

REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS
PONDERA COUNTY, MONTANA
Held in January 2024

The Board of Pondera County Commissioners met daily in informal session and in scheduled meetings on January 3, 10, 17, 24, and 31, 2024.

JANUARY 3, 2024 REGULAR MEETING OF THE COMMISSION:

PRESENT: Commissioner Thomas Kuka, Commissioner Zane Drishinski, Commissioner Jim Morren, Clerk & Recorder Kody Farkell, Deputy Clerk & Recorder Tammy Bartsch, Public- Paul Anderberg

COMMISSION REORGANIZATION

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

PORT AUTHORITY LOAN REQUEST

Rob Cook gave a letter of request for a loan of the Blue Sky Villa payment in lieu of taxes in the amount of \$12,962.50. After discussion Commissioner Kuka moved and Commissioner Drishinski seconded to approve a loan of the Blue Sky Villa PILT funds to the Pondera Regional Port Authority in the amount of \$12,962.50. Motion carried.

PROPOSAL FOR LITIGATION GUARANTEES TO THE COUNTY ACCEPTED

The Clerk and Recorder had requested proposals for litigation guarantee services for delinquent tax parcels being pursued by the County. One proposal was received. Commissioner Kuka moved to accept the bid proposal received from Flying S Title & Escrow (Conrad office) in the amount \$200 per parcel, providing the tax delinquency is less than \$16,000 per parcel. A parcel with taxes delinquency over \$16,000 will be charged out at the filed rate for title insurance. Commissioner Drishinski seconded. Motion carried.

RESOLUTION ON PROVIDING FOR PUBLIC PARTICIPATION AND ESTABLISHING NOTICE POSTING LOCATION

PONDERA COUNTY
RESOLUTION #15 – 2023/24

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 as well as on the county website at www.ponderacountymontana.org;
3. The weekly agenda will be posted no later than 5:00 p.m. on Thursday 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

January 2024

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 3rd day of January, 2024 as moved by Commissioner Drishinski, 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/ Jim Morren
Jim Morren, Chairman

/s/ Thomas A Kuka
Thomas A Kuka, Member

Attest: /s/ Kody L Farkell
Kody L. Farkell, Clerk & Recorder

/s/ Zane Drishinski
Zane Drishinski, Member

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

PONDERA COUNTY, MONTANA
RESOLUTION #16 – 2023/24

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 2024 by the Internal Revenue Service as 67 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 64 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 \$107.00 plus tax for all communities except for Big Sky/ West Yellowstone/Gardiner (Gallatin and Park Counties), Helena (Lewis & Clark County), Missoula (Missoula County), and Kalispell/Whitefish (Flathead County), which communities are considered high cost areas.

<u>Per Diem Rates</u>	<u>In-State</u>	<u>Out-of-State</u>
Morning Meal	\$ 8.25	\$ 13.00
Mid-Day Meal	\$ 9.25	\$ 15.00

Evening Meal	<u>\$ 16.00</u>	<u>\$ 26.00</u>
Totals	\$ 33.50	\$ 54.00

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 2024 shall be 67 cents per mile (up to and including 1,000 miles) and 64 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 \$107.00 plus tax for all communities except for Big Sky/ West Yellowstone/Gardiner (Gallatin and Park Counties), Helena (Lewis & Clark County), Missoula (Missoula County), and Kalispell/Whitefish (Flathead County), which communities are considered high cost areas.

<u>Per Diem Rates</u>	<u>In-State</u>	<u>Out-of-State</u>
Morning Meal	\$ 8.25	\$ 13.00
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Totals	\$ 33.50	\$ 54.00

Adopted this 3rd day of January, 2024 as moved by Commissioner Kuka, seconded by Commissioner Drishinski, and passed on a 3-0 vote of the board. Effective on passage and approval.

BOARD OF COUNTY COMMISSIONERS
Pondera County, Montana

/s/ Jim Morren
Jim Morren, Chairman

/s/ Thomas A Kuka
Thomas A Kuka, Member

Attest: /s/ Kody L Farkell
Kody L. Farkell, Clerk & Recorder

/s/ Zane Drishinski
Zane Drishinski, Member

RESOLUTION ON DAILY RATE FOR INCARCERATION CREDIT

PONDERA COUNTY, MONTANA
RESOLUTION #17 – 2023/24

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 Seventy-five dollars (\$75.00);

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 \$75.00 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 \$75.00 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 3rd day of January, 2024 as moved by Commissioner Kuka, seconded by Commissioner Drishinski, and passed on a 3-0 vote of the board. Effective on passage and approval.

