

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

The Board of Pondera County Commissioners met daily in informal session and in scheduled meetings on May 5, 12, 19, and 26, 2021.

MAY 5, 2021 REGULAR MEETING OF THE COMMISSION:

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

TAX ABATEMENTS 1127-1129-APPROVED

Commissioner Kuka moved to approve the following abatement:

NUMBER	REASON	CANCEL	ADD	PARCEL NO
1127	Mobile home empty	90.00		2033600
1128	Double fees on bill	201.00		2029700
1129	Mobile home to be removed	5.00		2033900

Commissioner Morren seconded. Motion carried.

JOB DESCRIPTION APPROVED

Commissioner Morren moved to approve the job description for a full time Health Department Administrative Assistant and Alliance for Youth Coordinator.

Commissioner Kuka seconded. Motion carried.

TASK ORDER AMENDMENT #2- COVID IMMUNIZATION SERVICES GRANT APPROVED

Commissioner Morren moved and Commissioner Kuka seconded to approve amendment #2 the IAP grant through the Montana Department of Health & Human Services. The amendment provides additional funding to local health jurisdiction to participate in COVID-19 vaccination planning. The additional amount is for \$14,292.00, continuing through June 30, 2021. Motion carried.

TASK ORDER FOR IMMUNIZATION PROGRAM APPROVED

Commissioner Morren moved and Commissioner Kuka seconded to approve Task Order 22-07-4-31-133-0 to the Master Contract that Covers the Period of July 1, 2021 through June 30, 2026, Immunization Program with the State of Montana Department of Health and Human Services. The County will receive \$5,161.00 in grant funding for FY2021-22. Motion carried.

HAYING AGREEMENTS-APPROVED

The deadline to apply for a permit to hay the county road rights-of way was May 1, 2021.

Commissioner Kuka moved to approve the following Yearly Right-of-Way Forage Removal Agreement/Applications:

Devon Rauscher	West Valley Rd & Arod Lakes Rd 1st 5 miles heading west
Brad and Nancy Bruner	Price Rd starting at Midway South to Berland Loop, both sides
Ronald & Darlene Denney	Pondera Coulee Rd, from Price Rd to Moulton School Rd; North Price Rd from Sollid Rd to Hwy 366 Price Rd ½ mile S of Sollid Rd to Midway Rd;
Wylie Gustafson	Furlough Rd from Sollid Rd 1 mile south Hovde Rd N & S Sides; Prospector Rd both sides; Primrose Rd
Ray & Kevin Moritz	both Sides; Pondera Coulee Rd both sides; Kelly Rd both sides

Commissioner Morren seconded. Motion carried.

APRIL COMMISSION MINUTES APPROVED

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

PUBLIC HEARING ON PETITION TO DISCONTINUING PART OF LARSON STREET IN BRADY

Attending: Commissioner Dale Seifert, Commissioner Thomas Kuka, Commissioner Jim Morren, Deputy Clerk & Recorder Tammy Bartsch

The notice of the hearing was published in The Independent-Observer and The Valerian in the April 22nd & 28th, 2021 issues.

Commission Chair Seifert called the hearing to order at 10:00 a.m. at the Pondera County Commissioners office, 20 4th Ave SW, Conrad. Seifert stated the intent of the hearing is to hear public input and the matter with a decision to be made.

A petition was received from Daniel L Rouns to discontinue part of a platted, but undeveloped street in Brady, Pondera County, Montana; described as West T26N R2W Block 25 East Blocks 14, 15, 16 T26N R2W ("the street"). The Streets are more commonly understood to be the southern extension of Larson Street (formerly 5th Street), alley, & eastward continuation of 1st Ave SE. Under MCA 7-14-2616 authorizes and delineates the county commissioner procedure to discontinue a street.

No public comment was received and no public was in attendance.

MAY 12, 2021 REGULAR MEETING OF THE COMMISSION:

PRESENT: Commissioner Thomas Kuka, Commissioner Dale Seifert, Commissioner Jim Morren, and Deputy Clerk & Recorder Tammy Bartsch, Clerk & Recorder Kody Farkell, Road/Bridge Superintendent Steve Kaphammer, Pondera Regional Port Authority Executive Director Rob Cook

REQUEST FOR LOAN FORGIVENESS FROM PORT AUTHORITY & REPORT

Rob Cook, Executive Director of the Pondera Regional Port Authority, met with Commissioners to request for loan forgiveness of the loan payment in the amount of \$12,962.50 under the current fiscal year. The written request outlined the Port Authority's role in economic development and the need for the loan forgiveness in order to keep up operating costs, as well as to maintain a fund for further economic development.

