

COMMISSIONERS APPROVAL

BURROWS *JB*

FOSS *SF*

CHILCOTT *QC*

IMAN *JE*

STOLTZ *RS*

Members Present.....Commissioner Jeff Burrows, Commissioner Suzy Foss, Commissioner J.R. Iman and Commissioner Ron Stoltz

Date.....January 29, 2013

▶ Minutes: Glenda Wiles

▶ Commissioner Chilcott was in Helena attending Legislative meetings/sessions.

▶ The Board met at 9:00 a.m. to make a decision to approve the 5-year Capital Improvement Plan for the Ravalli County Airport. **Commissioner Stoltz made a motion to approve of this plan. Commissioner Foss seconded the motion and all voted "aye". (4-0)**

▶ The Board met at 9:10 a.m. for the following administrative matters:

- HOME Income Reports - 4th Quarter Report: **Commissioner Iman made a motion to have the Chair sign this report for submission to the State. Commissioner Foss seconded the motion and all voted "aye". (4-0)**
- Catena Soil and Wetland Agreement for Environmental Consulting Services for 2013: **Commissioner Foss made a motion to approve this agreement. Commissioner Iman seconded the motion because this is a continuation of the same price as the past two years. All voted "aye". (4-0)**
- Board Appointments:
  - Open Lands: **Commissioner Iman made a motion to post pone further appointments to the Open Lands Board until the interview with Julie Emmett takes place on January 31st. Commissioner Foss seconded the motion and all voted "aye" (4-0)**
  - Park Board: no applications
  - Planning : no applications
  - Right to Ranch and Farm Board: no applications
  - Tax Board: see if Theresa Eckberg is still interested and do interview
- Commissioner Reports: Included the Camas Pit reclamation and slope; Purchase price of rock from Bitterroot Rock.

▶ The Board met at 9:40 a.m. for an update with Human Resource Director Robert Jenni. Robert presented Employee Action Forms for approval and discussed the review of policies for Ravalli County hiring procedures.

► At 10:10 a.m. the Board moved to the 1:30 p.m. meeting because Tuesday is a regular meeting day and meetings can flow one to the next. The issue was the request for Indigent Burial Assistance under the contract with service with Brothers Crematory LLC. Mitchell Gray was living with his girlfriend and has no assets or relatives able to pay for the burial. The request was for the amount of \$1,200 which meets the agreement with the Mortuary. **Commissioner Iman made a motion to approve this request of \$1,200 for indigent burial with Brothers Crematory LLC. Commissioner Foss seconded the motion and all voted "aye". (4-0)**

COUNTY ATTORNEY'S REQUEST

Date Submitted: 1/29/2013

Department: B.C.C.

Action Requested: Pls review email by Town of Darby + planning response as well as letters from Town of Darby re: upcoming meeting of Feb 5<sup>th</sup>. Need to know procedure for approval or dis-approval.

Date Due: *Please explain reason for due date, such as upcoming meeting or filing deadline:*

By Feb 1 if able to get on cal of BCC by Feb 5<sup>th</sup> so Darby can meet on Feb 5<sup>th</sup> @ 7 pm

Contact person for project: Glenda / Jeff

Confidential? Yes -  No

Submit this form along with any necessary attachments to Glenda Wiles or Beth Perkins in the Commissioners Office. The information will then be routed to the Deputy County Attorney who is our Civil Counsel. Please keep a copy for yourself. Any questions, call Glenda at 375-6500

*ok'd by JB*  
*(Gmw)*

## Glenda Wiles

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**From:** darby-nancy@usa.net  
**ent:** Tuesday, January 29, 2013 10:15 AM  
**To:** planning reception  
**Cc:** Glenda Wiles; Terry Nelson  
**Subject:** RE: Waincrist Park  
**Attachments:** scans\_2013\_01\_29\_10\_00\_19\_954.pdf; scans\_2013\_01\_29\_09\_59\_41\_935.pdf

Chris,

Attached are two letters one regarding the Waincrist Park ownership and the second regarding town owned properties we plan to annex into the Town boundary.

If you have questions, please give us a call or e-mail.

Thanks

Nancy G. McKinney  
clerk/treasurer

----- Original Message -----

Received: Wed, 23 Jan 2013 03:19:03 PM MST

From: plan reception <[plan@rc.mt.gov](mailto:plan@rc.mt.gov)>

To: "[darby-nancy@usa.net](mailto:darby-nancy@usa.net)" <[darby-nancy@usa.net](mailto:darby-nancy@usa.net)>Cc: Terry Nelson <[tnelson@rc.mt.gov](mailto:tnelson@rc.mt.gov)>

Subject: RE: Waincrist Park

I spoke with Terry Nelson (Planning Director), who then went and visited with a few of the Commissioners. In order to complete your request, the following would be required:

1. The Town of Darby submit a written request, that the Commissioners transfer ownership of said park from the County to the Town
2. Commissioners would then have to have a meeting to discuss/decide on the request.

