

**Glacier County Commissioners
Thursday, July 25, 2019
Regular Meeting
Cut Bank, MT**

The Glacier County Board of Commissioners met at a regular meeting scheduled meeting at 9:00 am Thursday, July 25, 2019. Commissioners Michael DesRosier, Tom McKay and John B. Overcast was present and Clerk & Recorder Mandi Bird Kennerly taking minutes.

Present at the Meeting: Jim Newman, CB Airport; Linda Luther, Kyla Presnell, Marlene Luedtke, Elaine Mitchell, Public; Amy Overstreet, Cut Bank Chamber; LeAnne Kavanagh, Press.

A. Roll Call

B. Approval of Agenda: Receipt of Budget Amendment EG Park-Already done

C. Reading of the Minutes: 7/2/19, 7/9/19, 7/11/19 & 7/15/19

Commissioner Overcast motions to approve 7/2, 7/9, 7/11, & 7/15/19 minutes with changes; Commissioner McKay seconded; motion carried.

D. Review/Sign: Payroll/Claims

Dated for July 25, 2019

CLAIMS APPROVED FOR PAYMENT

<i>FUND</i>	<i>ACCOUNT</i>	<i>AMOUNT</i>
1000	General Fund	\$ 13,121.25
2110	Road Fund	\$ 34,087.57
2140	Weed Control	\$ 5,482.45
2220	Library	\$ 1,286.14
2230	Ambulance	\$ 6,843.65
2250	City/County Planning	\$ 1,000.00
2300	Public Safety (Law)	\$ 6,647.80
2360	Museum	\$ 1,448.00
2821	Local Gov't Road Program Funds	\$ 17,513.32
2900	P.I.L.T.	\$ 3,850.50
	TOTAL CLAIMS	\$ 91,280.68
	PAYROLL	\$ 227,120.27
	TOTAL PAYROLL & CLAIMS	\$ 318,400.95

NEW BUISNESS

E. Discussion/Approval: Resolution #2019-13 Cut Bank Airport Authority Joint Resolution-GC Commissioners

Commissioner DesRosier stated he would like to strike (Appointees shall be citizens, freeholder and taxpayers, and change to Residents. Commissioner DesRosier calls for a motion to approve Resolution #2019-13 with change.

Commissioner McKay motions to approve Resolution 2019-13; Commissioner Overcast seconded; motion carried.

**GLACIER COUNTY RESOLUTION
CUT BANK AIRPORT AUTHORITY JOINT RESOLUTION
RESOLUTION 2019-13**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUT BANK, MONTANA, AND THE BOARD OF COUNTY COMMISSIONERS OF GLACIER COUNTY, MONTANA, SUPERCEDING CITY RESOLUTIONS NO. 95-2 AND 861 (1), (2) AND COUNTY RESOLUTIONS NO 95-3 AND 861 (1), (2).

WHEREAS, the City of Cut Bank, Montana and Glacier County, Montana, (heretofore know as Joint Agencies) own and operate in cooperation with each other a general aviation facility in Glacier County and known as the Cut Bank International Airport (Airport),

WHEREAS, the County of Glacier and the City of Cut Bank have jointly operated the Airport through Glacier County Cut Bank Regional Airport Authority (Authority) for a number of years pursuant to Joint Resolutions passed in 1982 and 1995,

WHEREAS, it has become necessary to update said Resolutions creating the Glacier County Cut Bank Regional Airport Authority and for that purpose to supersede the prior resolutions.

NOW THEREFORE, BE IT RESOLVED by the County Commissioners of County of Glacier and the City Council of the City of Cut Bank, Montana, that the previous resolutions be superseded by the following Resolutions.

RESOLUTION NO. ONE

“A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUT BANK, MONTANA, AND THE BOARD OF COUNTY COMMISSIONERS OF GLACIER COUNTY, MONTANA, TO UPDATE AND AMEND PREVIOUS RESOLUTIONS CREATING THE GLACIER COUNTY CUT BANK REGIONAL AIRPORT AUTHORITY, PROVIDING FOR ITS MEMBERSHIP; PRESCRIBING ITS POWERS AND DUTIES AND PROVIDING THAT THIS RESOLUTION MAY NOT BE CHANGED, MODIFIED OR AMENDED WITHOUT THE JOINT APPROVAL OF THE CITY COUNCIL OF THE CITY OF CUT BANK, MONTANA AND THE BOARD OF COUNTY COMMISSIONERS OF GLACIER COUNTY, MONTANA.

