. A request for cost for these services will be obtained from the First American Title Company.

NOW, THEREFORE, BE IT RESOLVED by the Pondera County Board of Commissioners that the fees for the actual and administrative costs, assessed to a purchaser other than the County, are set as follows:

TAX SALE CERTIFICATE, PER PARCEL	\$ 25.00
ASSIGNMENT, PER PARCEL	\$ 50.00
REDEMPTION, PER PARCEL	\$ 25.00
TAX DEED SALE, PER PARCEL	\$300.00

BE IT FURTHER RESOLVED by the Pondera County Board of Commissioners that the Board of County Commissioners will contract with First American Title Company for its services in determining interested parties and issuance of a Litigation Guarantee on each parcel. A request for cost for these services will be obtained from the First American Title Company.

Adopted this 5th day of January, 2022 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

by phone
Thomas A Kuka, Member

ATTEST:

/s/ Jim Morren
Jim Morren, Member

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

RESOLUTION ON DAILY RATE FOR INCARCERATION CREDIT
PONDERA COUNTY, MONTANA

RESOLUTION #24 – 2021/22
DAILY RATE FOR INCARCERATION CREDIT

WHEREAS, Section 46-18-403, MCA, states that “the daily rate for incarceration must be established annually by the Board of County commissioners by resolution” and that the daily rate must be equal to the actual cost incurred by the detention facility and it has been determined that the actual costs incurred by the Pondera County detention facility, on an average daily basis, is equal to Fifty dollars (\$ 50.00);

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pondera County that the daily rate for confinement costs, other than

for actual medical costs, as ordered by the court and paid in advance for confinement and prior to payment of any fine, is hereby established at \$ 50.00 per day; and

BE IT FURTHER RESOLVED, if a judgment is for a fine and imprisonment until the fine is paid, the detainee shall be allowed a credit of \$ 50.00 for each day of incarceration; and that an inmate is responsible for the actual costs of medication, medical services, or hospitalization while detained in a detention center, based upon the individual's ability to pay and/or private provider health care coverage, or a bonafide and responsible third-party payer; and

BE IT FURTHER RESOLVED, that the County Attorney shall initiate proceedings to collect from the inmate any charges arising from the medical services or hospitalization in accordance with 7-32-2245, MCA.

Adopted this 5th day of January, 2022 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

by phone
Thomas A Kuka, Member

ATTEST:

/s/ Jim Morren
Jim Morren, Member

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

RESOLUTION ON LOAN TO FUND 7380 PORT AUTHORITY FUND
PONDERA COUNTY, MONTANA
RESOLUTION #25 – 2021/22
LOAN TO FUND 7380 PORT AUTHORITY FUND

WHEREAS, Pondera County receives an annual payment from the City of Conrad for the Blue Sky Villa, currently in the amount of \$14,962.50; and

WHEREAS, the Commissioners have entered into an agreement with the Port Authority to loan the fiscal year 2021-22 payment to the Port Authority to be used for Port Authority revolving loan funds to small businesses within Pondera County and/or as operating funds; and

WHEREAS, the County has received the fiscal year 2021-22 payment in the amount of \$14,962.50 and has entered into a loan agreement with the Port Authority; and

WHEREAS, the County is willing to lend \$12,962.50 to the Port Authority revolving funds.

WHEREAS, the funds shall be subject to repayment and/or forgiveness under the terms of the annual loan agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pondera County that the Clerk and Recorder effect the loan of \$12,962.50 from the County General Fund to the Port Authority Fund and that the loan be repaid and/or forgiven under the terms of the December 29, 2021 loan agreement.

Adopted this 5th day of January, 2022 as moved by Commissioner Morren, seconded by Commissioner Kuka, and passed on a 3-0 vote of the full board. Effective upon passage and approval.

BOARD OF COUNTY COMMISSIONERS
Pondera County, Montana

Seifert Health
Pondera Regional Port Authority
Park

Morren Logan Health
Pondera County Council On Aging
Park

Regional and State Boards

Kuka Northcentral Regional Detention Center
Center For Mental Health

Seifert Northern Montana Joint Refuse Disposal District
Sweetgrass Development
Opportunities Inc
Northern Montana Transit Authority

Morren North Central Area Agency on Aging

Commissioner Morren moved to approve the commissioner representative to boards as named above through December 2022. Commissioner Kuka seconded. Motion carried.

COUNTY ASSISTANCE TO CASA –

Commissioner Kuka moved and Commissioner Morren seconded the approval of donating \$10,000 to CASA. Motion carried.

JANUARY 12, 2022 REGULAR MEETING OF THE COMMISSION:

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

TAX ABATEMENTS 1155-1156-APPROVED

Commissioner Kuka moved to approve the following abatement:

NUMBER	REASON	CANCEL	ADD	PARCEL NO
1155	CA Settlement	30.37		1401710
1156	CA Settlement	65.51		1401800

Commissioner Morren seconded. Motion carried.

MISCLASSIFIED FEE LAND-

Commissioner Morren moved and Commissioner Kuka seconded the Treasurer asking permission to release lien on property taxes that was owned by the Bureau of Indian Affairs, that was incorrectly classified as fee land. Motion carried.