BOARD OF COUNTY COMMISSIONERS
Pondera County, Montana

/s/ Jim Morren
Jim Morren, Chairman

/s/ Thomas A Kuka
Thomas A Kuka, Member

Attest: /s/ Kody L Farkell
Kody L. Farkell, Clerk & Recorder

/s/ Zane Drishinski
Zane Drishinski, Member

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

PONDERA COUNTY, MONTANA
RESOLUTION #18 – 2023/24

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	
certified mail	
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 Flying S 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 Flying S 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 Flying S 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 Flying S Title Company.

Adopted this 3rd day of January, 2024 as moved by Commissioner Drishinski, 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/ Jim Morren
Jim Morren, Chairman

/s/ Thomas A Kuka
Thomas A Kuka, Member

Attest: /s/ Kody L Farkell
Kody L. Farkell, Clerk & Recorder

/s/ Zane Drishinski
Zane Drishinski, Member

REVISED JOB DESCRIPTIONS APPROVED

Commissioner Kuka moved to approve the revised job description for Lead Operator for the Road Department. Commissioner Drishinski seconded. Motion carried.

COMMISSIONER REPRESENTATIVES TO BOARDS

The Commissioner representative assignments to County and Regional boards were made as follows:

County Boards

Kuka	Airport Weed Pondera County Community Service Park
Drishinski	Pondera County Council On Aging Pondera Regional Port Authority

Park
 Morren Logan Health
 Health
 Park
 Brady Water

Regional and State Boards

Kuka Northcentral Regional Detention Center
 Center For Mental Health
 Sweetgrass Development
 Drishinski Northern Montana Joint Refuse Disposal District
 Northern Montana Transit Authority
 North Central Area Agency on Aging
 Morren Opportunities Inc

Commissioner Drishinski moved to approve the commissioner representative to boards as named above through December 2024. Commissioner Kuka seconded. Motion carried.

CITIZEN APPOINTMENTS TO COUNTY ADVISORY BOARDS

Commissioner Drishinski moved and Commissioner Kuka seconded to appoint/reappoint the following to the County Advisory Boards:

- Airport – Heath Elings (2026)
 Dan Rouns (2026)
 Kenneth Wheeler Sr (2026)
 Dave Huyghe (2026)
- Conrad Cemetery-Jeff Sullivan (2026)
- Community Service- Danele Dyer (2026)
- Compensation- Dan Majerus (2026)
 Dana Davis (2024)
- Insurance- Amy Shaw (kids)
- Building Inspection- Fred Morris (2025)
 Chad Rambo (2025)

A complete list of County Advisory Boards and all members is on the County webpage: www.ponderacountymontana.org under Government, Board Appointments. Motion carried.

TREASURER’S SECURITIES

December 31, 2023

STIP \$6,002,000.00 @ 5.4399728%

STOCKMAN BANK BALANCES \$8,801,235.26

STOCKMAN BANK –Collateral Report

3137BBBD1	\$539,366.55	FMHS	3.39%	03/25/2024
3133GDCV0	\$1,156,009.91	FHLMC Pool	1.50%	05/01/2036
3136AY6S7	\$279,428.64	FNA	2.53%	11/25/2024
3132D56U1	\$977,312.37	FHLMC Pool #S	1.50%	01/01/2036
3130AF4W4	\$865,000.00	FED HOME LN	4.10%	10/24/2033
3130AVQY1	\$5,155,000.00	FED HOME LN	5.20%	04/26/2024
3130ARNT4	\$2,000,000.00	FED HOME LN	4.00%	04/29/2027
3140XJTX1	\$453,666.93	FNMA POOL #F	1.50%	04/01/2036

RAYMOND JAMES

07371AYT4	\$250,000.00	2.05%	Due 02/24/2027(CD)
795451AN3	\$250,000.00	1.05%	Due 08/18/2026 (CD)

INDEPENDENCE BANK

CDARS 1027617995	08/08/24	4.96505%	\$500,000.00
CDARS 1027922232	10/10/24	4.48806%	\$500,000.00
CDARS 1026239644	08/29/24	2.54736%	\$250,000.00
CDARS 1028058981	11/07/24	0.00000%	\$500,000.00
CDARS 1027711673	08/28/25	4.36367%	\$1,000,000.00
CDARS 1027778727	09/10/26	4.08565%	\$500,000.00