WHEREAS, the City Council of the City of Cut Bank, Montana, and the Board of County Commissioners of Glacier County, Montana, continue to support the operation and funding of the said airport facilities in order to promote the health and economic activities that utilize aviation facilities within Glacier County,

NOW THEREFORE, BE IT RESOLVED by the City Council of City of Cut Bank Montana, and the Board of County Commissioners of Glacier County, Montana, as follows:

SECTION 1. That the Glacier County Cut Bank Regional Airport Authority has been created pursuant to Section 67-11-101, MCA, The Airport Authorities Act, a public body, corporate and politic as provided by Section 67-11-103, MCA. (Reference Section 67-11-103, MCA)

SECTION 2. Pursuant to this resolution, the City Council of the City of Cut Bank and the Board of County Commissioners of Glacier County do bestow on the Glacier County Cut Bank Regional Airport Authority the designation of Sponsor for Federal and State Funding in order to carry out the requirements of operating the Cut Bank International Airport on behalf of the Joint Agencies (67-11-106 (6), (7)).

SECTION 3. The City Council of the City of Cut Bank, Montana, and the Board of County Commissioners of Glacier County, Montana, shall appoint a Joint Board to the Authority of five (5) members as follows: two board members by the City of Cut Bank; two board members by Glacier County: and one board member to be appointed jointly by the City of Cut Bank and Glacier County. Appointees shall be "Residents" ~~citizens, freeholder and taxpayers~~ within the boundaries of Glacier County. Such members shall hold office for three years terms, automatically renewed until their successors shall be appointed and qualified. Appointees currently serving as of the date of the adoption of this resolution shall continue to serve according to those appointments. Not less than 30 days prior to the expiration of the term of each board member he shall be notified by the appointing agency of the intention of that agency to either to let the appointment continue or end his appointment. Vacancies caused by death, censure by Authority for Authority rules violations, conflict of interest or resignation shall be filled by the appointing agencies. (Reference Section 67-11-104, MCA, 67-11-204 MCA)

SECTION 4. The Authority shall organize, select officers (Chairman and Vice Chairman) and adopt and amend from time to time rules for its own procedures consistent with Section 67-11-104 MCA. Rules and By-laws adopted by the Authority shall be approved by the Joint Agencies, and such rules and by-laws shall be made available to the public at the Authority office. (Reference 67-11-103 (1) MCA, 67-11-202 MCA)

SECTION 5. That each board member shall be covered by the blanket bond in force by the Joint Agencies.

SECTION 6. That none of the members of the Authority shall receive any salary for acting as such members, excepting however, that said Authority may at its discretion, compensate any of the members thereof for actual expenses incurred in performing the duties on behalf of the Authority. Mileage may be allowed at current IRS rate as of the time the expense is created.

SECTION 7. The Authority shall meet on the Third Tuesday of each month and at times determined by the Chairman, at the Airport Main Terminal or at such other times as may be called by the Chairman or by action of three of the board members. A quorum for the

transaction of business at any regular or special meetings shall consist of three members. Posted notices of meetings shall be provided to the board members three days prior to meetings. Posted notices compliant with Montana open meeting rules shall also be posted prior to each meeting.

SECTION 8. No member of the Authority shall be interested, directly or indirectly financially in any property purchased for the use of the Authority, or in any contract entered into by the Authority for supplies, services, or any other expenditures in connection with the operation care and maintenance of the Airport.

