

Glacier County Commissioners
Thursday, September 15, 2022
Regular Meeting
Cut Bank, MT

The Glacier County Board of Commissioners met at a regularly scheduled meeting at 9:00 a.m. on Thursday, September 15, 2022. Commissioners Mary Jo Bremner and John B. Overcast were present. Commissioner Michael J. DesRosier was absent. Austin Parrent taking minutes.

Present at the meeting: Carol Larson, Public; Linda Burley, City of Cut Bank Clerk/Treasurer; Ron Andersen, Glacier County Sanitarian; Becky Kimmet, Glacier County Library Board Member; Merle Shortman, Public; Elaine Mitchell, Public; Laurie Elhard, Public; Sue Racine, Road Department Secretary; Rod Peterson, Cut Bank North Glacier County Water & Sewer District; Rachel Fenner, Clerk & Recorder Elections Staff

Present via GoToMeeting: (1) Caller; Brenda Schilling; Elaine; Gloria; Linda Luther

A. Roll Call

The meeting called to order at 9:00 a.m.

B. Approval of Agenda

Commissioner Overcast motions to approve the September 15, 2022 agenda with changes, adding Merle Shortman to the agenda for overpaid taxes; Commissioner Bremner seconds the motion; motion carried.

C. Review/Sign: Payroll/Claims

Dated for September 15, 2022

CLAIMS APPROVED FOR PAYMENT

<i>FUND</i>	<i>ACCOUNT</i>	<i>AMOUNT</i>
1000	General Fund	\$ 64,019.82
2110	Road Fund	\$ 8,004.40
2140	Weed Control	\$ 260.80
2180	County District Court	\$ 9,081.75
2220	Library	\$ 1,217.87
2230	Ambulance	\$ 2,008.25
2260	Emergency Disaster (DES)	\$ 267.00
2300	Public Safety (Law)	\$ 6,551.46
2410	Glacier Park Lights	\$ 532.30
2752	Library Memorial Fund - From 7052	\$ 64.60
2850	911 Emergency (Sheriff)	\$ 826.50
2956	Transportation Alternatives Program	\$ 6,282.73
2968	Chronic Disease Prevention Grant	\$ 12.60
2971	Women, Infants, & Children (WIC)	\$ 110.54
2976	Immunization Grant	\$ 2,217.60
2979	Immunization Reimbursement	\$ 1,086.51

7302	West End Cemetery	\$ 292.46
	TOTAL CLAIMS	\$ 102,837.19
	PAYROLL	\$ 208,572.75
	TOTAL PAYROLL & CLAIMS	\$ 311,409.94

NEW BUSINESS:

D. Discussion/Approval: Galbreath Minor Subdivision Survey Correction (Pannoni) – Ron Anderson, Glacier County Sanitarian/Glacier County Commissioners

Glacier County Sanitarian Ron Andersen explains that in 2005, Kenneth Galbreath subdivided a parcel of land into one 50-acre parcel and another 100-acre parcel called the Galbreath Minor Subdivision plat. A Montana Department of Environmental Quality (DEQ) exemption was placed on the original plat which prohibits any development of structures that require water, wastewater, storm water run-off, and solid waste. At the time, the Galbreath Minor Subdivision was approved, any parcel that was greater than 20 acres would not have needed a DEQ review for water, wastewater, storm water run-off, or solid waste. It was an incorrect exemption that should not have been placed on the original plat to begin with.

Subsequent to that, Russell and Amy Pannoni bought the 50-acre parcel and subdivided out approximately 20 acres into 5 separate parcels called Chief Mountain Meadows Minor Subdivision. That left a remainder of roughly 30 acres. That is also exempt and did not require any kind of review. A supreme court decision came out after that which now requires a review of remainders, but it was not required at that time. That same 30-acre remainder is now being offered for sale. They got title insurance, and the title insurance is now citing the exemption, which is tying down the title and creating problems for the sale of the property.

