

**COMMISSIONERS PROCEEDINGS  
REGULAR SESSION  
August 11, 2014**

**BOARD MEMBERS PRESENT:**

CHAIRMAN: Robert P. Cosgriff  
VICE-CHAIRMAN: Teddy R. Robertson  
MEMBER: Jerry L. Coldwell

MINUTES TAKEN BY: Carla McWilliams

**CALL TO ORDER – ROLL CALL**

Chairman Cosgriff called the meeting to order at 9:00 a.m.

**AGENDA**

Motion by Robertson and seconded by Cosgriff to approve the agenda as posted 48 hours ago.  
Motion carried unanimously.

**JO ANN STANTON – DEPUTY CLERK & RECORDER**

Discussed insurance claims for hail damage. Also discussed which budget the insurance money should be placed in.

**MINUTES**

Motion by Coldwell, seconded by Robertson, to approve July 21, 2014, July 30, 2014 and August 4, 2014 minutes with corrections. Motion carried unanimously.

**CLAIMS**

Claim Check Nos. 31566 through 31575 in the amount of \$82,828.62 were approved and paid.

Recessed for lunch at 12:00 p.m.

Reconvened by Chairman Cosgriff at 1:00 p.m.

Coldwell left the meeting for personal business.

**RESOLUTION - ROAD PETITIONS –Two Furrow and Hay Creek**

Motion by Coldwell, seconded by Robertson to approve Resolution No. 18.2014, declaring the Two Furrow and Hay Creek Roads as county roads. Motion carried unanimously.

**REX PHIPPS – ECONOMIC DEVELOPMENT COMMITTEE**

Phipps presented loan documents for signature for loan that was approved on August 4, 2014.

**JANET GUPTILL**

Guptill met with Commissioners to voice her concerns over removing the trees in the park for the Health Center parking area.

**HEALTH CENTER ISSUES**

Hanz Arnston, Administrator met with Commissioners to discuss health care issues.  
Discussed regulations for adult daycare services. There are currently 19 residents. Discussed

purchasing a security camera system. Discussed billing for x-rays. Discussed fire life safety survey.

**DAVE AWBERY – ROAD SUPERVISOR**

Awbery updated the Commissioners on road department issues. Matt Bliss met with Commissioners to discuss graveling road from his house to highway 200. Discussed the Skip Ahlgren gravel pit that he has allowed full access to by the County. Ahlgren will be allowed to haul all the gravel he wants from the pit as well. One application was received for the short-term mowing job. The applicant held the position for the last few years and will be re-hired.

Meeting adjourned at 5:00 p.m. The next regular meeting is scheduled for August 18, 2014, at 9:00 a.m.

**GARFIELD COUNTY COMMISSIONERS:**

\_\_\_\_\_  
Robert P. Cosgriff – Chairman

\_\_\_\_\_  
Teddy R. Robertson – Vice-Chairman

\_\_\_\_\_  
Jerry L. Coldwell – Member

**ATTEST:**

\_\_\_\_\_  
Janet Sherer, Clerk & Recorder

## **RESOLUTION NO. 18-2014**

### **A RESOLUTION DECLARING THE EXISTENCE OF THE “TWO FURROW ROAD” and “HAY CREEK ROAD AS COUNTY ROADS, SUCH ROADS BEING SPECIFICALLY DESCRIBED BELOW:**

WHEREAS the statutes of the State of Montana vest in the Board of Commissioners the authority and responsibility regarding roads and bridges, and such statutes are generally found in Title 7, Chapter 14, Montana Code Annotated; and

WHEREAS, ten (or more) freeholders of the road district of Garfield County on or about July 7, 2014, filed a petition with the Board of Garfield County Commissioners to establish as county roads those certain existing roads known as the “Two Furrow Road” and “Hay Creek Road” specifically described as follows:

The existing “Two Furrow” road and “Hay Creek” road as described in Exhibit “A” attached hereto and on the map attached hereto as Exhibit “B”; and

WHEREAS, as required by Mont. Code Ann. Section 7-14-2602(2), the necessity for and advantage of the action requested by said petition is as follows:

- a. The establishment of these roads as county roads would officially confirm the public nature of the roads, which may already be prescriptive county roads as a result of public use and county maintenance over many decades, without the necessity of litigation.
- b. The establishment of these roads as county road will assure landowners in the Two Furrow and Hay Creek areas that they will have legal access to their properties, and will prevent uncertainty concerning about the status of said roads from clouding title to land in the area.
- c. The establishment of these roads would provide the general public with legal access to public land in the Two Furrow and Hay Creek areas; and

WHEREAS, said petition requested that the county road easements be sixty (60) feet wide, and that it consist of the thirty (30) feet on both sides of the centerline of the existing roads; and

WHEREAS, said petition requested that the county commission record a certified copy of the resolution which establishes the county road easements, so that persons searching the real estate records will have notice of the establishment of the county right of way, and so title companies will disclose the effect of the resolution in title commitments and title policies; and

WHEREAS, the landowners who have signed said petition consent to the actions requested by said petition and acknowledged that Garfield County has a right of way for county roads as requested in said petition; and

WHEREAS, it is the belief of Garfield County that county roads currently exist and are being used by the public along the road easements which is requested by said petition, the landowners whose land is adjacent to or in the area of the requested easements will not be entitled to an award of damages as a result of the establishment of the county road easements under Section 7-14-2607, M.C.A; and

WHEREAS, the Bureau of Land Management has indicated that they do not object to the establishment of these county roads as set forth in said petition; and

WHEREAS, the foregoing roads have been laid out, constructed, and maintained with state or county funds, and it appears that persons using said roads have long been under the belief that the entire length of such roads are county roads; and

WHEREAS, the Board of Commissioners of Garfield County, after due notice, held a public hearing on the 7th day of July, 2014, to solicit public input as to the advisability of declaring the foregoing roads to be a county roads; and after receiving such input, the Board believes that to declare such to be county roads would be in the public interest; and

NOW THEREFORE BE IT RESOLVED, that pursuant to §7-14-2605, M.C.A., the foregoing described roads are hereby declared to be county roads and shall hereby continue to

be used by the public. Said county roads right of ways shall be sixty (60) feet in width, consisting of a right of way thirty (30) feet on both sides of the centerline of the existing roads.

PASSED AND APPROVED this 11th day of August, 2014.

BOARD OF COUNTY COMMISSIONERS,  
GARFIELD COUNTY, MONTANA

\_\_\_\_\_  
Robert P. Cosgriff, Chairman

\_\_\_\_\_  
Teddy R. Robertson, Vice-Chairman

\_\_\_\_\_  
Jerry L. Coldwell, Member

(SEAL)

ATTEST:

\_\_\_\_\_  
Clerk & Recorder