

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

The Board of Pondera County Commissioners met daily in informal session and in scheduled meetings on March 3, 10, 17, and 24 2021. Unless indicated, all Commissioners were present.

**MARCH 3 2021 REGULAR MEETING OF THE COMMISSION:**

PRESENT: Commissioner Thomas Kuka, Commissioner Dale Seifert, Commissioner Jim Morren, Clerk & Recorder Kody Farkell, Deputy Clerk & Recorder Tammy Bartsch, Road and Bridge Superintendent Steve Kaphammer, Eric Bechtold-RDO Equipment Co, Orin Robinson-RDO Equipment Co, Kraig Pester-Tractor & Equipment Co, Public Members Lance Stokes, Don Connelly, Chas Bales, Erika Nefzger, Wendy Connelly, Trina Bradley

PUBLIC COMMENT

Members from the town of Valier were present to discuss the mask restrictions in the Valier school made by the County Health Board, due to Covid-19. They requested a public hearing, with the County Health Board, to have the opportunity to discuss their opinions on the matter. Commissioner Seifert agreed to set up the meeting and have the details posted of the date and time.

BID OPENING FOR 8 MOTOR GRADERS

Two bids were received for the purchase of 8 motor graders for the Road/Bridge department.

1. RDO Equipment Co. – \$355,081.00 each, 2021 John Deere 772G  
Governmental Fixed Interest Rate – 3.25%  
60 months - \$287,892.00 annual payment
2. Tractor & Equipment Co. - \$330,187.00 each 2021 Caterpillar Inc. 150AWD  
With Trade-In  
1<sup>st</sup> annual payment - \$369,838.04  
2<sup>nd</sup> thru 6<sup>th</sup> payments - \$258,273.04  
Governmental Fixed Interest Rate – 2.99%  
Without Trade-In  
60 months - \$281,919.76  
Governmental Fixed Interest Rate – 2.99%

Commission Kuka moved and Commissioner Morren moved to take the bids under advisement for further review. Motion carried.

ENCROACHMENT AGREEMENT-APPROVED

Commissioner Kuka moved to approve the Encroachment Agreement requested by Wesley Sarmiento to add a driveway with a culvert on Frances Heights Road. Commissioner Morren seconded. Motion carried.

ADMINISTRATIVE MATERIALS “G” AGRICULTURAL COVENANT APPROVED

Commissioner Kuka moved to allow an agricultural covenant to be placed on a tract of land in Lots 1,2,3,4,5,6,7,8, and 10, SW1/4NW1/4, SW1/4 Section 29 T30 N, R6W, as permitted under the Montana Subdivision and Platting Act, 76-3-101 through 76-3-625, MCA. Commissioner Morren seconded. Motion carried.

**MARCH 10, 2021 REGULAR MEETING OF THE COMMISSION:**

PRESENT: Commissioner Thomas Kuka, Commissioner Dale Seifert, Commissioner Jim Morren, Clerk & Recorder Kody Farkell, Deputy Clerk & Recorder Tammy Bartsch, Road and Bridge Superintendent Steve Kaphammer, Orin Robinson-RDO Equipment Co

PUBLIC COMMENT

Orin Robinson from RDO Equipment Co. was present to ask if there was any more questions about the RDO Equipment Co. bid quote on the motor graders.

ACCEPTANCE OF MOTOR GRADER BID

Commissioner Morren moved to accept the bid from Tractor & Equipment Co. for eight motor graders. Commissioner Kuka seconded. Motion carried.

RESOLUTION REQUESTING DISTRIBUTION OF LOCAL GOVERNMENT ROAD CONSTRUCTION AND MAINTENANCE MATCH PROGRAM FUNDS-ADOPTED  
PONDERA COUNTY, MONTANA

RESOLUTION # 25 – 2020/21

REQUESTING DISTRIBUTION OF LOCAL GOVERNMENT ROAD CONSTRUCTION AND MAINTENANCE MATCH PROGRAM FUNDS

WHEREAS, the Bridge and Road Safety and Accountability Restricted Account created By HB 473 requires the Montana Department of Transportation to allocate accrued funds to cities, towns, counties, and consolidated city-county governments for construction, reconstruction, maintenance, and repair of rural roads, city or town streets and alleys, and bridges; and,

