

REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS
PONDERA COUNTY, MONTANA
Held in February 2023

The Board of Pondera County Commissioners met daily in informal session and in scheduled meetings on February 1, 8, 15, and 22, 2023.

FEBRUARY 1, 2023 REGULAR MEETING OF THE COMMISSION:

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

FIFTH DRAWDOWN FOR FEDERAL AVIATION ADMINISTRATION PROJECT PAYMENT

Commissioner Drishinski moved to approve drawdown #5 for the Federal Aviation Administration Project for the Pondera County Airport in the amount of \$19,192.83. The funds will pay Robert Peccia & Associates to be used towards the Pondera County airport planning grant. Commissioner Kuka seconded. Motion carried.

EXTENSION OF EXCESS VACATION

Commissioner Drishinski moved and Commissioner Kuka seconded to approve an extension for Deputy Norman Vanderbush on request from department head, to use his excess vacation hours by May 31, 2023. Motion carried.

RESOLUTION ON LIFTING AGRICULTURE COVENANT ON WEIKUM FARMS
PONDERA COUNTY, MONTANA
RESOLUTION #29 - 2022/23
LIFTING AGRICULTURE COVENANT ON WEIKUM FARMS

WHEREAS, Weikum Farms, as Grantor, transferred the following described real property to Loren R. Weikum and Cathy A. Weikum, husband and wife, as Grantees, situated outside the Town of Brady, County of Pondera, State of Montana, to wit:

Township 26 North, Range 1 West, P.M.M.

Section 5: NE1/4SE1/4

(Deed reference: Book 86 Deeds, Page 504, recorded in the records of Pondera County by the Clerk and Recorder on 02/07/2012 as Doc. #321620)
(hereinafter referred to as *Weikum Farms Deed*);

WHEREAS, the Weikum Farms Deed contained the following covenant:

“And the said Grantors do further covenant for themselves, their heirs, successors and assigns, that the said property shall be used exclusively for agricultural purposes. This covenant shall run with the land and shall be revocable only by the mutual consent of the governing body and the landowner, pursuant to Section 76-3-207(1)© M.C.A.”
(hereinafter referred to as *Weikum Farms Deed Covenant*);

WHEREAS, Pondera County is the governing body for the land described in the Weikum Farms Deed;

WHEREAS, the County of Pondera has no record of the Weikum Deed Covenant being presented to the County of Pondera for consideration and approval as required by MCA 76-3-207 (1)©;

WHEREAS, as result of this failure to even present for approval to the County of Pondera as required by law the Weikum Deed Covenant, as far as the County is concerned the covenant is “non-existent”;

WHEREAS, as part of the probate of the estate of LOREN RICHARD WEIKUM, Mr. Van Hyning, the Estate’s Personal representative intends to ask the court to remove

the covenant pursuant to MCA 76-3-201 (1)(a) prior to Distribution of the parcel from Estate;

WHEREAS, Pondera County Commissioners, as the governing body, desire to make it clear that they have no objection to the revocation of the Weikum Farms Deed Covenant by the Court, since the County has never had the Weikum Farms Deed Covenant presented to it for approval as required by MCA 76-3-207(1)©, and it wishes by its approval of removing the covenant to facilitate and not hinder the Court's approval of removing of the covenant pursuant to MCA 76-3-201(1)(a);

NOW THEREFORE, BE IT RESOLVED BY THE PONDERA COUNTY COMMISSIONERS that the Commissioners of Pondera County have no objection and do hereby consent as the governing body to removal of the Weikum Farms Deed Covenant as defined in the above WHEREAS clauses.

After affirmative vote of the Pondera County Commissioners, to their statement of no objection to revocation of the Weikum Farms Deed Covenant.

Adopted this 1st day of February, 2023, as moved by Commissioner Drishinski, seconded by Commissioner Kuka, and passed by a 2-0 of the board. Effective on passage and approval.

BOARD OF COUNTY COMMISSIONERS
Pondera County, Montana

ABSENT
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

CITIZEN APPOINTMENTS TO COUNTY ADVISORY BOARDS

Commissioner Drishinski moved and Commissioner Kuka seconded to appoint the following to the County Advisory Boards: Tax Board – Cody Seccomb (2026)
Motion carried.

FEBRUARY 8, 2023 REGULAR MEETING OF THE COMMISSION:

PRESENT: Commissioner Thomas Kuka, Commissioner Zane Drishinski, Clerk & Recorder Kody Farkell, Deputy Clerk & Recorder Tammy Bartsch, Road/Bridge Superintendent Steve Kaphammer, Sheriff Robert Skorupa, Public- Paul Anderson, Diana Agre, Mourine Grubb

Public Comment-

Citizens from the public were present to voice their opinions on making County elected offices non-partisan.

COST SHARING AGREEMENT WITH CITY OF CONRAD

Commissioner Drishinski moved and Commissioner Kuka seconded on a cost sharing agreement with City of Conrad, undertaking updating its growth policy. The cost is expected to be \$45,000.00, of which \$40,000.00 is to be paid by the County from grant funds. The City and County agree in paying the remaining cost of updating the growth policy. Motion carried.