The title insurance company wants an affidavit to go on record to explain why the DEQ exemption is inappropriate and should not exist on the original Galbreath Minor Subdivision plat in the first place.

Ron Andersen spoke with Glacier County Attorney Terryl Matt and it was decided that they would need the commissioners approval for the affidavit since the original Galbreath Minor Subdivision plat was approved by the commissioners back in 2005. With the commissioners' approval, Glacier County Sanitarian Ron Andersen and Glacier County Planner Jim Yeagley would proceed to write the affidavit and put it on file with the Galbreath Minor Subdivision plat.

Commissioner Bremner and Ron Andersen discuss if a resolution is required. Ron states that normally when a Certificate of Survey or Plat are filed a resolution is not required at that time and in this case, all that is necessary is the affidavit and a commissioner motion to approve Ron and Jim to carry out the affidavit.

Ron Andersen gives the commissioners the language for the motion. "It is hereby determined that the 50.1 acre parcel created by the Galbreath Minor Subdivision Plat was never subject to the provision of either the Montana Subdivision Platting Act nor the Montana Sanitation and Subdivision Act."

Commissioner Overcast motions to approve the Galbreath Minor Subdivision Survey Correction as defined in the affidavit; Commissioner Bremner seconds the motion; motion carried.

E. Discussion/Approval: Resolution No. 2022-20 BARSAA FY2022-2023 – John “Snoop” Evans, Glacier County Road Supervisor

**GLACIER COUNTY RESOLUTION
BARSAA FY2022-2023
A RESOLUTION REQUESTING DISTRIBUTION OF LOCAL GOVERNMENT ROAD
CONSTRUCTION AND MAINTENANCE MATCH PROGRAM FUNDS
RESOLUTION #2022-20**

WHEREAS, the Bridge and Road Safety and Accountability Restricted Account created by HB473 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, Glacier County intends to utilize their allocation of funds for purchase of gravel for application and maintenance of County roads; and

WHEREAS, the local match for the allocated funds and roads to receive gravel application are identified in Appendix A.

NOW THEREFORE BE IT RESOLVED, that Glacier County Board of Commissioners requests distribution of its share of the allocated Bridge and Road Safety and Accountability funds to be used for purchase of gravel to be used for application and maintenance of County roads.

BE IT FURTHER RESOLVED, that the Chairman of the Commission of Glacier County is hereby empowered and authorized to execute such further documents as may be necessary to facilitate the distribution of said funds.

ADOPTED this 15th day of September, 2022.

ATTEST:

GLACIER COUNTY BOARD OF COMMISSIONERS:

/s/ Mandi Bird Kennerly, Clerk & Recorder

/s/ Mary Jo Bremner, Chair

/s/ Michael J. DesRosier, Vice-Chairman

/s/ John B. Overcast, Member

APPENDIX A
PROPOSED GLACIER COUNTY BARSAA PROJECT 2022-2023

Description and Scope of Work:

Glacier County plans to use the funds gained from BARSAA program to buy and spread gravel on as many of our highly travelled gravel roads in the county as possible. The new gravel will be spread and the roads graded at the same time. This makes for better and safer travel for the residents who must travel these roads daily.

The scope of work for the project is as follows:

1. Spread new gravel and grade gravel roads in Glacier County. Work done by County Road Dept. personnel.
2. Haul and spread approximately 7778 cu. yards of gravel on as many gravel roads as possible in Glacier County.
3. Gravel to be purchased from various contractors.

BUDGET BREAKDOWN: Purchase gravel at approximately \$20 per cubic yard.

1. \$20 per cubic yard X 7777.48 cu. yards = \$155,549.61

DISTRIBUTION REQUEST	
GLACIER COUNTY BARSAA FUEL TAX ALLOCATION	\$148,142.49
COUNTY MATCH (5 %) from Road Dept. Budget	\$7407.12
TOTAL PROJECT ALLOCATION	\$155,549.61

Sue Racine, Glacier County Roads Department Administrative Assistant, presents Resolution No. 2022-20 to the Glacier County Commissioners. She states that this year the Roads

Department intends to purchase gravel instead of magnesium chloride to maintain Glacier County's gravel roads. A 5% match for the funds is required and will come from the Roads Department budget when the gravel purchase is made.