BUCHANAN CAPITAL

JBMORGAN CHASE &	48128WFM2	01/17/24	0.95%	\$250,000.00
BEAL BANK USA	07371CYK9	01/17/24	0.65%	\$250,000.00
BEAL BANK SSB	07371AUZ4	01/17/24	0.65%	\$250,000.00
FHLB	3130AQGZ0	07/25/24	1.06%	\$250,000.00
AMERICAN EXPRESS	02589ADS8	08/19/24	3.35%	\$250,000.00
UBS BANK USA	90348JZ37	01/13/25	0.85%	\$250,000.00
FHLB	3130AQHF3	01/27/25	1.125%	\$250,000.00
FHLB	3130AQJM6	01/28/25	1.25%	\$250,000.00
FHLB	3130AQKB8	12/26/25	1.375%	\$250,000.00
NICOLET NTNL BANK	654062LB2	03/28/25	4.10%	\$250,000.00
DISCOVER BANK	254673U46	10/05/26	4.3%	\$250,000.00
WELLS FARGO	949764DA9	07/07/25	5.00%	\$250,000.00
FIRST FOUNDATION	32026UT22	07/14/26	4.65%	\$250,000.00
SCHWAB-MORGAN ST	61690DCU0	02/24/25	5.20%	\$250,000.00
SCHWAB-AMERICAN CO	02519ABT3	04/02/26	5.20%	\$250,000.00
SCHWAB-SYNCHRONY	87165E3T2	11/03/26	5.10%	\$250,000.00
SCHWAB-FIRST PREM	33610RUZ4	11/10/26	5.10%	\$250,000.00

JANUARY 10, 2024 REGULAR MEETING OF THE COMMISSION:

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

Commissioners attended a public hearing in Valier, MT about hazardous water on January 3, 2024.

Mark Scribner and Ron Jones had a meeting with the commissioners about setting up tennis courts in Dupuyer at the Jones Park, at the expense of Mark Scribner. The meeting was held in the Commissioner's office on January 8, 2024.

DNRC COOPERATIVE FIRE CONTROL AGREEMENT & FIRE CONTROL EQUIPMENT AGREEMENT

Commissioner Kuka moved to approve the DNRC Fire Control Agreement and Fire Control Equipment Agreement with DNRC. Commissioner Drishinski seconded. The agreements allow the county and DNRC to provide fire assistance, equipment use for fires, and the county appointment of a Rural Fire Chief. Motion carried.

DECEMBER COMMISSION MINUTES APPROVED

Commissioner Drishinski moved and Commissioner Kuka seconded to approve the December 2023 Minutes of the Commission. Motion carried.

RESOLUTION ON DESIGNATION OF FIRE WARDENS

PONDERA COUNTY MONTANA
RESOLUTION #19 – 2023/24

DESIGNATION OF FIRE WARDENS

WHEREAS, the County of Pondera has the obligation and authority to designate Fire Wardens to issue Burn Permits to citizens pursuant to Montana Code Annotated Section 7-33-2215 and

WHEREAS, the current list of Fire Wardens is outdated and the issuance of Fire Permits is not the same from Fire Warden to Fire Warden, nor consistent with the ability to enforce the laws pertaining to possession and use of Fire Permits; and

January 2024

WHEREAS, it is necessary to revoke all of the designations of existing Fire Wardens and identify new Fire Wardens;

NOW, THEREFORE, BE IT RESOLVED BY THE Board of County Commissioners of Pondera County, that the Fire Wardens designated prior to the first of December are hereby relieved of their duty, authority, and obligation to issue fire permits:

AND THEREFORE, BE IT RESOLVED BY THE Board of County Commissioners of Pondera County that the following Fire Wardens are hereby appointed to issue burn permits and follow all laws and regulations pertaining to such permits:

- DUPUYER – Kevin Henke, Jim McCarthy
- CONRAD – Kevin Moritz, Tyler Arnold, Commissioners, Clerk and Recorder Office
- VALIER – Jerry Sullivan, Shannon Gabbard
- BRADY – Clint Rouns, Dan Rouns

Adopted this 10th day of January, 2024, as moved by Commissioner Drishinski, 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/ Jim Morren
Jim Morren, Chair

/s/ Thomas A Kuka
Thomas A Kuka, Member

Attest: /s/ Kody L Farkell
Kody L. Farkell, Clerk & Recorder

/s/ Zane Drishinski
Zane Drishinski, Member

RESOLUTION ON AUTHORIZING BUDGET AMENDMENTS TO PONDERA COUNTY BUDGET

PONDERA COUNTY MONTANA
RESOLUTION #20 – 2023/24

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 correction 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
1000-335095	District Court Reimb	\$0	\$3,000
1000-341040	Clerk & Recorder-iDoc	\$1,000	\$2,000
1000-344092	Well Child Clinic	\$13,000	\$20,000
1000-344094	Reimb-Vaccine	\$40,000	\$75,000
1000-362006	Sale of Maps	\$50	\$700
1000-371010	Investment Earnings	\$47,000	\$130,000
2150-363040	Penalty & Interest	\$40	\$100
2170-331021	Grant Revenue	\$345,450	\$349,625
2170-381070	Proceeds from Notes	\$54,000	\$60,000