WHEREAS, a city, town, county, or consolidated city-county government that requests funds under the Bridge and Road Safety and Accountability Account must match each \$20 requested with \$1 of local government matching funds; and,

WHEREAS, a city, town, county, or consolidated city-county government requesting distribution of allocated funds may make such a request to the Department of Transportation between March 1 and November 1 of the year the funds were allocated; and,

WHEREAS, a description of the project to be funded is: ROAD AND BRIDGE REPAIRS AND MAINTENANCE; and,

WHEREAS, the local match for the allocated funds totals \$3,932.72 identified in the attached copy of approved road/bridge expenditures from current year operating budget.

THEREFORE, BE IT RESOLVED that

1. Pondera County requests distribution of its share of the allocated Bridge and Road Safety and Accountability funds (\$78,654.22) to be used for road and bridge and maintenance;
2. That the Chairman of the Board of Pondera County Commissioners or other staff is hereby empowered and authorized to execute such further documents as may be necessary to facilitate the distribution of said funds.

Adopted this 10<sup>th</sup> day of March, 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, Chair

/s/ Thomas A Kuka  
Thomas A Kuka, Member

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

/s/ Jim Morren  
Jim Morren, Member

RESOLUTION DESIGNATING THE ENVIRONMENTAL CERTIFYING OFFICIAL FOR GRANT-ADOPTED

PONDERA COUNTY MONTANA  
RESOLUTION #26 – 2020/21

DESIGNATING THE ENVIRONMENTAL CERTIFYING OFFICIAL FOR GRANT

WHEREAS, in 2020 the Pondera County applied for federal, state, local and private funding to renovate the Pondera County Medical Center Heating, Cooling, Domestic Hot Water systems and lighting fixtures;

WHEREAS, all necessary funding has been received to permit the project to go forward; and

WHEREAS, an Environmental Certifying Official may be designated by formal resolution.

NOW, THEREFORE, BE IT RESOLVED that Dale J Seifert, Pondera County Commissioner - Chairman is designated as the Environmental Certifying Official to produce an Environmental Review Record;

BE IT FURTHER RESOLVED that Pondera County will ensure that it and all of its contractors or agents shall conduct all program matters in a non-discriminatory manner such that all persons regardless of race, gender, age, disability, or other protected class shall be treated equally and further each shall comply with the policies and procedures delineated in the 2020 Pondera Medical Center Energy Performance Contract Management Plan, approved by the Montana Department of Commerce Community Development Block Grant Program.

Adopted this 9<sup>th</sup> day of March, 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, Chair

/s/ Thomas A Kuka  
Thomas A Kuka, Member

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

/s/ Jim Morren  
Jim Morren, Member

RESOLUTION DECLARING PROPERTY SURPLUS AND SETTING SALE-  
ADOPTED

PONDERA COUNTY  
RESOLUTION #27 – 2020/21  
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:

Twelve (12) metal file cabinets

Three (3) metal desks

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 items at surplus auction through private.

ADOPTED this 10<sup>th</sup> day of March, 2021, 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 COMMISSIONERS**

Pondera County, Montana

/s/ Dale J Seifert  
Dale J Seifert, Chair

/s/ Thomas A Kuka  
Thomas A Kuka, Member

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

/s/ Jim Morren  
Jim Morren, Member

FEBRUARY COMMISSION MINUTES APPROVED

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

TAX ABATEMENTS 1120-1123-APPROVED

Commissioner Kuka moved to approve the following abatement:

NUMBER	REASON	CANCEL	ADD	PARCEL NO
1120	DOR-AB-26	2.94		480900
1121	DOR-AB-26	10.25		525400
1122	DOR-AB-26	49.77		492600
1123	DOR-AB-26	24.88		523300

Commissioner Morren seconded. Motion carried.