TREASURER'S SECURITIES REPORT

The following are the investments as of DECEMBER 31, 2021

STIP \$2,002,000.00 @ 0.1400984%

STOCKMAN BANK BALANCES \$9,618,520.29

STOCKMAN BANK –Collateral Report

3133EMWL2	\$5,125,000.00	FFCB 2001102	.20%	07/19/23
3133EL6RO	600,000.00	FFCB 2001064	.15%	09/09/22
313380GJ0	6,540,000.00	FHLB 2001076	2.00%	09/09/22
3133EL7E8	2,000,000.00	FFCB 2001067	.22%	03/15/23

RAYMOND JAMES

14042RMS7	\$250,000.00	2.200%	Due 08/07/2023 (CD)
38149MCZ4	\$250,000.00	2.15%	Due 07/18/2022 (CD)
61690UED8	\$250,000.00	2.850%	Due 02/14/2022 (CD)
795451AN3	\$250,000.00	1.05%	Due 08/18/2026 (CD)

INDEPENDENCE BANK

CDARS 1024617269	02/03/22	.44901%	\$500,000.00
CDARS 1023886398	06/02/22	.80675%	\$500,000.00
CDARS 1025163547	08/11/22	.24968%	\$500,000.00
CDARS 1025163555	08/10/23	.3494%	\$500,000.00
CDARS 1025220281	08/31/23	.3494%	\$1,000,000.00
CDARS 1025220265	09/01/22	.24968%	\$1,000,000.00
CDARS 1025304442	10/06/22	.24968%	\$500,000.00
CDARS 1025381668	11/04/22	.19979%	\$1,000,000.00

JANUARY 19, 2022 REGULAR MEETING OF THE COMMISSION:

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

NO MATTERS TO BE VOTED ON CAME BEFORE THE COMMISSION AT THE REGULAR MEETING**JANUARY 26, 2022 REGULAR MEETING OF THE COMMISSION:**

PRESENT: Commissioner Thomas Kuka, Commissioner Dale Seifert, Deputy Clerk & Recorder Tammy Bartsch, Public-Janelle Holden (Vice Chair of the Valier Public Library), Cathy Brandvold (Director Valier Public Library), Chris Grotbo (Trustee Valier Public Library)

Public Comment-

Valier Library presented a letter to the commissioners of what they would like to propose on the ballot in the June election. Commissioners agreed to put this matter on the agenda for next week's meeting, February 2nd.

ENCROACHMENT AGREEMENT-APPROVED

Commissioner Kuka moved to approve the Encroachment Agreement requested by Matthew Sekerak to add a driveway with a culvert at 3314 Sam George Road. Commissioner Seifert seconded. Motion carried.

PURCHASING/HOSTING CONTRACT FOR TYLER TECHNOLOGIES DOCUMENT PRO PROGRAM –

Commissioner Kuka moved and Commissioner Seifert seconded to enter into a contract with Tyler Technologies for the purchase the Document Pro module for use in the Clerk & Recorder's office for the purpose of recording and preserving land and vital records while being able to offer online access to documents and e-recording services to the public. The program will replace the current Document Indexing program from Black Mountain Software. Total cost for conversion of data, implementation, training, hosting online data, and first year's program management is \$46,150. Funds for the purchase will be paid from the General capital improvement fund. Motion carried.

MEMORANDUM OF UNDERSTANDING WITH LIBERTY COUNTY FOR CRIME VICTIM ADVOCATE PROGRAM

Commissioner Kuka moved and Commissioner Seifert seconded to sign a Memorandum of Understanding with Liberty County stating Pondera County will enter into an agreement to provide a consolidated Crime Victim Advocate Program. Funding will come from Liberty County's Victim of Crime Advocates Grant with the Montana Board of Crime Control. Motion carried.

EXPENDITURES IN EXCESS OF \$500 APPROVED

Commissioner Kuka moved and Commissioner Seifert seconded to approve the purchase of a new engine for the 2002 Ford road/bridge pickup for a total of \$6845.00. The purchase will be paid from the Road/Bridge Capital Improvement Fund. Motion carried.

CLAIMS APPROVED FOR PAYMENT

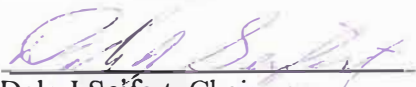
CLAIMS APPROVED FOR PAYMENT

<u>FUND</u>		
Fund	Fund Description	
1000	GENERAL	88,256.24
2110	ROAD	23,771.22
2130	BRIDGE	335.36
2140	WEED	804.12
2170	AIRPORT	1,609.36
2230	AMBULANCE	8,003.21
2290	EXTENSION SERVICE	6,333.43
2300	PUBLIC SAFETY (LAW ENFORCEMENT)	13,661.20
2390	DRUG FORFEITURE	1,424.96
2401	BRADY LIGHTS MAINTENANCE	142.83
2811	DUI PREVENTION	1,399.96
2830	JUNK VEHICLE	413.50
2850	911 EMERGENCY	1,794.55
2860	LAND USE PLANNING	389.50
2866	NORTHERN TRANSIT INTERLOCAL	447.24
2917	VICTIM & WITNESS ADV PROG	234.00
2958	EP (DES) GRANTS	480.39
2963	ORAL HEALTH SERVICES GRANT	85.00
2964	ALLIANCE FOR YOUTH	131.99
2971	WIC GRANT	281.42
2973	MATERNAL CHILD HEALTH	2,001.26
2976	IMMUNIZATION ACTION GRANT	51.54
2978	CHRONIC DISEASE GRANT	215.85
4013	ROAD/BRIDGE EQUIP PURCHASE	9,345.00
7920	REFUND FUND	580.38
TOTAL CLAIMS		162,193.51
TOTAL PAYROLL		\$ 295,662.53
TOTAL CLAIMS AND PAYROLL FUNDS		\$ 457,856.04

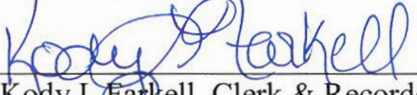
ADJOURNMENT

The meeting adjourned at 5:00 p.m. on January 31, 2022

Pondera County, Montana.


 Dale J. Seifert, Chairman

ATTEST:


 Kody L. Farkell, Clerk & Recorder