January 2024

2190-362025	Unanticipated Reimb	\$0	\$11,675
2811-335025	Driver License Reinst	\$700	\$3,500
2811-365000	Contributions	\$0	\$200
2850-362021	Misc Revenue	\$300	\$920
2894-335032	Federal Minera Royalty	\$1,000	\$2,070
4008-371010	Investment Earnings	\$200	\$490
4009-371010	Investment Earnings	\$5,500	\$14,000
4010-371010	Investment Earnings	\$350	\$960
4011-371010	Investment Earnings	\$1,760	\$5,200
4012-371010	Investment Earnings	\$13,500	\$36,000
4013-371010	Investment Earnings	\$10,600	\$26,000
4014-371010	Investment Earnings	\$805	\$2,400
4016-371010	Investment Earnings	\$5,000	\$14,600

Expenditure	Description	Prior Amount	New Amount
1000-448-440190-225	Health Supplies-Vaccines	\$85,000	\$105,000
2170-304-490512-603	Prin – MT Airport Loan	\$2,700	\$3,425
2170-304-490512-612	Prin-Airport Equip	\$0	\$5,980
2170-304-490512-622	Int – Airport Equip	\$0	\$565

Adopted this 10th day of January, 2024 as moved by Commissioner Kuka, seconded by Commissioner Drishinski, and passed on a 3-0 vote of the board. Effective on passage and approval.

BOARD OF COUNTY COMMISSIONERS
Pondera County, Montana

/s/ Jim Morren
Jim Morren, Chair

/s/ Thomas A Kuka
Thomas A Kuka, Member

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

/s/ Zane Drishinski
Zane Drishinski, Member

JANUARY 17, 2024 REGULAR MEETING OF THE COMMISSION:

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

Parents from Heart Butte, MT have reached out, asking for assistances for the school. There is currently no administration present at the school, and they are asking for help.

EXPENDITURES IN EXCESS OF \$500-APPROVED

Commissioner Kuka moved to approve the purchase of daily time cards program from Black Mountain for Pondera County Payroll Department in the amount of \$1,675.00. The funds for this purchase will come out of the General Fund. Commissioner Drishinski seconded. Motion carried.

RESOLUTION ON LOAN TO FUND 7380 PORT AUTHORITY FUND

PONDERA COUNTY, MONTANA
RESOLUTION #21 – 2023/24

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 2023-24 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 2023-24 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 May 3, 2023 loan agreement.

Adopted this 17th day of January, 2024 as moved by Commissioner Drishinski, seconded by Commissioner Kuka, and passed on a 3-0 vote of the board. Effective upon passage and approval.

BOARD OF COUNTY COMMISSIONERS
Pondera County, Montana

/s/ Jim Morren
Jim Morren, Chairman

/s/ Thomas A Kuka
Thomas A Kuka, Member

Attest: /s/ Kody L Farkell
Kody L. Farkell, Clerk & Recorder

/s/ Zane Drishinski
Zane Drishinski, Member

RESOLUTION ON DECLARING PROPERTY SURPLUS AND SETTING SALE

PONDERA COUNTY
RESOLUTION #22 – 2023/24

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:

1976 Oshkosh Snowblower \$12,500

WHEREAS, the Commissioners have determined it is in the best interests of the County to sell the items through private sale.

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 through private sale

ADOPTED this 5th day of 17th day of January, 2024 as moved by Commissioner Kuka, seconded by Commissioner Drishinski, and passed on a 3-0 vote of the board. Effective on passage and approval

BOARD OF COUNTY COMMISSIONERS
Pondera County, Montana

/s/ Jim Morren
Jim Morren, Chairman

/s/ Thomas A Kuka
Thomas A Kuka, Member

Attest: /s/ Kody L Farkell

/s/ Zane Drishinski

Kody L. Farkell, Clerk & Recorder

Zane Drishinski, Member

RESOLUTION ON REQUEST FOR ADDITIONAL PUBLIC COMMENT ON MONTALBAN PERMIT

PONDERA COUNTY MONTANA
RESOLUTION #23 – 2023/24

REQUEST FOR ADDITIONAL PUBLIC COMMENT ON MONTALBAN PERMIT

WHEREAS, the County of Pondera has the obligation and authority to protect surface and ground water and validate and update the industrial wastewater sampling and lab results;