PUBLIC HEARING FOR TAX BENEFIT AS NEW OR EXPANDING INDUSTRIAL CLASSIFICATION – MT AG, LLC. – March 16, 2021

PRESENT: Commissioner Thomas Kuka, Commissioner Jim Morren, Commissioner Dale Seifert, City Councilman David Cates, Jamie Birch owner of MT AG LLC, Mayor Wendy Judisch, Deputy Clerk & Recorder Tammy Bartsch

Jamie Birch of MT AG, LLC. has submitted the necessary paperwork requesting a tax abatement for the next ten years on their newly constructed facility located at 706 Vermont Street. Both attorneys have reviewed the paperwork and have determined the requirements have been met. Advertising and notifications as required by MCA have been made as well as the real estate taxes being current. The tax abatement is incentive based on either 25% or 50% of the taxable value of the property starting in 2022 for five years then increases to the full taxable value attained in the 10<sup>th</sup> year. Mayor Judisch noted the financial difference between the two percentages. Mayor Judisch also noted that the land is being leased from the City of Conrad. Commissioner Seifert then called for public comment on behalf of the City and Pondera County. Commissioner Seifert again called for additional comments. No comments were heard nor were any written comments received by either the City or the County. Comment was again called for and none was heard.

**MARCH 17, 2021 REGULAR MEETING OF THE COMMISSION:**

PRESENT: Commissioner Thomas Kuka, Commissioner Dale Seifert, Commissioner Jim Morren, Deputy Clerk & Recorder Tammy Bartsch, Road and Bridge Superintendent Steve Kaphammer, Patrick Montalban – Public Member

ADMINISTRATIVE MATERIALS “G” AGRICULTURAL COVENANT APPROVED

Commissioner Kuka moved to allow an agricultural covenant to be placed on a tract of land in the W1/2SW1/4, SW1/4NW1/4 Section 28 T.30 N, R3, as permitted under the Montana Subdivision and Platting Act, 76-3-101 through 76-3-625, MCA. Commissioner Morren seconded. Motion carried.

EMPLOYEE HEALTH INSURANCE COMMITTEE APPOINTED-APPROVED

Commissioner Kuka moved to appoint Ashley Johnson to the Employee Health Insurance Committee. Commissioner Morren seconded. Motion carried.

PURCHASE OF MATERIALS FOR HEIGHTS ROAD BRIDGE REPAIRS - APPROVED

Commissioner Morren moved and Commissioner Kuka seconded the approval of expenditures for repairs of Heights Road Bridge. Bouma Post Yard provided a quote of \$27,271.00. The purchase will be paid for from the Road/Bridge Capital Improvement Fund.

Motion carried.

**RESOLUTION GRANTING MT AG, LLC A TAX BENEFIT FOR NEW OR EXPANDING INDUSTRY-ADOPTED**

**PONDERA COUNTY  
RESOLUTION #28 – 2020/21  
GRANTING MT AG, LLC A TAX BENEFIT  
FOR NEW OR EXPANDING INDUSTRY**

WHEREAS, the Board of County Commissioners of Pondera County has been presented with a State of Montana Department of Revenue Form CAB-1, New or Expanding Industry Classification Application by MT Ag, LLC, pursuant to Section 15-24-1402, MCA; and

WHEREAS, the legal description of the affected property is:  
Lot 5 of the Conrad East Industrial Park Subdivision  
(706 Vermont St)  
Conrad, Pondera County, Montana; and

WHEREAS, the investments that will be made on or before the tax year 2022, are for qualifying improvements that have a value of a minimum of \$125,000 and meet the requirements of Section 14-24-1402 (2)(a); and

WHEREAS, due notice as defined in 76-15-103 MCA was given by publishing the notice of public hearing in The Independent-Observer and The Valierian, newspapers of general circulation in Pondera County; and

WHEREAS, all taxing jurisdictions affected by the potential tax benefit were notified of the public hearing on the New or Expanding Industry Classification Application by MT Ag, LLC by certified mail; and

WHEREAS, a public hearing was held in the Commissioners' Office, Pondera County Courthouse, 20 4<sup>th</sup> Avenue SW, Conrad, Montana on March 16, 2021 to discuss with the public, hear their opinions, and answer questions about the New or Expanding Industry Classification Application by MT Ag, LLC; and

WHEREAS, the tax relief requested by MT Ag, LLC in its New or Expanding Industry Classification Application, if granted, would impact and potentially burden all taxpayers in Pondera County and any tax relief in violation of any provision of 15-24-1401 or 15-24-1402 shall allow for the recapture of all taxes avoided, plus, in the event of nonpayment of property taxes provided in 15-16-102, MCA, interest and penalties.