APPROVED CONTRACT WITH JOHNSON CONTROLS FOR WORK ON THE HEATING

Commissioner Morren moved and Commissioner Kuka seconded to approve service technician labor to integrate control of additional electric strip heat in 4 roof top units and customer training. The agreement is for \$2,065.00. Motion carried.

INTERGOVERNMENTAL AGREEMENT FOR THE TRANSFER OF MONIES TO THE STATE – NURSING HOME IGT AGREEMENT – APPROVED

Commissioner Morren moved to approve the Intergovernmental Agreement for the transfer of Monies, of \$223,666.47, to the State as match money for the Medicaid monies for "at risk" county affiliated nursing facilities. Commissioner Kuka seconded. Motion carried.

RESOLUTION FOR DISCONTINUING PART OF LARSON STREET IN BRADY, MONTANA

PONDERA COUNTY MONTANA

RESOLUTION #35-2020/21

DISCONTINUING PART OF LARSON STREET (FORMERLY 5TH ST)
IN BRADY, PONDERA COUNTY, MONTANA

WHEREAS, Daniel L. Rouns petitioned Pondera County on December 28, 2020, to discontinue part of a street in Brady, Pondera County, Montana.

WHEREAS, the street petitioned to be discontinued is described as West T26N R2W Block 25 East Blocks 14, 15, 16 T26N R2W ("the Street"). The Streets are more commonly understood to be the southern extension of Larson street (formerly 5th Street), alley, & eastward continuation of 1st Ave SE, that enters into Petitioner Daniel L. Rouns' property. See Exhibit A, B, and C.

WHEREAS, Mont. Code Ann. § 7-14-2616 authorizes and delineates the county commissioner procedure to discontinue a street.

WHEREAS, Daniel L. Rouns is the sole owner of the lots on and surrounding the Street.

WHEREAS, Discontinuation of the Street can be accomplished without detriment to the public interest.

WHEREAS, Mont. Code Ann. § 7-1-2121 requires Notice be published and state when the (a) when the petition will be acted on; and, (b) what street/alley has been requested to be discontinued.

WHEREAS, Notice was published on April 22 & 29, in the Independent Observer and The Valerian. The Petition was acted on by the Commissioners on May 12, 2021

IT IS HEREBY RESOLVED: That the Street described in this Resolution is discontinued in accordance with Mont. Code Ann. § 7-14-2616 and Mont. Code Ann. § 7-1-2121.

Adopted this 12th day of May, 2021 as moved by Commissioner Morren, seconded by Commissioner Kuka, and passed on a full vote of the board. Effective on passage and approval.

BOARD OF COMMISSIONERS
Pondera County, Montana

/s/ Dale J Seifert
Dale J Seifert, Chairman

/s/ Thomas A Kuka
Thomas A Kuka, Member

ATTEST:

/s/ Jim Morren
Jim Morren, Member

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

RESOLUTION AUTHORIZING BUDGET AMENDMENTS TO PONDERA COUNTY BUDGET

**PONDERA COUNTY MONTANA
RESOLUTION #36 – 2020-21
AUTHORIZING BUDGET AMENDMENTS TO
PONDERA COUNTY BUDGET**

WHEREAS the Montana Code Annotated, Section 7-6-4006(4), grants the Board of County Commissioners the power and authority to amend the budget during the fiscal year by conducting public hearings at regularly scheduled meetings; and

WHEREAS Pondera County Commissioners approved the appropriations budget for the Pondera County during its regular budget approval process and errors in revenues and expenditures budget have been identified; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pondera County that the budget be corrected as follows:

Revenues	Description	Prior Amount	New Amount
2854-334035	9-1-1 Radio PurchGrant	\$0	\$150,000
2917-351015	Victim & Witness Adv	\$ 1,500	\$ 2,000
2800-335005	Alcohol Rehab Apportion.	\$20,000	\$ 23,100
2976-331146	IAP Grant	\$ 9,018	\$ 23,310
Expenditures	Description	Prior Amount	New Amount
2854-201-420625-945	Communication Equip	\$0	\$150,000
2917-103-410370-350	Professional Services	\$ 1,514	\$ 2,014
2800-405-440501-397	Contract Payments	\$20,000	\$ 23,100
2976-448-440193-386	Public Education	\$0	\$ 14,292

Adopted this 19th day of May, 2021, as moved by Commissioner Morren, seconded by Commissioner Kuka, and passed on a 3-0 vote of the board. Effective on passage and approval.

