

BROADWATER COUNTY COMMISSIONERS

515 Broadway, Townsend

Meetings are held at the Flynn Building (old Opportunity Bank) 416 Broadway

Agenda, documents, Official Meetings Minutes and videos of Commission meetings are available and at

<https://www.broadwatercountymt.com>

OFFICIAL agendas are posted in the Courthouse (1st Floor Bulletin Board), [Broadwatercountymt.com](https://www.broadwatercountymt.com), and in the window of the Flynn Building on the Thursday before the Commission Meetings. Working Meetings are not live streamed

REVISED AGENDA FOR WEEK OF JULY 11, 2022

July 11th Monday

- 10:00 AM Discussion Jessica Bushnell County Weed and Mosquito Coordinator: Lois Christenson regarding weeds in subdivision
- 10:10 AM Discussion and Decision: Dean Nelson Montana Opticom and Nathan Bilyeu Jackson, Murdo & Grant P.C. A resolution of the Broadwater County Commissioners authorizing the issuance of a 90-day notice and comment period under 26 usc § 142(n) for the purpose of receiving comments to be considered at a later Public Hearing regarding the issuance of conduit exempt facility broadband bonds on behalf of Montana Opticom for the construction of fixed, terrestrial broadband service infrastructure.
- 10:20 AM Discussion and Decision, Nichole Brown Broadwater County Community Development Director Lancello Family Transfer
- 1:00 PM Discussion and Decision Horse Creek Hills Subdivision

July 14th Thursday

- 10:00 AM Working Meeting with Matt Blassic, GIS Specialist with Great West Engineering. Discuss County needs for GIS services
NOTE: Working Meetings are NOT livestreamed or recorded

Public comment period (on items not on the agenda) will be at the beginning of each meeting. Mail & Items for Discussion and/or signature may occur as time allows during the meeting. Issues and times are subject to change.

Items for Discussion / Action / Review / Signature – Consent Agenda

- ✓ Certificate of Survey review
- ✓ Management – on-going advisory board appointments
- ✓ Claims/Payroll/minutes
- ✓ County Audit / Budget
- ✓ Mail – ongoing grants
- ✓ Correspondence – support letters

Darrel Folkvord	Chairperson	406-266-9272 and 406-980-1213
Debi Randolph		406-266-9270 and 406-980-2050
Mike Delger		406-266-9271 and 406-521-0834
E-mail	commissioners@co.broadwater.mt.us	

**Certificate of Survey Exemption Affidavit
Broadwater County**

**Gift or Sale to Immediate Family Member
Section 76-3-207(1)(b), MCA.**

When a landowner requests to be exempt from the Subdivision and Platting Act, state law requires Broadwater County determine whether the request is an attempt by the property owner to evade subdivision regulation. Broadwater County will use the information provided by the applicant in this affidavit as well as other evidence when making its determination.

Please complete both sides of this application. Every owner of the property (owners of record) must sign this affidavit. Use additional sheets of paper if necessary.

A. Name of Landowners:

Dylan Lancello Phone: 952-956-2987

Phone: _____

B. Number of Parcels Proposed: 2.

C. Size of Each Parcel Proposed: 79.74
~~81.74~~ac, 22.00
~~20.10~~ac, _____, _____.

D. Name and Relationship to Landowner of Family Member(s) Receiving Gift Parcel(s)

Name Jessica Lancello Relationship Wife
Age: _____ Current Mailing Address: _____

Name _____ Relationship _____
Age: _____ Current Mailing Address: _____

Name _____ Relationship _____
Age: _____ Current Mailing Address: _____

Name _____ Relationship _____
Age: _____ Current Mailing Address: _____

A "member of the "immediate family" may include only the grantor's spouse, children by blood or adoption, and parents.

E. History of the Parcel:

1. To your knowledge, have any exemptions been used to divide this property after July 1, 1973, including exemptions for mortgage tracts, gift or sale to an immediate family member, boundary line relocation, occasional sale? *See Sections 76-3-201 and 76-3-207, MCA.*

Yes No **If "yes", provide the chronological history of divisions and attach a copy of a Certificate of Survey or Deed evidencing the divisions:**

Date	Exemption	Tract Label	Tract Size	COS No. or Deed No.
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

2. To your knowledge, in regard to this property, did you or any previous owner ever attend a pre-application conference or submit for subdivision review of any part of this property, since July 1, 1973? Was any subdivision denied?

