

**Flathead County Weed/Parks/Recreation
MINUTES**

Meeting of the Board of Directors

Meeting Date: May 6, 2019

Members of the Board in attendance:

Jim Buechle, Clyde Fisher, Jessica Treweek, Pete Woll

Members of the Board not in attendance:

Samuel Harworth

Also in attendance:

Jed Fisher, Superintendent; Gordon Jewett, Assistant Superintendent and Michele Haarr, Clerk

Others Present:

Darin Fisher – Flathead County resident

Amanda Davey – Flathead County Recreational Program Manager

Sadie Hergesheimer – Flathead County Parks & Recreation

Noel Jinings - Flathead County Education/Compliance Officer

Call to Order

A meeting of the Board of Directors for Flathead County Weed, Parks & Recreation was held in the conference room at 311 FFA Drive, Kalispell, Montana, on May 6, 2019. The meeting convened at 8:32AM, President Woll presiding.

Approval of Minutes

Minutes for the April 1, 2019, meeting of the Flathead County Weed, Parks & Recreation Board of Directors were distributed to the members of the Board.

Jim Buechle moved to approve the April 1, 2019 Board minutes.

Jessica Treweek seconded the motion.

There being no discussion and all in favor – the motion was carried.

Public Comment

The following testimony was read into the record:

“Testimony to Parks/Weeds Board, May 6, 2019. My name is Darin Fisher, and I am a resident of Flathead County and the City of Columbia Falls. While I am a member of various civic boards and committees, my comments are meant only to represent my own opinions not those of anybody with whom I am affiliated. During the April Parks/Weed Board meeting there were some comments made by the Board and County staff that I would like to address.

I would like to emphasize that while many of my comments are critical, I mean to present them with respect and as constructive and informative criticism. I have served on numerous citizen boards, and I worked in government positions for about 20 years, so I do understand and empathize with the sometimes thankless tasks undertaken by everyone on that side of table.

- 1.** Jed Fisher commented that the county is looking to disband several citizen advisory groups, such as the PATHS committee, since those groups represent the county, but often don't follow government protocols and open meeting laws, such as properly running meetings and taking appropriate meeting minutes, and this could open the county to lawsuits. This is an understandable course of action. However, on February 11th, directly following the adjournment of the Weeds/Parks Board public meeting, a quorum of 4 Board members and at least 2 county employees stayed after the meeting and continued discussing agenda items, specifically the trails plan update, for approximately 30 minutes. This type of ex-parte communication is a violation of Montana open meeting laws and a broach of the public trust, and exactly the kind of thing that could open the county to lawsuits, and exactly the kind of thing that the county is disbanding other committees over. Montana law defines a meeting as a quorum of a board gathered, either physically or electronically, and discussing matters relevant to the board. Board and staff are either unaware of these laws, or chooses to ignore them, and I'm not sure which of those options is worse. Perhaps if the board is unaware of open meeting laws and government protocol, county staff can provide training.
- 2.** Jed Fisher expressed frustration that despite having the previous trail plan in place, trails groups haven't been applying for grants. I would like to remind the board that the county is a notoriously bad actor when it comes to partnering for grant projects. The most obvious and egregious example is in 2015 when Flathead county had to be sued because they wouldn't accept a \$400,000 FEMA grant to mitigate erosion in the county. The county was sued, and lost, after renegeing on their previous agreement to accept the grant. Flathead County Commissioners had to be taken to court to be forced to accept grant money that a citizens group had been awarded. This is one of many examples that show why groups might be hesitant to partner with the county on grant opportunities.
- 3.** During the April Parks/Weed board meeting, the board indicated that it could not make any further decisions on certain issues until receiving further direction from the County Commissioners. This seems to defy the logic of having an advisory board such as this. Members of this board were appointed because you have experience, knowledge, and expertise to advise the commissioners on Parks and Weeds. You are the subject matter experts, and you advise the Commissioners on your findings and opinions. If you wait for direction from the commissioners, then vote to do what they told you to do, and then they vote to do what you told them to do, your entire board is irrelevant. You have become a rubber stamp that they can use to justify their decisions. I implore you to exercise your educated discretion when making decisions. Give the county your best, informed decisions, and let the county use that information to make well informed decisions. Or the county can choose to ignore subject matter experts such as yourselves at their own, and the taxpayers, peril. When they do that they get sued and they often lose, as happens relatively frequently, as my previously noted example, and events from the past few years demonstrates. I ask that you use your wisdom, research, and subject matter expertise to give them your best advice, and not simply be a formality in the decision-making process by only making decisions that they approve of ahead of time. You are smarter than that, and better than that,

and deserve more respect from the County than simply serving as a formality in their process.