WHEREAS, the EPA has set a limited comment period for the application by Montalban Oil & Gas Operation’s application for a Level 5 permit and the County wishes to have more time for public comment and additional research by its own State and County Departments;

NOW, THEREFORE, BE IT RESOLVED BY THE Board of County Commissioners of Pondera County, that a letter be sent to Ms. VelRey A. Lozano and Mr. Douglas Minter of the EPA requesting an extension of the comment period to one year from January 3, 2024

Adopted this 17th day of January, 2024, as moved by Commissioner Kuka, seconded by Commissioner Drishinski, and passed on a 3-0 vote of the Board. Effective on passage and approval.

BOARD OF COUNTY COMMISSIONERS
Pondera County, Montana

/s/ Jim Morren
Jim Morren, Chair

/s/ Thomas A Kuka
Thomas A Kuka, Member

Attest: /s/ Kody L Farkell
Kody L. Farkell, Clerk & Recorder

/s/ Zane Drishinski
Zane Drishinski, Member

JANUARY 24, 2024 REGULAR MEETING OF THE COMMISSION:

PRESENT: Commissioner Thomas Kuka, Commissioner Zane Drishinski, Commissioner Jim Morren, Clerk & Recorder Kody Farkell, Deputy Clerk & Recorder Tammy Bartsch, Undersheriff Bob Bender

ENCROACHMENT AGREEMENT REQUESTED BY STOKES CONTRACTING/WYATT STOKES

Commissioner Kuka moved to approve an Encroachment Agreement for Stokes Contracting/Wyatt Stokes on Blazen Road. Commissioner Drishinski seconded. Motion carried.

RESOLUTION ON AMENDING THE MILL LEVY FOR THE STATE EQUALIZATION, COUNTY HIGH SCHOOL EQUALIZATION AND COUNTY ELEMENTARY EQUALIZATION MILL LEVY AUTHORITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024

PONDERA COUNTY
RESOLUTION #24 – 2023/24

A RESOLUTION AMENDING THE MILL LEVY FOR THE STATE EQUALIZATION, COUNTY HIGH SCHOOL EQUALIZATION AND COUNTY ELEMENTARY EQUALIZATION MILL LEVY AUTHORITY FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024

WHEREAS, the Department of Revenue has indicated the number of mills that the board of county commissioners shall levy upon all property in the state and has determined that the ad valorem tax for Fiscal Year 2024 for the State Equalization Aid is 40.00 mills, the County Elementary Equalization Levy is 33.00 mills, and the High School Equalization Levy is 22.00 mills; and,

WHEREAS, Section 15-10-420(8), MCA states The department shall calculate, on a statewide basis, the number of mills to be imposed for purposes of 15-10-109, 20-9-331, 20-9-333, 20-9-360, and 20-25-439. However, the number of mills calculated by the department may not exceed the mill levy limits established in those sections. The mill calculation must be established in tenths of mills. If the mill levy calculation does not result in an even tenth of a mill, then the calculation must be rounded up to the nearest tenth of a mill; and,

WHEREAS, The Montana Department of Revenue performed the calculation under 15-10-420, MCA, and reported that the levy authority for FY2024 is 77.89 mills; and

WHEREAS the Montana Supreme Court issued an Order stating that the Department of Revenue may continue to determine statewide mills by carrying forward any mills exceeding the cap in one year and require counties to apply those mills to reach the cap; and

WHEREAS, The Board of County Commissioners must modify the levy to comply with the court order of the Montana Supreme Court and to comply with the State of Montana/Department of Revenue`s request to levy 95 statewide mills.

NOW THEREFORE BE IT RESOLVED by the Pondera County Board of County Commissioners that an additional 17.1 additional mills must be fixed for the State Equalization Aid Levy for a total of 95 mills, as determined by the Montana Department of Revenue, for Fiscal Year 2024 are hereby fixed.

ADOPTED this 24th day of January, 2024 as moved by Commissioner Kuka, seconded by Commissioner Drishinski, and passed on a 3-0 vote of the board. Effective on passage and approval

BOARD OF COUNTY COMMISSIONERS
Pondera County, Montana

/s/ Jim Morren
Jim Morren, Chairman

/s/ Thomas A Kuka
Thomas A Kuka, Member

Attest: /s/ Kody L Farkell
Kody L. Farkell, Clerk & Recorder

/s/ Zane Drishinski
Zane Drishinski, Member

REVISED JOB DESCRIPTION FOR MULTIPLE POSITIONS IN SHERIFF DEPARTMENT-

Commissioner Kuka moved and Commissioner Drishinski seconded the approval of the revised job description for Undersheriff, Dispatch/Detention Officer, Civil Clerk/Administration, Deputy Sheriff, and Patrol Sergeant . Motion carried.