WHEREAS, should MT Ag, LLC apply for any additional tax relief, via an AB-26 procedure (informal review), or any other avenue, during the term of the tax relief granted herein, MT Ag, LLC shall notify the Pondera County Commissioners of their request for informal review by the Montana Department of Revenue (or any other avenue for additional tax relief). Any such application will render this resolution null and void and MT Ag, LLC shall pay to Pondera County all taxes avoided, plus, in the event of nonpayment of property taxes provided in 15-16-102, MCA, all interest and penalties as a result of nonpayment of taxes.

NOW, THEREFORE, BE IT RESOLVED that the New or Expanding Industry Classification Application submitted by MT Ag, LLC with respect to the buildings or structures situated on

Lot 5 of the Conrad East Industrial Park Subdivision  
(706 Vermont St)

Conrad, Pondera County, Montana; and is hereby approved and that said new industry be taxed pursuant to the Section 15-24-1402, MCA.

BE IT FURTHER RESOLVED that approval of this application by the Board of County Commissioners is based solely on the information stated under penalty of perjury by the Applicant. The Board of County Commissioners acknowledges that the State of Montana Department of Revenue may approve or disapprove applicant's tax reduction based on the criteria controlling such approval. In the event the application is disapproved by the Department of Revenue, this Resolution has no force or effect.

BE IT FURTHER RESOLVED that the allowed benefit is, pursuant to 15-24-1402, Montana Code Annotated:

Beginning tax year is 2022

1<sup>st</sup> year through 5<sup>th</sup> year, taxed at 25% of taxable value (tax years 2022, 2023, 2024, 2025 and 2026);

6<sup>th</sup> year through 10<sup>th</sup> year, Subject to 15-10-420, taxed at increased equal percentages until the full taxable value is attained in the 10<sup>th</sup> year (tax years 2027, 2028, 2029 and 2030). In subsequent years, the property must be taxed at 100% of its taxable value.

BE IT FURTHER RESOLVED, any tax relief granted herein in violation of any provision of 15-24-1401 or 15-24-1402 MT Ag, LLC shall be recaptured by payment by MT Ag, LLC of all taxes avoided, plus, in the event of nonpayment of property taxes provided in 15-16-102, MCA, interest and penalties.

BE IT FURTHER RESOLVED, should MT Ag, LLC apply for any additional tax relief, via an AB-26 procedure (informal review), or any other avenue, during the term of the tax relief granted herein MT Ag, LLC shall notify the Pondera County Commissioners of their request for informal review by the Montana Department of Revenue (or any other avenue for additional tax relief). Any such application will render this resolution null and void and MT Ag, LLC shall pay to Pondera County all taxes avoided, plus, in the event of nonpayment of property taxes provided in 15-16-102, MCA, all interest and penalties as a result of nonpayment of taxes.

Adopted this 17<sup>th</sup> day of March, 2021 as moved by Commissioner Kuka, seconded by Commissioner Morren, and passed on a full vote of the full board. Effective on passage and approval.

BOARD OF COUNTY COMMISSIONERS

/s/ Dale J Seifert  
Dale J Seifert, Chairman

/s/ Thomas A Kuka  
Thomas A Kuka, Member

ATTEST:

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

/s/ Jim Morren  
Jim Morren, Member

AIRPORT LAND LEASE AGEEMENT WITH PONDERA GOLF COURSE-  
APPROVED

Commissioner Kuka moved the approval of the Pondera Golf Course lease, with changes suggested by County Attorney. Commissioner Morren seconded. Motion carried.

PUBLIC COMMENT

Patrick Montalban, with Montalban Oil and Gas Operations Inc., was present asking for Commissioners support on House Bill 3185, revising taxation of stripper oil and gas wells. Montalban explained how this bill would help, the oil businesses in Pondera County, during these times of uncertainty.