BOARD OF COMMISSIONERS
Pondera County, Montana

/s/ Dale J Seifert
Dale J Seifert, Chairman

/s/ Thomas A Kuka
Thomas A Kuka, Member

ATTEST:

/s/ Jim Morren
Jim Morren, Member

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

RESOLUTION AUTHORIZING FORGIVENESS OF REPAYMENT OF INTERFUND LOAN

PONDERA COUNTY, MONTANA
RESOLUTION #37 – 2020/21
AUTHORIZING FORGIVENESS OF REPAYMENT OF INTERFUND LOAN

WHEREAS, the Board of County Commissioners has, from time to time, determined it to be in the best interests of the County to authorize loans from one fund to another at a reasonable rate of interest; and

WHEREAS, the Board has determined that the interfund loan (for FY2020/21 funds) from the General Fund to the Port Authority Fund, authorized under Resolution #21 – 2020/21, be forgiven under the terms of the January 6, 2021 Loan Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pondera County that the Clerk and Recorder effect the forgiveness of repayment of the above-described loan, in the amount of \$12,962.50, principal, and all interest that would have accrued; treating the same as a transfer from the General Fund to the Port Authority Fund.

Adopted this 19th day of May, 2020 as moved by Commissioner Kuka, seconded by Commissioner Morren, and passed on a 3-0 vote of the full board. Effective on passage and approval.

BOARD OF COMMISSIONERS
Pondera County, Montana

/s/ Dale J Seifert
Dale J Seifert, Chairman

/s/ Thomas A Kuka
Thomas A Kuka, Member

ATTEST:

/s/ Jim Morren
Jim Morren, Member

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

MAY 19, 2021 REGULAR MEETING OF THE COMMISSION:
PRESENT: Commissioner Thomas Kuka, Commissioner Dale Seifert, Commissioner Jim Morren, Deputy Clerk & Recorder Tammy Bartsch, and Clerk & Recorder Kody Farkell

TAX ABATEMENTS 1130-1133-APPROVED

Commissioner Morren moved to approve the following abatement:

NUMBER	REASON	CANCEL	ADD	PARCEL NO
1130	Mobile home removed	90.00		2033500
1131	Mobile home removed	119.93		2027400

1132	Over 10 years delinquent for 2021 taxes	2532.69	many
1133	5 years or more delinquent for 2021 taxes	3550.36	many

Commissioner Kuka seconded. Motion carried.

EXPENDITURES IN EXCESS OF \$500 APPROVED

Commissioner Kuka moved and Commissioner Morren seconded to approve \$7,500 for grounding the halo antenna on the courthouse building for radios, which will be done by Kronebusch Electric. Motion carried.

RESOLUTION FOR OPPOSING THE FEDERAL GOVERNMENT'S "30 X 30" LAND PRESERVATION GOAL

PONDERA COUNTY MONTANA
RESOLUTION #38 – 2020/21
OPPOSING THE FEDERAL GOVERNMENT'S "30 X 30" LAND PRESERVATION GOAL

WHEREAS, Pondera County is a legal and political subdivision of the State of Montana, for which the Board of County Commissioners is authorized to act; and

WHEREAS, Pondera County containing about 1,049,600 acres of land situated in West Central Montana; and

WHEREAS, the federal government owns 10.4% of the land within the County, and the US Forest Service and BLM are responsible for managing over 109,106 acres of these federal and

WHEREAS, approximately 27,672 acres (nearly 2.6% percent) of privately owned land in Pondera County are also already protected with perpetual conservation; and

WHEREAS, approximately 51,857 acres (nearly 7% percent) of privately owned land in Pondera County are also already protected in the Conservation Reserve Program (Federal CRP); and