Yes No **If YES, explain:** _____

F. Proposed Exemption Information

To your knowledge:

1. Will each new parcel be used as a homesite for a family member?

Yes No **If NO, explain:** _____

2. Could the transfer be accomplished by a "relocation of common boundary lines"?

Yes No **If YES, explain:** _____

3. Will the newly created parcels become one of three or more parcels created from the original parcel after July 1, 1973?

Yes No **If YES, explain:** _____

4. Would the use of the family gift exemption violate any statute, case law, administrative rule, or Attorney General Opinion?

Yes No **If YES, explain:** _____

5. Does the parcel to be transferred fit a pattern of land divisions and land transfers?

Yes No **If YES, explain:** _____

6. Have any divisions of land ever been denied on this property?

Yes No **If YES, explain:** _____

7. Is the parcel being transferred to a family member who is a minor?

Yes No **If YES, please provide a draft Trust document.**

8. Are you transferring a parcel to your spouse?

Yes No **If YES, explain:** Gifted a parcel to my spouse

9. Do you agree that you and/or your family member receiving this property will not sell any of the tracts created under the family transfer exemption for a period of two (2) years unless you or the recipient files for subdivision review?

Yes No

If your life circumstances change per a birth, death, divorce, illness, etc. you may request an exemption to the two (2) year time period from the County Commissioners.

Under penalties of perjury, I (we) declare that I (we) have examined this affidavit and the accompanying sketch or draft Certificate of Survey of the proposed division of land, and to the best of my (our) knowledge and belief, they are true, correct, complete and are in compliance with all State laws and local regulations.

Date June 3, 2022.

Signature of Each Applicant:

[Signature]

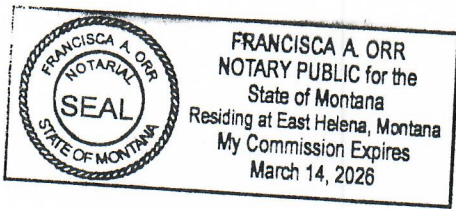
Signature of Each Recipient:

[Signature]

STATE OF MONTANA)
County of Lewis & Clark : ss.
_____)

On this 3 day of June, 2022,
Pylan Lancello and Jessica Lancello
personally, appeared before me and having been duly sworn did herein execute the above instrument for the purposes stated.

Notary's Seal/Stamp



[Signature]