**MARCH 24, 2021 REGULAR MEETING OF THE COMMISSION:**

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

RESOLUTION AUTHORIZING BUDGET AMENDMENTS TO PONDERA COUNTY BUDGET-ADOPTED

PONDERA COUNTY MONTANA  
RESOLUTION #29 – 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
2994-331993	Cares Act (COVID-19)	\$380,000	\$278,000
2821-335040	Gas Tax Revenue (BARSAA)	\$ 76,613	\$ 78,635
2821-383005	County Match	\$ 3,932	\$ 3,940
4012-383000	Interfund Transfer	\$0	\$446,445
Expenditures	Description	Prior Amount	New Amount
2994-101-440154-110	Salaries	\$100,000	\$0
2994-101-440154-140	Benefits	\$ 30,000	\$0
2994-101-440154-210	Supplies	\$250,000	\$0
2994-010-410000-144	Retirement Contr	\$0	\$ 27,300
2994-011-410000-145	Insur Contr	\$0	\$ 37,017
2994-101-410103-219	Equipment	\$0	\$ 10,096
2994-112-411201-110	Salaries	\$0	\$ 1,175
2994-112-411201-140	Benefits	\$0	\$ 150
2994-112-411201-210	Supplies	\$0	\$ 1,395
2994-201-420101-110	Salaries	\$0	\$121,235
2994-201-420101-140	Benefits	\$0	\$ 9,370
2994-202-420230-229	Supplies	\$0	\$ 72
2994-203-420160-110	Salaries	\$0	\$ 63,755
2994-203-420160-140	Benefits	\$0	\$ 6,435
2300-201-521025-820	Transfer to Cap Imp	\$0	\$446,445
2110-302-521022-823	Transfer to BARSAA	\$ 1,965	\$ 1,970
2130-303-521022-823	Transfer to BARSAA	\$ 1,965	\$ 1,970
2821-302-430016-931	Enhanced Gas Tax	\$82,545	\$82,587

Adopted this 24<sup>th</sup> day of March, 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, Chair

/s/ Thomas A Kuka  
Thomas A Kuka, Member

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

/s/ Jim Morren  
Jim Morren, Member

REGULAR MEETING MARCH 31, 2021 CANCELLED

Commissioner Morren moved and Commissioner Kuka seconded to cancel the regular meeting of the Commissioners scheduled for March 31, 2021. Commissioners Seifert

and Morren will be attending the Montana Association of Counties Road Supervisors Conference in Great Falls. Motion carried.

NO MEETING MARCH 31 AS ALL THREE COMMISSIONERS WERE ATTENDING THE MACO ANNUAL CONFERENCE

CLAIMS APPROVED FOR PAYMENT

<u>FUND</u>	Fund Description	
1000	GENERAL	27,706.52
2110	ROAD	22,976.29
2130	BRIDGE	1,955.40
2140	WEED	1,001.73
2160	COUNTY FAIR	500.00
2170	AIRPORT	6,659.53
2230	AMBULANCE	253.87
2290	EXTENSION SERVICE	6,849.90
2300	PUBLIC SAFETY (LAW ENFORCEMENT)	16,387.90
2371	HEALTH INSURANCE - EMPLOYER CONTRIBUTION	930.78
2401	BRADY LIGHTS MAINTENANCE	380.31
2800	ALCOHOL REHABILITATION	4,175.00
2830	JUNK VEHICLE	13.15
2850	911 EMERGENCY	1,340.81
2853	911 CAD GRANT	5,937.69
2860	LAND USE PLANNING	1,063.50
2866	NORTHERN TRANSIT INTERLOCAL	196.19
2958	EP (DES) GRANTS	1,063.78
2963	ORAL HEALTH SERVICES GRANT	85.00
2973	MATERNAL CHILD HEALTH	117.85
2978	CHRONIC DISEASE GRANT	1,188.43
2980	HEALTH CARE FOUND. GRANT	85.00
7920	REFUND FUND	87.84
	TOTAL CLAIMS	100,956.47
		\$
	TOTAL PAYROLL	250,342.14
		\$
	TOTAL CLAIMS AND PAYROLL FUNDS	351,298.61

The meeting adjourned at 5:00 p.m. on March 31, 2021.

Pondera County, Montana.

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Dale J Seifert, Chairman

ATTEST:

\_\_\_\_\_  
Kody L Farkell, Clerk & Recorder