REVISED JOB DESCRIPTION FOR CONRAD ROAD LEAD OPERATOR

Commissioner Kuka moved and Commissioner Drishinski seconded the approval of the revised job description for Conrad Road Lead Operator. Motion carried.

JANUARY 31, 2024 REGULAR MEETING OF THE COMMISSION:

PRESENT: Commissioner Thomas Kuka, Commissioner Zane Drishinski, Commissioner Jim Morren, Clerk & Recorder Kody Farkell, Deputy Clerk & Recorder Tammy Bartsch, Public- Angela Otero

CONRAD AIRPORT HANGAR LEASE APPROVED

Commissioner Kuka moved and Commissioner Drishinski seconded to approve the Conrad Airport Hangar Lease with Daniel Fredrick Brown & Amy Renee Brown for the amount of \$132.00 per year. Motion carried.

RESOLUTION #25 GRANTING REQUEST FOR BALLOT ISSUE TO LEVY TAXES ON ALL COUNTY PROPERTY OWNERS IN ORDER TO PROVIDE FUNDING FOR PONDERA COUNTY PUBLIC SAFETY

Discussion: Commissioners discussed the pros and cons of a permanent voted levy for Public Safety. They agreed the need for additional public safety was not going to away. A permanent levy would allow the department to know that the money would always be there and would avoid the need to bring it back to the voters every few years. However, the cons of the levy, as presented, include a lack of opportunity to the voters to be able to re-vote in the issue after a set number of years. Commissioners felt the levy may be better received by voters if it had a set term.

GRANTING REQUEST FOR BALLOT ISSUE TO LEVY TAXES ON ALL COUNTYPROPERTY OWNERS IN ORDER TO PROVIDE FUNDING FOR PONDERA COUNTY PUBLIC SAFETY

WHEREAS the Pondera County Board of Commissioners has received requests from the Pondera County Sheriff requesting that a ballot issue be placed on the June 4, 2024 primary election ballot; and

WHEREAS the deadline to submit ballot issue language to the County Election Administrator is March 1, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Pondera County Board of Commissioners that a ballot issue be placed on the June 4, 2024 ballot in order that the voters may approve or disapprove an additional mill levy of ten (10) mills each year, beginning tax year 2024, for the purpose of supporting a County Public Safety Mill Levy to assist in the enforcement of crimes, including but not limited to: recruitment and retention; public safety; and school safety; and

BE IT FURTHER RESOLVED that, subject to the approval of the Pondera County Clerk and Recorder and County Attorney, the form on the ballot shall be as follows:

Shall the Pondera County Board of Commissioners be authorized to levy ten (10) additional mills on all taxable property within Pondera County to generate approximately \$200,000, beginning with tax year 2024, for the purpose of supporting a County Public Safety Mill Levy to assist in the enforcement of crimes, including but not limited to: recruitment and retention; public safety; and school safety? The foregoing mill levy is permanent and shall continue indefinitely in future fiscal years. This levy is not cumulative, which means the number of mills will not increase over time. This levy is in addition to any other mill levies authorized by Charter or law.

The financial impact of the total of ten (10) additional mills on a home having a market value of \$100,000 is estimated to be \$13.50 each year of the levy, \$40.50 for a home having a market value of \$300,000 and \$81.00 for a home having a market value of \$600,000. An increase in property taxes may lead to an increase in rental costs.

Commissioner Kuka moved to adopt Resolution #25. Due to lack of a second, the motion died

RESOLUTION #26 GRANTING REQUEST FOR BALLOT ISSUE TO LEVY TAXES ON ALL COUNTY PROPERTY OWNERS IN ORDER TO PROVIDE FUNDING FOR PONDERA COUNTY PUBLIC SAFETY

Commissioner Drishinski moved and Commissioner Kuka seconded to adopt Resolution #26 setting a ballot issue on the ballot for a term of eight (8) years. The Resolution was adopted on a 3-0 vote.