You can submit the Town's request letter to me via email or to Glenda Wiles ([gwiles@rc.mt.gov](mailto:gwiles@rc.mt.gov)) or Terry Nelson ([tnelson@rc.mt.gov](mailto:tnelson@rc.mt.gov))

Once we receive your official request in writing, we will place the item on the Commissioner's calendar (your letter, the original email and the attachment with the original email). I will keep you posted as to the date and time the Commissioner's intend to meet on this subject.

Hope that makes sense.

Have a great day.

Chris Cobb-Taggart, Office Manager  
Ravalli County Planning Department  
215 S 4th St., Suite F  
Hamilton, MT 59840  
Phone (406)375-6530  
Fax (406) 375-6531  
[planning@rc.mt.gov](mailto:planning@rc.mt.gov)

-----Original Message-----

From: [darby-nancy@usa.net](mailto:darby-nancy@usa.net) [mailto:[darby-nancy@usa.net](mailto:darby-nancy@usa.net)]

Sent: Wednesday, January 23, 2013 2:53 PM

To: plan reception

Subject: Waincrist Park

Ms. Taggart,

In December I briefly visited with you in your office regarding the Waincrist/Waincrest Park in Darby.

County records indicate that park belongs to the County.

Attached I have the Town of Darby Resolution of Annexation #91 passed on February 12, 1979, and the Exhibit "A".

From my comparison of the legal description of the property it appears the park was annexed as per this resolution.

The subdivision plat for that same property was approved and signed by the Town on April 23, 1979. (written on map is plat approval #794; recorded by Darlene E. Hughes on April 25th, 1979 with number above her stamp of 240825; additionally there is number in the lower right hand corner of the map of 78-622)

It has been considered a Town park since the subdivision approval with improvements being put in place over the course of years. Currently the Town has a plan for our non-motorised pathway to occur within in the park as well.

Therefore we are concerned about getting this corrected so it doesn't interfere with grant applications and easement authorizations.

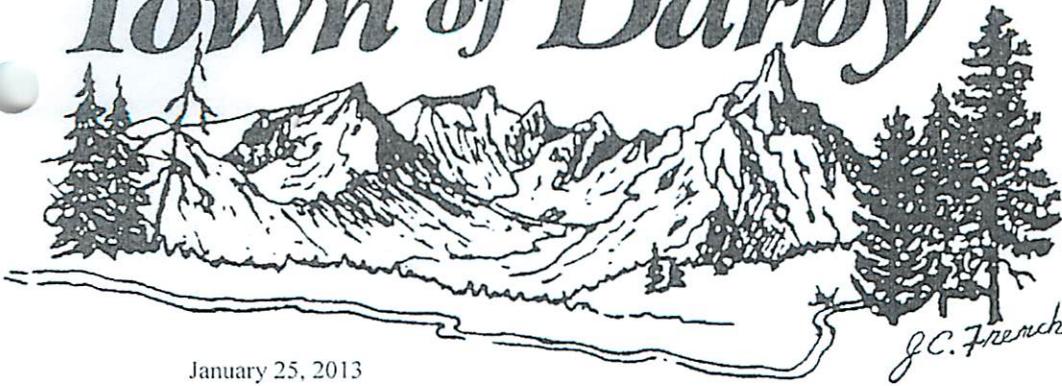
Could you please take a look at the information and let me know what you and your department discover in this matter, and what the Town's course of action would be for correction.

Thank you

Sincerely,

Nancy G. McKinney  
clerk/treasurer

# Town of Darby



P.O. Box 37  
Darby, MT 59829-0037  
406/821-3753  
406/821-3244 fax

January 25, 2013

Ravalli County Commissioners  
215 4<sup>th</sup> Street, Suite A  
Hamilton, MT 59840

Dear Sirs,

The Darby Town Council desires to annex several Town owned properties that are presently in the County. The annexation of these properties would not affect any property tax revenue of the County as the Town is exempt from tax assessment.

The annexation would clarify that Town owned properties are within the boundary and would make those properties subject to Town Codes as well as State Laws. If annexed County law enforcement would no longer be the primary respondent for criminal events occurring on those properties. Town law enforcement would become the primary respondent with the County being secondary if needed for additional support.

Currently the Town of Darby receives annual County shared funding for the Lone Pine Cemetery. The Town is requesting a written statement from the County Commissioners that if the Lone Pine Cemetery is annexed into the Town boundary the County shared funding would continue.

The Darby Planning Board has scheduled a public hearing for February 5, 2013, at 101 E. Tanner Avenue, in the Town Hall at 7 PM. The following properties are being considered for annexation into the Town boundary:

<u>Name</u>	<u>Street Address</u>	<u>Assessment #</u>
River Park	605 E. Miles Avenue	1083050
Darby Lagoon Facility	480 E. Miles Avenue	1082050
Darby Maint. Shop	500 E. Miles Avenue	1117210
Darby Rodeo Grounds	200 Rodeo Road	1108420
Darby Skatepark	301 Rodeo Road	1108420
Lone Pine Cemetery	920 N Main Street	1082950; 1164910; 1082750
*Waincrest Park	105 S. Mill Street	996950

\*pending resolution of recorded ownership issue: confirmation only already in Town boundary

If you have questions, concerns or objections please let us know.