SECTION 9. That a Joint Fund, to be known as the Glacier County Cut Bank Regional Airport Authority (XXXX) is maintained and established with the Glacier County Treasurer, into which said Fund all County distributed revenues and taxes shall be deposited. The Authority shall maintain an Authority Business Account at a local bank for the purpose of paying and receipting all aspects of its operation. The Treasurer monthly shall provide for the transfer of deposited funds from the Joint Fund to the Authorities Business Account by check ACH or transfer in order for the Authority to carry out its business. The City of Cut Bank and County of Glacier shall deposit their proportionate shares and mill levies for Airport operations as required by law to be used for Authority purposes either by transfer, ACH or check. (Reference 67-11-106 (2), 67-11-205 MCA, 67-11-201 MCA, 67-11-301 MCA, 67-11-302 MCA)

- a) The Authority shall hire or contract with a person as Secretary to maintain the general and financial records of the Authority including monitoring of the Joint Fund and Authority Business Account transactions, generate reports and records as required, act as “Sponsors Designated Representative” for federal projects, assure budget compliance and perform any other duties as defined by the Authority. The Secretary shall represent the Authority in all Audits and financial review of Authority Operations.
- b) All claims against the Authority must be filed by the Secretary and available to the board members prior to the Authority meetings. All documentation supporting the claims must be available to the board members at approval.
- c) All Claims against the Authority shall be paid from the Authority Business Account by Authority Check or ACH. Claims that have been legally examined and approved by the Secretary of the Board shall be reviewed and signed by the Chairman or Vice Chairman before payment. The Authority board members must review and sign off on all claims and with a quorum and by voice vote approve the claims
- d) All claims presented by board members for actual expenses as set out in Section 6 must be verified by the Secretary and approved by another board member before payment.
- e) The Authority shall maintain checks suitable to negotiate these claims drawn on the Authority Business Account.

SECTION 10. The Authority shall submit an annual budget to the Joint Agencies and certify the Mills required, based on law, to support the Authority activities by June 10 of the year prior. Such budgets shall detail anticipated revenues including federal and state aid, and expenses (excluding depreciation).

SECTION 11. The Authority is granted all rights and authority provided for under 67-11-201 MCA. And is incorporated hereto by reference. (Reference 67-11-201)

SECTION 12. Airport Property Disposal. Except as may be limited by the terms and conditions of any grant, loan, or agreement authorized by 67-11-305, the Authority may by sale lease or otherwise dispose of (1) any non-real property, or portion of or interest in an airport or facility acquired pursuant to this 67-11 MCA. The disposal by sale, lease or otherwise must be in accordance with adopted rules of the Authority. Sale of Real property may be affected by terms, approval and recommendation of the Authority to the Joint Agencies to create a Joint Resolution disposing of the property. Approval of sale of real property is required by United States Government due to conditions of Federal Grant and the Surplus Properties Act. (Reference 67-11-232)

SECTION 13. Federal and State Grants. The Authority is empowered to accept grants for any of its corporate purposes. The Joint Agencies empower the Authority as Sponsor for access Federal and State grants. The actions and obligations taken under this section shall be a commitment upon the Joint Agencies and shall revert to the Joint Agencies upon dissolution of the Authority. All Federal and State Grants are subject to the Assurances and Commitments outlined in the granting documents and fully enforceable upon the Authority as Sponsor and Joint Agencies. (Reference 67-11-305 MCA)

SECTION 14. Bonds, loans and Obligations. The Authority is empowered to borrow for any of its corporate purposes. The powers and limitations are incorporated by reference 67-11-303 MCA. The actions and obligations taken under this section shall be a commitment upon the Joint Agencies and shall revert to the Joint Agencies upon dissolution of the Authority. (Reference 67-11-305 MCA)

SECTION 15. The Authority, and all lands, income and facilities under it authority is exempt from all taxes. This is exemption is granted by 67-11-306 as any other property used for a public purpose and incorporated by reference. (67-11-306 MCA)

SECTION 16. Dissolution of the Authority and final disposal of the real and personal property held by the Authority in its name or the name of the Agencies jointly shall be limited by any limitations and assurance placed on and agreed to through Federal Grants. Dissolution must be by joint resolution of the Joint Agencies. Upon dissolution the Agencies shall share in proceeds thereof in the proportion that the each contributed.

SECTION 17. The Authority is to operate under these terms, covenants and conditions: and any and all rights granted under Chapter 11 of Title 67 of the Montana Code Annotated 2017.