Commissioner Overcast motions to approve FY2022-2023 BARSAA Resolution No. 2022-20; Commissioner Bremner seconds the motion; motion carried.

F. Discussion/Approval: Stage 2 Fire Restrictions – Judd Milender, Glacier County DES Director

**** FOR IMMEDIATE RELEASE ****

Effective September 07, 2022

In consultation with County, City and Blackfeet Tribal Fire Management as well as State of Montana entities, Glacier County will be moved to **Stage Two Fire Restrictions** and will remain in effect until further notice. The County remains under high fire danger conditions due to extended hot temperatures and a general lack of moisture. The warm weather, coupled with the lack of rainfall and low relative humidity and gusty winds necessitate Stage Two Fire Restrictions until further notice.

Stage Two Restrictions:

- Open burning is prohibited.
- Building, maintaining, attending, or using a fire, campfire, or stove fire. This includes charcoal grills and barbecues, coal and wood burning stoves and also prohibits use in developed camping and picnic areas. Exceptions allow for use of grilling devices if used on a deck or cement area greater than 6ft by 6ft.
- Smoking is permitted **ONLY** within an enclosed vehicle, inside a building. No outside smoking permitted.
- All Fireworks are prohibited. All exploding targets (available for sale to recreational shooters) are also considered a pyrotechnic product and are also prohibited.
- Welding or operating acetylene or other torch with open flame.
- Operating or using any internal combustion engine e.g., chainsaw, generator, ATV without a spark arresting device properly installed, maintained and in effective working order.
- Possessing or using a motor vehicle off established roads, motorized trails or established parking areas when parking in an area devoid of vegetation with 10feet of the vehicle.

EXEMPTIONS: Exemptions will be made for the following industries and workers but must maintain proper fire extinguisher apparatus or water truck capabilities (**Agriculture, Energy, and any Emergency personnel**)

Glacier County Office of Emergency Management is in regular contact with all county, city, tribal and regional fire managers and plan to review and reassess the fire conditions weekly to determine when appropriate to ease restrictions or increase stages as the weather and environment changes.

Commissioner Overcast motions to move Glacier County to Stage Two Fire Restrictions; Commissioner Bremner seconds the motion; motion carried.

G. Discussion/Approval: Cancel Tuesday, September 27, 2022 Commissioner Mtg due to attendance at the MACo Annual Conference) - Glacier County Commissioners

Commissioner Bremner explains that the scheduled commissioner meeting on September 27, 2022 will be cancelled due to the commissioners attending the Montana Association of Counties (MACo) Annual Conference.

H. Discussion/Approval: Glacier County ARPA Minimum Allocation Grant Funds to City of Cut Bank – Glacier County Commissioners

The City of Cut Bank would like to apply for the American Rescue Plan Act (ARPA) Minimum Allocation Grant Funds directly from the Department of Natural Resources (DNRC). Commissioner Bremner expresses her concern surrounding Glacier County's liability on unutilized funds which would have to be repaid in 2026 if the project were to go uncompleted or if the project were to underutilize the full amount awarded to it. Linda Burley, City of Cut Bank Clerk/Treasurer, reassures the commissioners that the City of Cut Bank has reserves which could be utilized if funds were required to be repaid. If Glacier County passes a funding pass-through resolution, this would allow the City of Cut Bank to apply for the funds directly from DNRC and allow them to be fully responsible for the funds, including any reporting requirements.

Rod Peterson, Representative for the North Cut Bank Water & Sewer District, would like to have a portion of the Minimum Allocation Grant Funds to be allocated to the North Cut Bank Water & Sewer District for potential projects that they could utilize it for. Linda Burley states that the pass-through resolution that the City of Cut Bank is asking for from Glacier County, is only allowable for incorporated cities and would allow the City of Cut Bank to apply for the funds directly through DNRC. Any additional entities applying for the funding would have to be through Glacier County and Glacier County would then be responsible for the reporting requirements on those funds, as the resolution would only cover incorporated cities.