PONDERA COUNTY MONTANA
RESOLUTION #26 – 2023/24

GRANTING REQUEST FOR BALLOT ISSUE TO LEVY TAXES ON ALL COUNTY
PROPERTY OWNERS IN ORDER TO PROVIDE FUNDING
FOR PONDERA COUNTY PUBLIC SAFETY

WHEREAS the Pondera County Board of Commissioners has received requests from the Pondera County Sheriff requesting that a ballot issue be placed on the June 4, 2024 primary election ballot; and

WHEREAS the deadline to submit ballot issue language to the County Election Administrator is March 1, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Pondera County Board of Commissioners that a ballot issue be placed on the June 4, 2024 ballot in order that the voters may approve or disapprove an additional mill levy of ten (10) mills each year, beginning tax year 2024, for the purpose of supporting a County Public Safety Mill Levy to assist in the enforcement of crimes, including but not limited to: recruitment and retention; public safety; and school safety; and

BE IT FURTHER RESOLVED that, subject to the approval of the Pondera County Clerk and Recorder and County Attorney, the form on the ballot shall be as follows:

Shall the Pondera County Board of Commissioners be authorized to levy ten (10) additional mills on all taxable property within Pondera County to generate approximately \$200,000, beginning with tax year 2024, for eight (8) years, for the purpose of supporting a County Public Safety Mill Levy to assist in the enforcement of crimes, including but not limited to: recruitment and retention; public safety; and school safety? This levy is not cumulative, which means the number of mills will not increase over time. This levy is in addition to any other mill levies authorized by Charter or law.

The financial impact of the total of ten (10) additional mills on a home having a market value of \$100,000 is estimated to be \$13.50 each year of the levy, \$40.50 for a home having a market value of \$300,000 and \$81.00 for a home having a market value of \$600,000. An increase in property taxes may lead to an increase in rental costs.

FOR additional levy
AGAINST additional levy

Adopted this 31st day of January, 2024 as moved by Commissioner Drishinski, seconded by Commissioner Kuka, and passed on a 3-0 vote of the full board. Effective on passage and approval.

BOARD OF COUNTY COMMISSIONERS
Pondera County, Montana

/s/ Jim Morren
Jim Morren, Chair

/s/ Thomas A Kuka
Thomas A Kuka, Member

ATTEST:

/s/ Zane Drishinski
Zane Drishinski, Member

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

RESOLUTION ON GRANTING REQUEST FOR BALLOT ISSUE TO LEVY TAXES
ON ALL COUNTY PROPERTY OWNERS IN ORDER TO PROVIDE FUNDING FOR
PONDERA COUNTY REGIONAL PORT AUTHORITY

GRANTING REQUEST FOR BALLOT ISSUE TO LEVY TAXES ON ALL COUNTY PROPERTY OWNERS IN ORDER TO PROVIDE FUNDING FOR PONDERA COUNTY REGIONAL PORT AUTHORITY

WHEREAS the Pondera County Board of Commissioners has received requests from the Pondera County Regional Port Authority requesting that a ballot issue be placed on the June 4, 2024 primary election ballot; and

WHEREAS the deadline to submit ballot issue language to the County Election Administrator is March 1, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Pondera County Board of Commissioners that a ballot issue be placed on the June 4, 2024 ballot in order that the voters may approve or disapprove an additional mill levy of four (4) mills each year, beginning tax year 2024, for the purpose of funding the operations of the Pondera County Regional Port Authority; and

BE IT FURTHER RESOLVED that, subject to the approval of the Pondera County Clerk and Recorder and County Attorney, the form on the ballot shall be as follows:

Shall the Pondera County Board of Commissioners be authorized to continue to levy four (4) additional mills on all taxable property within Pondera County to generate approximately \$82,000, beginning tax year 2024, for ten (10) years, for the purpose of funding the operations of the Pondera County Regional Port Authority? This levy is not cumulative, which means the number of mills will not increase over time. This levy is in addition to any other mill levies authorized by Charter or law.

The financial impact of the total of four (4) additional mills on a home having a market value of \$100,000 is estimated to be \$5.40 each year of the levy, \$16.20 for a home having a market value of \$300,000 and \$32.40 for a home having a market value of \$600,000. An increase in property taxes may lead to an increase in rental costs.

FOR continued levy
AGAINST continued levy

Adopted this 31st day of January, 2024 as moved by Commissioner Drishinski, seconded by Commissioner Kuka, and passed on a 3-0 vote of the full board. Effective on passage and approval.