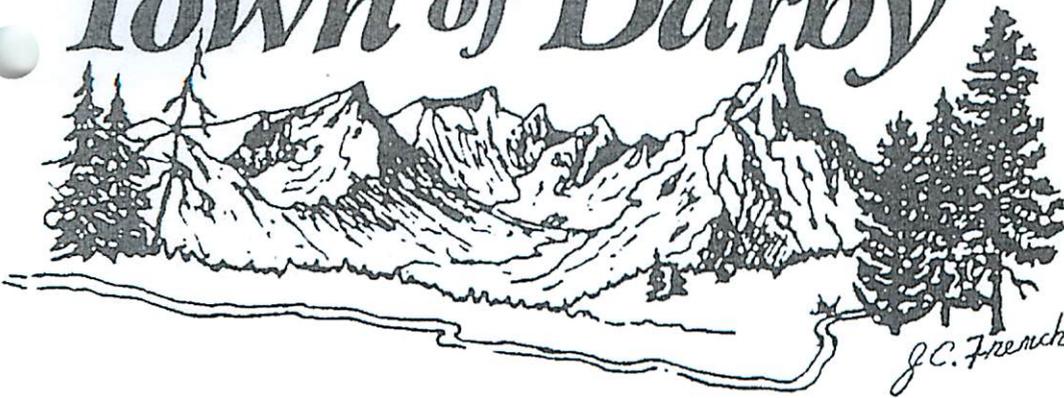
Thank you.

Sincerely,

Rick Scheele, Mayor

Cc: Ravalli County Planning Board

# Town of Darby



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P.O. Box 37  
Darby, MT 59829-0037  
406/821-3753  
406/821-3244 fax

January 24, 2013

Ravalli County Commissioners  
215 S 4<sup>th</sup> Street, Suite A  
Hamilton, MT 59840

Dear Sirs,

In 1979 a parcel of property was annexed into the Town of Darby boundary and then subsequently subdivided as the Waincrest Meadows Subdivision (Db:Waincrest Meadows Subdivision).

Recently, it was discovered that somehow the ownership of this subdivision parkland is recorded as being owned by Ravalli County instead of the Town of Darby.

An e-mail of the Town of Darby annexation resolution with reference to the subdivision plat map has been sent to the Ravalli County Planning Office.

The Town respectfully requests the Ravalli County Commissioners transfer the ownership of the Waincrest Park (Db: Waincrest Park) to the Town of Darby.

If you would like additional information, please let us know.

Thank you for your consideration of this request.

Sincerely,

Rick Scheele  
Mayor

AGREEMENT

THIS AGREEMENT, made and entered into this 6<sup>th</sup> day of November, 1945 by and between the Town of Darby, Montana, the party of the first part and the County of Ravalli, State of Montana, the party of the second part,

WITNESSETH: that whereas the incorporated Town of Darby, Montana is the operator of a Cemetery adjacent to the said Town which Cemetery is and has been used by residents of both the Town of Darby and the County of Ravalli for burial purposes, and

Whereas, the proper care and maintenance of the Cemetery is desired by residents of both the Town of Darby and the County of Ravalli.

NOW THEREFOR, It is understood and agreed by and between the Town of Darby, Montana and the County of Ravalli, State of Montana that the County Commissioners of Ravalli County, Montana shall continue to make a levy for the entire County of Ravalli which levy shall be for the purpose of raising money for the care and maintenance of all of the cemeteries in the said County of Ravalli. That the money raised by said levy shall be set aside in the office of the Ravalli County Treasurer and shall be used by the Ravalli County Commissioners for the care and maintenance of all of the cemeteries in Ravalli County, Montana.

It is further understood and agreed that the Town of Darby, in consideration of the above mentioned obligation on the part of Ravalli County, Montana, shall set aside a certain part or parcel of the Cemetery now operated by them, which part or parcel shall hereafter be used for the burial of only those persons whom the Ravalli County Commissioners shall authorize to be buried in said section. It is understood that the portion so set aside in the portion as now appears on the map of the Cemetery and designated as the County section.

It is further understood and agreed that the Town of Darby shall make no additional charge of any kind or nature for the burial of a resident of Ravalli County, Montana than the charge made for the burial of a resident of the Town of Darby, Montana.

It is further understood and agreed that the Commissioners of Ravalli County, Montana may request and shall receive all reports they may request concerning the operation of the said cemetery.

In Witness whereof the parties hereto have hereunto set their hands the day and year first above written.

ATTEST:

Henry Fenwick  
CLERK

TOWN OF DARBY, MONTANA

BY [Signature]

ATTEST:

Anthony Clark  
CLERK

RAVALLI COUNTY, MONTANA

BY H.A. Flightner  
Joel P. Austin  
A. C. [Signature]