FEBRUARY 15, 2023 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 Anderson, Dan Rouns, Lisa Schmidt, Seth Lutter, Sara Converse.

AIRPORT CONTRACT WITH TRIPLE R COMPUTERS

Commissioner Kuka moved and Commissioner Drishinski seconded on a contract with Triple R Computers to install a new internet system at the Conrad Airport for the fueling system. Motion carried.

FBI BIG SKY SAFE TRAILS TASK FORCE MOU

Commissioner Drishinski moved and Commissioner Kuka seconded the approval of a MOU with the Federal Bureau of Investigation. The purpose of this MOU is to delineate the responsibilities of Big Sky Safe Trails Task Force (BSSTTF) personnel formalize relationships between participating agencies for policy guidance, planning, training, public and media relations; and maximize interagency cooperation. The mission of the BSSTTF is to identify and target for prosecution criminal enterprise groups responsible for drug trafficking, money laundering, alien smuggling, crimes of violence such as murder and aggravated assault, robbery and violent street gangs. Motion carried.

APPOINTMENT OF RURAL FIRE DISTRICT BOARD OF TRUSTEES

The Rural Fire District Board members are elected to their positions. Montana law provides that if the number of candidates is equal to or less than the number of positions to be elected, the election administrator may cancel the election. In such case, the county governing body shall declare elected by acclamation each candidate who filed a nominating petition for a position. If a nomination is not made for one or more trustee offices, the county governing body shall appoint one or more trustees as necessary to fill those offices. A trustee taking office pursuant to this subsection serves the trustee term of office as if that trustee had been elected.

William Breeding and Shawn Vermulm each filed a Declaration For Nomination. In accordance with Montana statute, Commissioner Drishinski moved to declare William Breeding and Shawn Vermulm elected by acclamation, each for a term of three years. Commissioner Kuka seconded. Motion carried.

JANUARY COMMISSION MINUTES APPROVED

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

RESOLUTION ON DECLARING PROPERTY SURPLUS AND DONATING
PONDERA COUNTY

RESOLUTION #30 – 2022/23

DECLARING PROPERTY SURPLUS AND DONATING

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:

Fifty-seven (57) Bookcases

One (1) microfilm reader, printer, & jacket

Approximately one thousand two hundred (1,200) outdated American Law Report Digests

and

WHEREAS, the property listed above individually have a value less than \$2,500;

and

WHEREAS, the Commissioners have determined it is in the best interests of the County to donate the property to the Pondera County Transportation & Historical Museum & Conrad Depot Society

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 donate the property to the Pondera County Transportation and Historical Museum & Conrad Depot Society

ADOPTED this 15th day of February, 2023, as moved by Commissioner Kuka, seconded by Commissioner Drishinski, and passed on a 3-0 vote of the board. Effective on passage and approval.

February 2023

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 OF INTENT TO ESTABLISH A PROPERTY ASSESSED CAPITAL ENHANCEMENT PROGRAM (“PACE PROGRAM”) FOR PONDERA COUNTY, MONTANA

PONDERA COUNTY
 RESOLUTION #31 – 2022/23
RESOLUTION OF INTENT TO ESTABLISH A PROPERTY ASSESSED CAPITAL ENHANCEMENT PROGRAM (“PACE PROGRAM”) FOR PONDERA COUNTY, MONTANA

WHEREAS, The 67th Regular Session of the Montana Legislature enacted the Commercial Property Assessed Capital Enhancement Act of Montana, Montana Code Annotated, Title 90, Chapter 4, Part 13 (the “PACE Act”), which allows the governing body of a local government, including a County to designate an area of the territory of the local government as a district within which an authorized local government official and the record owners of a privately owned commercial or industrial facility, covered multifamily housing accommodation as defined in § 49-2-305(6), MCA, or agricultural property may enter into written contracts to impose assessments on the property to repay the financing by the owners of Energy Conservation Projects as defined in § 90-4-1302(5), MCA; and

WHEREAS, the installation or modification by property owners of qualified Energy Conservation Projects in Pondera County will further the goals of increasing economic efficiency and energy conservation without cost to the public; and

WHEREAS, the Pondera County Commission finds that financing Energy Conservation Projects through contractual assessments (“PACE financing”) furthers essential government purposes, including but not limited to, economic development, reducing energy consumption and costs, and conserving natural resources; and

WHEREAS, the PACE Act designates the Montana Facility Finance as state-wide administrator of projects utilizing PACE financing; and

WHEREAS, the Pondera County Commission, subject to the public hearing scheduled as provided below, at which the public may comment on the proposed program and the report issued contemporaneously with this resolution, finds that it is convenient and advantageous to establish a program under the PACE Act and designate the entire geographic area within the County’s jurisdiction as a district within which a designated County representative and the record owners of qualified real property may enter into PACE financing arrangements.