WHEREAS, approximately 219,123 acres (nearly 21% percent) of land in Pondera County is State or Tribal owned land; and

WHEREAS, approximately 124,618 acres (nearly 12% percent) of privately owned land in Pondera County is irrigated with water originating on or near Pondera county; and

WHEREAS, designating lands as wilderness does not assure its preservation. Left in an undisturbed or natural state, these lands are highly susceptible to wildland wildfires, insect infestation and disease, all of which degrades the natural and human environment; and

WHEREAS, because of the predominance of federal land in Pondera County, the well-being, health, safety, welfare, economic condition, and culture of the County, its businesses, and its citizens depend on the manner in which these lands and their resources are used and access to these lands; and

WHEREAS, many of Pondera County's businesses and its citizens are involved in or otherwise depend on industries that utilize federal lands and their resources, including the forest products industry, livestock grazing, oil and gas exploration and production, mining and mineral development, recreational industries, hunting and other outdoor recreation; and

WHEREAS, these industries are important components of the Montana's economy, and are major contributors to the economic and social wellbeing of Pondera County and its citizens; and

WHEREAS, on January 27, 2021, President Joseph R. Biden, Jr., issued Executive Order 14008 entitled Tackling the Climate Crisis at Home and Aboard (86 Fed. Reg. 7,619); and

WHEREAS, in Section 216 of Executive Order 14008, President Biden directed the Secretary of the Interior, in consultation with the Secretary of Agriculture and other senior officials, to develop a program to conserve at least 30 percent of the lands and waters in the United States by 2030, which is called the "30 x 30" program; and

WHEREAS, under the 30 x 30 program, some 680 million acres of our Nation's lands

would be set aside and permanently preserved in its natural state, preventing the productive use of these lands and their resources; and

WHEREAS, there is no constitutional or statutory authority for the President, the Department of the Interior, the Department of Agriculture, or any other federal agency to set aside and permanently preserve 30 percent of all land and water in the United States, and no such authority is referenced in Executive Order 14008; and

WHEREAS, the 30 x 30 program, if implemented, is likely to cause significant harm to the economy of Pondera County, and injure the County's businesses and its citizens by depriving them of access to public lands and national forest system lands and preventing the productive use of these lands' resources; and

WHEREAS, the withdrawal of some 680 million acres of federal lands from multiple use and placement of such lands in permanent conservation status will cause dramatic and irreversible harm to the economies of many western states, including Montana and in particular rural counties such as Pondera County whose citizens depend on access to federal lands for their livelihoods; and

WHEREAS, Executive Order 14008 at 216(a) directs the Secretary of the Interior, in consultation with other relevant federal agencies to "submit a report to the Task Force within 90 days of the date of this order recommending steps that the United States should take, working with State, local, Tribal, and territorial governments, agricultural and forest landowners, fishermen, and other key stakeholders, to achieve the goal of conserving at least 30 percent of our lands and waters by 2030."

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pondera County, Montana, as follows:

1. The Board opposes the 30 x 30 program, including its objective of permanently preserving 30 percent of the Nation's lands in its natural state by 2030, or any similar program that will set aside and prevent the productive use of millions of acres of our lands.
2. The Board further opposes the designation of public lands and national forests in Pondera County as wilderness, wilderness study areas, wildlife preserves, open space, or other conservation land, thereby restricting public access to such lands and preventing the development and productive use of the resources on or within such lands.
3. The Board supports the continued management of the public lands and the national forests under principles of multiple use and sustained yield, recognizing the Nation's need for domestic sources of minerals, energy, timber, food, and fiber, and in careful coordination with Pondera County to ensure consistency with County land use plans and land management policies, as required by law.
4. The Board supports maintaining and enhancing public access to public lands and national forests and opposes road closures, road decommissioning, moratoria on road construction, and other limitations on public access for the purpose of fulfilling the 30 x 30 program's objectives.
5. The Board recognizes and supports the State of Montana's water rights system, including the doctrine of prior appropriation and other state laws and programs governing water rights and water use, and opposes any federal designation of waters and watercourses within the County that would impair or restrict water diversions and uses authorized under Montana law.
6. The Board supports reasonable national, regional, and global greenhouse gas emissions policies and goals that are comprehensive, practical, cost-effective, and do not unnecessarily single out specific industries or activities, but opposes the use of global climate change as an excuse to set aside large tracts of land as preserves or open space to fulfill the 30 x 30 program's objectives.
7. The Board maintains that the designation of public lands and national forest lands as wilderness, wilderness study areas, wildlife preserves, open space, or other conservation land to fulfill the 30 x 30 program's objectives may lawfully occur, if at all, only through the planning process mandated by the Federal Land Management and Policy Act (for public lands) or the National Forest Management Act (for national