Revisions of Chapter 11 of Title 67 of the Montana Code Annotated by Montana State Legislature or authorized agencies shall immediately be incorporated by reference.

SECTION 18. The terms, covenants and conditions of this Joint Resolution shall be binding upon both the City Council of the City of Cut Bank and the County Commissioners of Glacier County, and any changes, modifications or amendments to the Resolution shall only be made by, and with the joint approval of, the City Council of the City of Cut Bank, Montana and the Board of County Commissioners of Glacier County Montana.

SECTION 18. The Authority shall have the following powers and duties:

- 1) To acquire land and other property for the Authority purposes in the name of the Joint Agencies.
- 2) To hire labor and Machinery for improving, equipping, maintaining and operating the airport.
- 3) To pay all expenses of such Authority out of the Authority Business Account. No expenditures may be made in excess of the funds available in the Authority Business Account without prior joint approval of the Joint Agencies.
- 4) To submit and adopt and submit annual budget prior to June 10th of each year for review and approval of the Joint Agencies in the same manner as the Joint Agencies budgets. No expenditures may be made in excess of the budgeted amount unless documented additional income is recorded in the Authority Business Account. Expenditures of funds in excess of budgeted amounts without an increase in revenue are not authorized without prior joint approval of the Joint Agencies.
- 5) To adopt Rules, Regulations, and procedures to govern the actions of the Authority and amend them from time to time as required. The Authority has provided these documents to the Joint Agencies who have approved them. The Authority shall submit revised Rules and Regulations to the Joint Agencies for approval upon such time that the Authority finds it necessary to revise such documents.
- 6) To maintain in full effect, Liability and Hangar Keepers Insurance covering the Airport, Authority and holding the Joint Agencies harmless in an amount appropriate for the operations covered.

SECTION 19. The Authority is hereby vested in the powers under 67-11-211 MCA. The Authority may enter into leases of up to 40 years. (Reference 67-11-204 MCA, 67-11-211 MCA)

SECTION 20. For the purpose of aiding and cooperating with the Authority the Joint Agencies are allowed to cooperate with the Authority as specified in 67-11-106 of the MCA upon request of the Authority and approval/agreement of the Joint Agencies. 67-11-106 (2), MCA is adopted and agreed to as part of this resolution. The Joint Agencies furthermore agree to provide legal services through the Glacier County Attorney and Cut Bank City Attorney as required for the Authority purposes. (Reference 67-11-106 MCA)

SECTION 21. The terms, covenants and conditions of this Joint Resolution shall be binding upon both the City Council of the City of Cut Bank and the County Commissioners of Glacier

County, and any changes, modifications or amendments to the Resolution shall only be made by, and with the joint approval of, the City Council of the City of Cut Bank, Montana and the Board of County Commissioners of Glacier County Montana.

JOINT RESOLUTION NO. TWO

A JOINT REOLUTION OF THE CITY COUNCIL OF THE CITY OF CUT BANK, MONTANA AND THE BOARD OF COUNTY COMMISSIONERS OF GLACIER COUNTY, MONTANA PROVIDING FOR THE APPORTIONMENT OF THE COST, CHARGES AND EXPENSES OF THE GLACIER COUNTY CUT BANK AIRPORT AUTHORITY BETWEEN THE SAID CITY OF CUT BANK, MONTANA AND THE SAID COUNTY OF GLACIER; PROVIDING THE PROPORTIONATE SHARES BE PAID TO THE GLACIER COUNTY CUT BANK REGIONAL AIRPORT AUTHORITY.

WHEREAS, the County of Glacier and the City of Cut Bank, acting jointly under the provisions of Chapter 11 of Title 67 of the Laws of Montana and by joint resolution have heretofore created the Glacier County Cut Bank Regional Airport Authority by prior resolution, vesting in said Authority all jurisdiction over the Cut Bank International Airport located in Glacier County, Montana.