THEREFORE, be it resolved by the Pondera County Commission that:

Section 1. The County intends to make contractual assessments to repay PACE financing for qualified Energy Conservation Projects available to owners of a commercial or industrial facility, covered multifamily housing accommodation as defined in § 49-2-305(6), MCA, or agricultural property. The program is to be called Pondera County Commercial Property Assessed Capital Enhancement (“Pondera PACE”).

Section 2. The following two types of projects are qualified projects for PACE financing that may be subject to such contractual assessments:

1. “Energy conservation measures”: means a permanent cost-effective energy improvement fixed to real property, including new construction, and intended

to decrease energy or water consumption and demand, including a product, device, or interacting group of products or devices on the customer's side of the meter that uses energy technology to generate electricity, provide thermal energy, or regulate temperature. The exemplary list of energy conservation measures codified at § 90-4-1302(4), MCA, is incorporated by reference herein.

2. "Renewable Energy System": means a fixture, product, device, or interacting group of fixtures, products, or devices on the customer's side of the meter that uses one or more forms of renewable energy to generate electricity or to reduce the use of nonrenewable energy. The term includes a biomass stove but does not include an incinerator or a digester. "Renewable energy" has the meaning provided in § 15-24-3102, MCA.

Section 3. The boundaries of the entire geographic area within Pondera County constitute the boundaries of the district where PACE financing and assessments can occur.

Section 4. Financing for qualified projects under the PACE program will be provided by qualified third-party lenders chosen by the owners. Such lenders will execute written contracts with Pondera County's representative to service the assessments, as required by the PACE Act. The contracts will provide for the lenders to determine the financial ability of owners to fulfill the financial obligations to be repaid through assessments, advance the funds to owners on such terms as are agreed between the lenders and the owners for the installation or modification of qualified projects, and service the debt secured by the assessments, directly or through a servicer, by collecting payments from the owners pursuant to contracts executed between the lenders and the owners. The lender contracts will provide that Pondera County will maintain and continue the assessments for the benefit of such lenders and enforce the assessment lien for the benefit of a lender in the event of a default by an owner. Pondera County will not, at this time, provide financing of any sort for the PACE program.

Section 5. The Montana Facility Finance Authority will serve as an independent third party Program Administrator on the behalf of Pondera County pursuant to its Montana Commercial Property Assessed Capital Enhancements Program Guidelines available for inspection at <https://lastbestpace.com> (hereinafter the "MFFA CPACE Program Guidelines"). The MFFA CPACE Program Guidelines are incorporated in this resolution and made a part hereof for all purposes.

Section 6. The Pondera County Commissioners will hold a public hearing on the proposed PACE program and report on March 8, 2023 at 10:00 am. in Commissioners Office, 20 4th Ave SW, Conrad MT 59425.

ADOPTED this 15th day of February, 2023, 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

CLAIMS APPROVED FOR PAYMENT

Fund	Fund Description	
1000	GENERAL	25,504.30
2110	ROAD	16,459.40
2130	BRIDGE	16,657.20
2140	WEED	1,504.59

2160	COUNTY FAIR	2,625.00
2170	AIRPORT	23,999.90
2230	AMBULANCE	423.03
2290	EXTENSION SERVICE	6,112.16
2300	PUBLIC SAFETY (LAW ENFORCEMENT)	14,602.64
2371	HEALTH INSURANCE - EMPLOYER CONTRIBUTION	92.38
2390	DRUG FORFEITURE	7,940.96
2393	RECORDS PRESERVATION	175.76
2401	BRADY LIGHTS MAINTENANCE	351.37
2830	JUNK VEHICLE	100.50
2850	911 EMERGENCY	506.01
2866	NORTHERN TRANSIT INTERLOCAL	324.19
2894	ST ALLOC FED MINERAL ROY	130.00
2958	EP (DES) GRANTS	290.61
2961	PERFORMANCE MTG GRANT	186.86
2963	ORAL HEALTH SERVICES GRANT	3,364.49
2964	ALLIANCE FOR YOUTH	49.00
2971	WIC GRANT	126.77
2973	MATERNAL CHILD HEALTH	191.85
2976	IMMUNIZATION ACTION GRANT	345.60
2978	CHRONIC DISEASE GRANT	99.63
2995	ARPA	10,154.59
2996	LATCF	560.00
4009	PUBLIC SAFETY CAPITAL IMP	25,469.47
4012	GENERAL FUND CAPITAL IMP	4,137.00
7920	REFUND FUND	103.96

TOTAL CLAIMS	162,589.22
TOTAL PAYROLL	\$ 292,520.63
TOTAL CLAIMS AND PAYROLL FUNDS	\$ 455,109.85

ADJOURNMENT

The meeting adjourned at 5:00 p.m. on February 28, 2023

Pondera County, Montana.



 Jim Morren, Chairman

ATTEST:



 Kody L Farkell, Clerk & Recorder