Notary Public for the State of Montana

Francisca A. Orr

Printed Name

Notary Public for the state of Montana

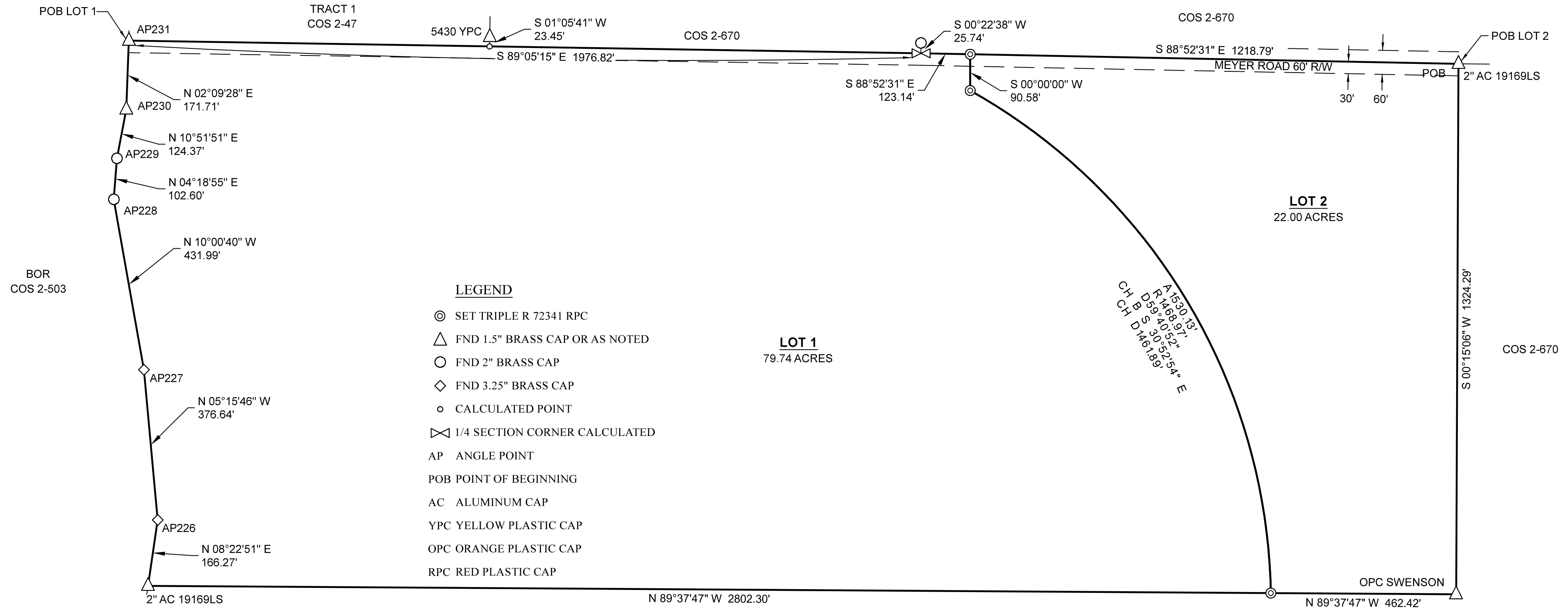
Residing at East Helena

My Commission expires: ~~March 10~~, 2026
March 14

****If the Survey Review Committee grants concept or survey approval to a proposed exemption, that approval is valid only for ninety days, subject to any legislative changes.****

CERTIFICATE OF SURVEY

FOR: DYLAN LANCELLO
PURPOSE: FAMILY MEMBER TRANSFER



LEGEND

- ⊙ SET TRIPLE R 72341 RPC
- △ FND 1.5" BRASS CAP OR AS NOTED
- FND 2" BRASS CAP
- ◇ FND 3.25" BRASS CAP
- CALCULATED POINT
- ⊠ 1/4 SECTION CORNER CALCULATED
- AP ANGLE POINT
- POB POINT OF BEGINNING
- AC ALUMINUM CAP
- YPC YELLOW PLASTIC CAP
- OPC ORANGE PLASTIC CAP
- RPC RED PLASTIC CAP

LOT 1 HUSBAND (DYLAN LANCELLO)

A TRACT OF LAND LOCATED IN THE N1/2 OF SECTION 3, TOWNSHIP 7 NORTH, RANGE 2 EAST, P.M.M. BROADWATER COUNTY, MONTANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AP 231, THENCE S 89°05'15" E, 1976.82 FEET TO THE NORTH 1/4 CORNER OF SECTION 3; THENCE S 88°52'31" E, 123.14 FEET ALONG THE NORTH LINE OF SAID SECTION 3; THENCE S 90°00'00" W, 90.58 FEET; THENCE ON A NON-TANGENT CURVE TO THE RIGHT, RADIUS 1468.97 FEET, ARC LENGTH 1530.13 FEET, CHORD BEARING S 30°52'54" E, AND CHORD DISTANCE 1461.89 FEET; THENCE N 89°37'47" W, 2802.30 FEET ALONG THE SOUTH LINE OF GOVERNMENT LOTS 2, 3, AND 4 TO A POINT ON A LINE BETWEEN AP 226 AND AP 225; THENCE N 08°22'51" E, 166.27 FEET TO AP 226; THENCE N 05°15'46" W, 376.64 FEET TO AP 227; THENCE N 10°00'40" W, 431.99 FEET TO AP 228; THENCE N 04°18'55" E, 102.60 FEET TO AP 229; THENCE N 10°51'51" E, 124.37 FEET TO AP 230; THENCE N 02°09'28" E, 171.71 FEET TO THE POINT OF BEGINNING. THE TRACT OF LAND CONTAINS 79.74 ACRES, MORE OR LESS AND IS SUBJECT TO ALL EXISTING EASEMENTS AND DOCUMENTS OF RECORD AS SHOWN ON THIS SURVEY.

LOT 2 WIFE (JESSICA LANCELLO)

A TRACT OF LAND LOCATED IN THE NE1/4 OF SECTION 3, TOWNSHIP 7 NORTH, RANGE 2 EAST, P.M.M. BROADWATER COUNTY, MONTANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE E1/16 CORNER OF SECTION 3, THENCE S 00°15'06" W, 1324.29 FEET ALONG THE EAST LINE OF GOVERNMENT LOT 2 TO THE NE1/16; THENCE N 89°37'47" W, 462.42 FEET ALONG THE SOUTH LINE OF SAID GOVERNMENT LOT 2; THENCE ON A NON-TANGENT CURVE TO THE LEFT, RADIUS 1468.97 FEET, ARC LENGTH 1530.13 FEET, CHORD BEARING N 30°52'54" W, AND CHORD DISTANCE 1461.89 FEET; THENCE N 00°00'00" E, 90.58 FEET TO THE NORTH LINE OF SAID SECTION 3; THENCE S 88°52'31" E, 1218.79 FEET TO THE POINT OF BEGINNING. THE TRACT OF LAND CONTAINS 22.00 ACRES, MORE OR LESS AND IS SUBJECT TO ALL EXISTING EASEMENTS AND DOCUMENTS OF RECORD AS SHOWN ON THIS SURVEY.