AND WHEREAS, in accordance with said Chapter 11 of Title 67 of the Laws of Montana do continue to commit to the Joint Agencies financial shares to be contributed to the Authority as soon as available by the City of Cut Bank and County of Glacier.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Cut Bank, Montana and the Board of County Commissioners of Glacier County, Montana as follows:

SECTION 1. That for the purpose of paying cost, charges and expenses of the said Glacier County Cut Bank Regional Airport Authority, the Joint Agencies shall levy annually a tax up to the limit of law as certified by the Authority board. The Joint Agencies shall provide that incomes distributed based on Mill percentages or amounts be made available subject to limitations of law.

SECTION 2. That the terms and conditions of this Resolution shall be binding upon the said City of Cut Bank and the said County of Glacier, and that this Resolution may not be repealed, amended or modified without the joint action of the City Council of the City of Cut Bank and the Board of County Commissioners of Glacier County.

ADOPTED this 25th day of July, 2019.

/s/ Michael J. DesRosier, Commissioner Chairman

/s/ Tom McKay, Commissioner Vice Chairman

/s/ John B. Overcast, Commissioner Member

/s/ Mandi Bird Kennerly, Clerk & Recorder

F. Discussion/Approval: (10:30-11:00) Mercantile Building Conference Call w/Stahly, GC Commissioners & Amy Overstreet-Cut Bank Chamber

Robie Culver, Stahly stated that they did the walk through of the facility, took pictures and talked through what they thought needed to be done. They also talked about probability of cost for demo and improvements. Commissioner Overcast was wondering about a timeline. Robie stated it will be included in schedule, plan to have filled August or the first part of September. We can still continue the work of the feasibility study and recommendations by September. Robie asked if the county will waive the fees for dumping. Robie would like the commissioners to discuss. She stated her and Commissioner Overcast talked about the pre-clean up. She asked if they should have the contractor do this and also asked if the utilities are shutoff. Amy Overstreet stated gas, water, and other utilities she will check. As far as dumping Northern Montana Joint Refuse would be the one to waive the disposal fees. If it is hazardous they cannot waive, if regular she thinks they can. Amy also stated that the county mentioned they did have fill but needed to check the specs.

Robie stated that funding is going to be the challenge. She stated that Chancy was going to meet with Rural Development sometime this week, also Brenda Schilling is looking into resources. Robie stated that she will be sending over the scope of work that she has for review and that she will send later today.

Call ended @ 10:48 am

Commissioner Overcast stated that he will call NMJRDD and ask about disposal. Commissioner DesRosier asked what the new owner's think. Amy Overstreet stated that they are happy with forward progress, but they won't go forward just yet.

Kyla Presnell asks about the lot, Commissioner DesRosier replied that the city will take the responsibility. Kyla asked if they are just turning over without any exchange of properties. Commissioner DesRosier stated yes, Amy Overstreet added that the city will cover the expense of paving, lighting and repair the alley so it is more drivable.

OTHER BUISNESS

G. Public comment

Kyla Presnell asks about West End Cemetery and the environment/sanitary conditions. Commissioner DesRosier and Kyla have a discussion on this issue. Commissioner DesRosier gives Kyla Ron Andersons phone number so she can contact him and ask sanitarian questions.

LeAnne Kavanagh asks about the EMS auction of the vehicles. Commissioner DesRosier directed her to speak with Chancy and Tauna. She also asks what percentage the auction company was going to keep, Commissioner DesRosier responded 10%. Leanne Kavanagh also asks about the Tribes assessment and if it included because of the lawsuit. Commissioner DesRosier responded yes, we have to show it as revenue. He also stated that Glenda showed 98% last year. She also asked about registering warrants and why? Commissioner McKay stated that he has not been in any conversations. Kyla Presnell

asked what it means when she says registering warrants. Commissioner DesRosier stated it was complicated process and explains the process. Kyla Presnell asked who decides the registering of warrants, Commissioner DesRosier and Chet responded that they were not sure but are assuming the Treasurer. They also stated that they will look into it and find out. LeAnne Kavanagh stated that Magda sent her statue 7-6-2601-2607 August of 2017, the statue don't state specifics as to who.

H. Next Meeting-Tuesday, August 6, 2019-Cut Bank

Commissioner McKay motions to adjourn @ 11:01 am; Commissioner Overcast seconded; motion carried.