Commissioner Bremner states that they are only approving the City of Cut Bank's application through DNRC and the actual amounts have not been decided yet. Rod Peterson is encouraged to re-apply and submit his proposal through Chancy Kittson, Glacier County Chief Financial Officer.

Public Comment:

Carol Larson, Public, asks about the ARPA Minimum Allocation Grant deadline.

Commissioner Overcast motions to approve the City of Cut Bank's ARPA Minimum Allocation Grant application through DNRC with the stipulation that there is no claw back clause that would make Glacier County liable; Commissioner Bremner seconds the motion; motion carried.

ADDITION TO AGENDA:

Discussion/Approval: Merle Shortman Overpaid Taxes

Merle Shortman, Public, and Treasurer Don Wilson present to the commissioners an overpaid tax amount of \$2,171.00 from years 2011, 2012, 2013, and 2014 due to an error on the Department of Revenue's end which caused a building to continually be assessed towards the value of a property owned by Merle which had previously been torn down in 2011. The Department of Revenue did not update the assessed value and continually taxed him for the full amount for a building that no longer existed. Glacier County can deduct the distributed taxed amounts, the portions of which came from Merle's overpaid taxes to a refund fund, which can then be disbursed through a treasurer's check. Treasurer Wilson recommends that Glacier County issue Merle Shortman a full refund for his overpaid taxes in the amount of \$2,171.00.

Commissioner Overcast motions to approve the \$2,171.00 treasurer's check to Merle Shortman for overpaid taxes; Commissioner Bremner seconds the motion; motion carried.

OTHER BUSINESS:

I. Public Comment

Commissioner Overcast, Commissioner Bremner and Elaine Mitchell, Public, discuss a letter sent to the commissioners by Elaine. Commissioner Bremner would like Elaine to go through the Freedom of Information Act (FOIA) form in order to obtain the information that she is looking for. Elaine makes a public comment regarding transparency, asks questions on how the American Rescue Plan Act (ARPA) funds are being spent, and what the commissioners will do to fix the out-of-balance preliminary budget. Elaine also asks an additional question on how the negative cash balance in the Payment in Lieu of Taxes (PILT) fund was paid.

Linda Burley, City of Cut Bank Clerk/Treasurer, asks a question on the amount of time a FOIA request takes to complete.

Becky Kimmet, Glacier County Library Board Member, makes a public comment on the amount of ARPA funding the state website says Glacier County was awarded over \$9 million and that it has spent \$4.8 million. Commissioner Bremner and the public discuss the discrepancy in what the website says versus what Glacier County itself has actually received and spent.

Carol Larson, Public, makes a comment on the current structure of public comment in commissioner meetings. There is an additional question by Carol on the audits and why the State of Montana is currently withholding money. Commissioner Bremner and Carol discuss what Glacier County is doing to get the State of Montana to release withheld funds.

Laurie Elhard, Public, makes a public comment on having the Chief Financial Officer present at these meetings to answer questions about the budget and how money is being spent.

Elaine Mitchell, Public, makes a makes a public comment that the present budget will need to reflect the approximately \$1 million in ARPA Minimum Allocation Grant funds that have been committed to the City of Cut Bank's water project. Commissioner Bremner and Linda Burley clarify that the City will be receiving it directly and the money will not being going through Glacier County as a pass-through.

Elaine Mitchell, Public, makes a public comment on the ARPA funds being restricted based on how the funds can be spent and the lack of restrictions on how the ARPA funds are set up within Glacier County's accounting system.

J. Next Meeting – Monday, September 19, 2022 – Cut Bank

Commissioner Overcast motions to adjourn the meeting; Commissioner Bremner seconds the motion; meeting adjourned at 10:56 a.m.