SUBDIVISION EXEMPTION

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT THIS SURVEY IS FOR A DIVISION OF LAND MADE OUTSIDE A PLATTED SUBDIVISION FOR THE PURPOSE OF A SINGLE GIFT OR SALE TO THE LANDOWNER'S IMMEDIATE FAMILY AND IS THEREFORE EXEMPT FROM REVIEW UNDER THE MONTANA SUBDIVISION AND PLATTING ACT PURSUANT TO 76-3-207(1)(b), MCA

DEQ EXEMPTION

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT LOTS 1 AND 2 ARE EXEMPT FROM DEQ REVIEW IN ACCORD WITH MCA 76.4.102(23), BECAUSE THESE PARCELS ARE 20 ACRES OR GREATER, EXCLUSIVE OF PUBLIC ROADWAYS.

CERTIFICATE OF COUNTY TREASURER

I HEREBY CERTIFY, PURSUANT TO SECTION 76-3-207 (3) OF MCA, THAT ALL REAL PROPERTY TAXES AND SPECIAL ASSESSMENTS ASSESSED AND LEVIED ON THE LAND DESCRIBED ON THIS CERTIFICATE OF SURVEY ARE PAID IN FULL.

GEO CODE 43-1591-03-1-02-01-0000
TAX CODE 7000403

DATED THIS ____ DAY OF _____, 2022.

TREASURER, BROADWATER COUNTY, MONTANA
CERTIFICATE OF EXAMINING LAND SURVEYOR

REVIEWED FOR ERRORS AND OMISSIONS IN CALCULATIONS AND DRAFTING THIS ____ DAY OF _____, 2022 PURSUANT TO SECTION 76-3-611(2)(a), MCA.

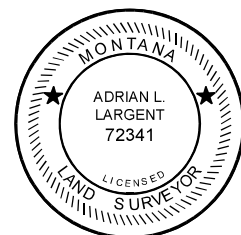
EXAMINING LAND SURVEYOR
LICENSE No. _____

COS'S USED

COS BK.2 PG.47 550-B
COS BK.2 PG.503 635-A
COS BK.2 PG. 670 L666A
BASIS OF BEARING:
GEODETIC NORTH BASED ON GPS OBSERVATION

JOB No. 4434
DRAFTED BY: AL
DATE: MARCH 30, 2022

CERTIFICATE OF LAND SURVEYOR

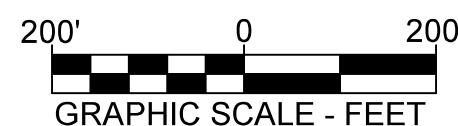


ADRIAN L. LARGENT P.L.S. (72341LS)
PROFESSIONAL LAND SURVEYOR



NOTARY'S SEAL/STAMP

NOTARY PUBLIC FOR THE STATE OF MONTANA



TRIPLE R SURVEYING, INC
P. O. BOX 2201 EAST HELENA, MT. 59635

DATE _____, 20__.

DYLAN LANCELLO

ON THIS ____ DAY OF _____, 20__.

DYLAN LANCELLO PERSONALLY APPEARED BEFORE ME AND DID HEREIN EXECUTE THE ABOVE INSTRUMENT FOR THE PURPOSES STATED.

BROADWATER COUNTY, MONTANA

CERTIFICATE OF CLERK AND RECORDER:

I, _____ CLERK AND RECORDER OF BROADWATER COUNTY, MONTANA, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WAS FILED IN MY OFFICE AT _____ O'CLOCK (AM OR PM), THE ____ DAY OF _____, AD, 2022, AND RECORDED IN BOOK _____ OF PLATS ON PAGE _____, RECORDS OF THE CLERK AND RECORDER, BROADWATER COUNTY, MONTANA.