forest lands), including public notice and an opportunity to comment, analysis and disclosure of the impacts of such land acquisitions on the well-being, health, safety, welfare, economy, and culture of Pondera County, its businesses, and its citizens, and careful coordination with Pondera County to ensure consistency with County land use plans and land management policies.

- 8. The Board also maintains that any non-federal lands or other rights that are acquired to fulfill the 30 x 30 program's objectives should be acquired only from willing landowners and for the payment full and fair market value for all rights and interests acquired, and not through regulatory compulsion, and only after analyzing and considering the impacts of such land acquisitions on the well-being, health, safety, welfare, economy, and culture of Pondera County, its businesses, and its citizens.
- 9. The Board shall send a copy of this Resolution to the Department of Interior

Adopted this 19th day of May, 2021, as moved by Commissioner Kuka, seconded by Commissioner Morren, and passed on a 3-0 vote of the full board. Effective on passage and approval.

BOARD OF COMMISSIONERS
Pondera County, Montana

/s/ Dale J Seifert
Dale J Seifert, Chairman

/s/ Thomas A Kuka
Thomas A Kuka, Member

ATTEST:

/s/ Jim Morren
Jim Morren, Member

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

MAY 26, 2021 REGULAR MEETING OF THE COMMISSION:

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

TAX ABATEMENTS 1134-APPROVED

Commissioner Morren moved to approve the following abatement:

NUMBER	REASON	CANCEL	ADD	PARCEL NO
1134	Sold and attached to real estate	1076.80		2038400

Commissioner Kuka seconded. Motion carried.

DATE, TIME, AND PLACE SET FOR COUNTY COMPENSATION BOARD

Commissioner Kuka moved to set the County Compensation Board meeting for Wednesday, June 9 at 9:00 a.m. in the Commissioner's Office. Commissioner Morren seconded. Motion carried.

CLAIMS APPROVED FOR PAYMENT

<u>FUND</u>		
Fund	Fund Description	
1000	GENERAL	23,934.33
2110	ROAD	26,424.79
2130	BRIDGE	4,881.26
2140	WEED	1,704.88
2160	COUNTY FAIR	2,500.00
2170	AIRPORT	4,566.00
2230	AMBULANCE	178.29
2235	COUNTY HOSPITAL	223,666.47
2290	EXTENSION SERVICE	6,704.01
2300	PUBLIC SAFETY (LAW ENFORCEMENT)	20,845.45
2401	BRADY LIGHTS MAINTENANCE	291.43
2830	JUNK VEHICLE	164.65

2840	NOXIOUS WEED GRANT	1,301.89
2850	911 EMERGENCY	2,192.39
2851	E-911 & GPS/GIS PROJECT GRANT	14,756.00
2853	911 CAD GRANT	760.00
2854	911 RADIO PURCHASE GRANT	9,647.00
2860	LAND USE PLANNING	2,645.60
2866	NORTHERN TRANSIT INTERLOCAL	262.61
2958	EP (DES) GRANTS	1,366.00
2963	ORAL HEALTH SERVICES GRANT	160.00
2973	MATERNAL CHILD HEALTH	405.15
2978	CHRONIC DISEASE GRANT	754.43
2980	HEALTH CARE FOUND. GRANT	85.00
4009	PUBLIC SAFETY CAPITAL IMP	1,794.79
7920	REFUND FUND	6,360.96

TOTAL CLAIMS	358,353.38
TOTAL PAYROLL	\$ 270,086.19
TOTAL CLAIMS AND PAYROLL FUNDS	\$ 628,439.57

ADJOURNMENT

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

Pondera County, Montana.

Dale J Seifert, Chairman

ATTEST:

Kody L Farkell, Clerk & Recorder