BOARD OF COUNTY COMMISSIONERS
Pondera County, Montana

/s/ Jim Morren
Jim Morren, Chair

/s/ Thomas A Kuka
Thomas A Kuka, Member

ATTEST:

/s/ Zane Drishinski
Zane Drishinski, Member

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

RESOLUTION ON AUTHORIZING LOCAL GOVERNMENT REVIEW/STUDY COMMISSION

PONDERA COUNTY, MONTANA
RESOLUTION #28 – 2023/24

AUTHORIZING LOCAL GOVERNMENT REVIEW/STUDY COMMISSION

WHEREAS, the Montana Constitution, Article XI, Section 9, specifies that "The Legislature shall require an election in each local government to determine whether a local government will undertake a review procedure once every ten years after the first election", and

WHEREAS, there will be an election on June 4, 2024, on the question of conducting a local government review and establishing a study commission; and

WHEREAS, the Montana Code Annotated states in 7-3-177(1), that "the study commission shall consist of an odd number of not less than three members unless the local governing body by resolution declares a larger number shall be elected"; and

NOW, THEREFORE, BE IT RESOLVED by the Pondera County Board of Commissioners, that the study commission, if authorized, shall consist of three (3) elected members to be chosen in the November General Election, plus an ex-officio non-voting member of the governing body or an elected official or employee of the local governing body to be named by the Board of County Commissioners prior to the organization of the study commission;

BE IT FURTHER RESOLVED, to submit the following ballot language to the voters of Pondera County in the coming June 4, 2024 Primary Election.

FOR the review of the government of Pondera County and the establishment and funding, not to exceed \$10,000, of a local government study commission consisting of three (3) members to examine the government of Pondera County and submit recommendations thereon.

AGAINST the review of the government of Pondera County and the establishment and funding, not to exceed \$10,000, of a local government study commission consisting of three (3) members to examine the government of Pondera County and submit recommendations thereon.

Adopted this 31st day of January, 2024 as moved by Commissioner Kuka, seconded by Commissioner Drishinski, and passed on a 3-0 vote of the full board. Effective upon passage and approval.

BOARD OF COUNTY COMMISSIONERS
Pondera County, Montana

/s/ Jim Morren
Jim Morren, Chairman

/s/ Thomas A Kuka
Thomas A Kuka, Member

ATTEST: /s/ Kody L Farkell
Kody L. Farkell, Clerk & Recorder

/s/ Zane Drishinski
Zane Drishinski, Member

Public Comment-
Angela Otero asked for transparency with all companies involved in the waste water in Valier, MT. There was discussion on the issue of the waste water dumping outside of Valier, MT.

CLAIMS APPROVED FOR PAYMENT

<u>FUND</u>		
Fund	Fund Description	
1000	GENERAL	57,126.92
2110	ROAD	279,528.40
2130	BRIDGE	116.12
2140	WEED	1,199.76
2170	AIRPORT	168,022.22
2230	AMBULANCE	1,103.82
2290	EXTENSION SERVICE	6,758.42
2300	PUBLIC SAFETY (LAW ENFORCEMENT)	15,778.17
2371	HEALTH INSURANCE - EMPLOYER CONTRIBUTION	67.99
2401	BRADY LIGHTS MAINTENANCE	340.08
2821	ENHANCED GAS TAX (BARSAR)	3,806.69
2830	JUNK VEHICLE	12.89
2850	911 EMERGENCY	8,443.02
2860	LAND USE PLANNING	2,174.25

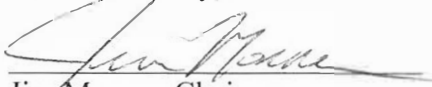
2862	PONDERA CO GROWTH POLICY	835.25
2866	NORTHERN TRANSIT INTERLOCAL	266.75
2917	VICTIM & WITNESS ADV PROG	98.00
2958	EP (DES) GRANTS	307.04
2963	ORAL HEALTH SERVICES GRANT	581.58
2964	ALLIANCE FOR YOUTH	106.25
2971	WIC GRANT	75.65
2973	MATERNAL CHILD HEALTH	12.89
2976	IMMUNIZATION ACTION GRANT	1,832.91
2978	CHRONIC DISEASE GRANT	119.14
4012	GENERAL FUND CAPITAL IMP	1978.45
4013	ROAD/BRIDGE EQUIP PURCHASE	5,397.93
7920	REFUND FUND	612.72

TOTAL CLAIMS	556,703.31
TOTAL PAYROLL	\$ 339,894.31
TOTAL CLAIMS AND PAYROLL FUNDS	\$ 896,597.62

ADJOURNMENT

The meeting adjourned at 5:00 p.m. on January 31, 2024

Pondera County, Montana.


 Jim Morren, Chairman

ATTEST:


 Kody L Farkell, Clerk & Recorder