CLERK AND RECORDER, BROADWATER COUNTY, MONTANA

1/4	SEC.	T.	R.
3	7N	2E	

P.M. MONTANA,
BROADWATER COUNTY

RESOLUTION _____

**A RESOLUTION OF THE BROADWATER COUNTY COMMISSIONERS
AUTHORIZING THE ISSUANCE OF A 90-DAY NOTICE AND COMMENT PERIOD
UNDER 26 USC § 142(n) FOR THE PURPOSE OF RECEIVING COMMENTS TO BE
CONSIDERED AT A LATER PUBLIC HEARING REGARDING THE ISSUANCE OF
CONDUIT EXEMPT FACILITY BROADBAND BONDS ON BEHALF OF MONTANA
OPTICOM FOR THE CONSTRUCTION OF FIXED, TERRESTRIAL BROADBAND
SERVICE INFRASTRUCTURE.**

BE IT RESOLVED by the Board of County Commissioners of Broadwater County, Montana (the “County”) as follows:

WHEREAS, the County is authorized by Title 90, Chapter 5, Part 1, Montana Code Annotated, as amended (the “Act”) to issue industrial development revenue bonds (the “Bonds”) for the financing of acquisitions and improvements to real and personal property suitable to use for commercial, manufacturing, agricultural, or industrial enterprises where the improvements are in the public interest of the County and to provide money from such financing to be used for the acquisition, construction, equipping, and installation of such improvements by a loan to a company or to be owned by a company being solely responsible for all obligations under the Bonds and all costs of issuing the Bonds;

WHEREAS, Montana Opticom, a Montana limited liability company (the “Company”), has advised the County that it proposes that the County issue the Bonds and loan the proceeds of the Bonds to the Company in order to (i) assist the Company with the financing of the costs of constructing an expansion of its fixed, terrestrial broadband network, with such construction to be located in Broadwater County, Montana, and other locations in Montana and (ii) pay other project-related costs and costs associated with the issuance of the Bonds (all together, the “Project”);

WHEREAS, it is proposed by the Company that the Bonds be issued, in whole or in part, as tax-exempt bonds as a “Qualified Broadband Project” under 26 U.S.C. § 142(n);

WHEREAS, the following are required in order to qualify a broadband project under 26 U.S.C. § 142(n):

(1) IN GENERAL.—For purposes of subsection (a)(16), the term ‘qualified broadband project’ means any project which—

(A) is designed to provide broadband service solely to 1 or more census block groups in which more than 50 percent of residential households do not have access to fixed, terrestrial broadband service which delivers at least 25 megabits per second downstream and at least 3 megabits service upstream, and

(B) results in internet access to residential locations, commercial locations, or a combination of residential and commercial locations at speeds not less than 100 megabits per second for downloads and 20 megabits for second for uploads, but only if at least 90 percent of the locations provided such access under the project

are locations where, before the project, a broadband service provider— “(i) did not provide service, or “(ii) did not provide service meeting the minimum speed requirements described in subparagraph (A).

(2) NOTICE TO BROADBAND PROVIDERS.—A project shall not be treated as a qualified broadband project unless, before the issue date of any issue the proceeds of which are to be used to fund the project, the issuer—

(A) notifies each broadband service provider providing broadband service in the area within which broadband services are to be provided under the project of the project and its intended scope,

(B) includes in such notice a request for information from each such provider with respect to the provider’s ability to deploy, manage, and maintain a broadband network capable of providing gigabit capable Internet access to residential or commercial locations, and

(C) allows each such provider at least 90 days to respond to such notice and request.

WHEREAS, prior to holding any of the meetings and the hearing required by the Act, the County must obtain the information necessary to make the findings required by 26 U.S.C. § 142(n) and must provide the 90-day notice and comment period required by 26 U.S.C. § 142(n);

WHEREAS, the Company proposes notices be provided by the County as required by 26 U.S.C. § 142(n)(2) and that all responses thereto be directed to the County for consideration at a public hearing prior to any approval of the issuance of the Bonds; and

WHEREAS, if the bonds are ultimately approved, the County would be acting as a conduit issuer of the Bonds and would not incur any pecuniary liability or any charge upon its general credit or against its taxing powers as detailed in § 90-5-103(1), MCA

NOW, THEREFORE BE IT RESOLVED, by the County Commissioners of the County of Broadwater, Montana (the “County”) as follows:

Section 1. Approval of the Company’s Request to Notice Broadband Providers. This County Commission does hereby authorize notices compliant with 26 U.S.C. § 142(n)(2) to be sent out on behalf of the County, either by the County or by a designated agent, as the County is acting as the proposed conduit issuer of the Bonds. Such notice must comply with U.S.C. § 142(n)(2) and direct that all responses be provided directly to the County.

Section 2. No Current Approval of Bonds. This Resolution does not approve or authorize the issuance of the Bonds. Any such approval and authorization may only be provided, if at all, after all public notice, comment, meetings, and hearings required by Montana and federal law.

Dated this ___ day of _____, 2022.

BOARD OF COUNTY COMMISSIONERS
BROADWATER COUNTY

Darrel Folkvord, Chairman

ATTEST:

Angie Paulsen, Clerk and Recorder