Thank you for your time and thank you for the service you all provide.”

Parks & Recreation Department Report

◦ Recreational Manager Report

This matter was moved up on the agenda due to time constraints of staff. Amanda Davey gave the following report on recreational programs:

Recreation Report May 2019

Recently Finished Programs:

3/4th Grade Day Break Girls Volleyball & 5/6th Grade Day Break Girls Volleyball: Total Number of participants = 187. - Up from last year.

Winter Lil Hoopsters:

4/5

1-2 Boys 80

1-2 Girls 49

3-4 Girls 93

-Up 66 from last year.

Current Programs:

- Spring Men’s Basketball: 18 teams. - Turned away teams.
- Woman’s Basketball 6 teams. - Up from last year (last year we didn’t have a spring league due to interest).
- Spring Tball 4/5 & 6/7/8-year olds: Total Number of Participants= 153. - Consistent with last year.

Upcoming Programs:

- Umpire Clinic/Spring Training
- Adult CoRec Beach Volleyball
- High School CoRec Beach Volleyball
- Summer Youth Tball
- Summer Softball (Men’s/Woman’s/CoRec/Church/Senior leagues)

Jed commented that the 80K intended donation to School District 5 is on hold due to additional questions for Mr. Flatau that have yet to be addressed. The matter is idle at this point and the money is not included in the Parks & Recreation budget at this time.

◦ Weed Department Report

This item was moved up on the agenda due to time constraints of staff. Noel Jinings reviewed her work over the winter and spring, and submitted the following report:

Weed and Parks Board Report – May 6, 2019

Outreach & Education

- On site consultations are in full swing for the season. 3 – 5 a week.
- Participated in the City of Kalispell Arbor Day event at Woodland Park April 26th
- Presented at the Small Acreage Landowner Seminar at the beginning of March
- Fielding a large volume of phone calls for management advise
- Weed ID training for City of C. Falls Public Works staff

Compliance

- Working on clearing out Planning & Zoning inspections from the winter
- Completed a few inspections incidental to consultations
- Starting to receive complaints

Collaboration

- Met with
 - o City of Columbia Falls
 - o City of Kalispell
 - o Weyerhaeuser
 - o Stoltze
 - o Mission Mountain Railroad

o **Herron Park – Middle School Mountain Bike Race Vendor Request**

Jed reported that he has recently received several requests for rent-free park rental, including one from the Moon's for Herron Park, Flathead Lakers, and a church group. The Moon's were given the use of the Foy's Center rent-free at one point and Jed is concerned that once this starts it creates a snowball effect. Jed requested clear direction from the Board about the rent rate policy so that everyone can follow the same standard. In the past, the Board has upheld a policy of no free rent, with the exception of Foy's to Blacktail Trails, School District 5, and the Sheriff Department's canine dog training. Any deviations need to be fully vetted in a public arena, and all exceptions should come before the Board for full transparency. Jim Buechle expressed that County money moving from one pocket to another should be an established exception and these uses should be rent-free. It was agreed that this matter needs to be revisited with the County Attorney and the Finance Administrator. It was generally agreed to table the matter for now until discussion is held with the County Attorney. Until further review, the requests for free rent are denied.

o **Sliter Park – Riverbend Concert Series MOU and Vendor Request**

The request for 1-2 vendors was reviewed. The Parks Superintendent has multiple issues with said request, mainly due to limited parking with only 10-12 spaces. Each vendor would occupy two spaces. Sliter Park is leased – the County does not own it.

Jim Buechle moved to table both Herron Park & Sliter Park permit requests for vendors until the next meeting and to have the matter reviewed by the County Attorney's office.

Jessica Treweek seconded the motion.

There being no discussion and all in favor – the motion was carried.

**Jim Buechle moved to sign the Sliter Park Riverbend Concert Series MOU.
Jessica Treweek seconded the motion.
There being no discussion and all in favor – the motion was carried.**

◦ **Trails Plan Update – Set Plan Review Date**

Jed stated that the Board, as volunteers, deserve the right to review the Trails Plan update in its entirety, and clarified that it is not entirely on this Department's shoulders, but with Planning & Zoning and the County Commission as well. This Department was not even aware of past maintenance agreements. The Parks Department was given 15-20K to help with maintenance on some trails. The foundation for the Trails Plan has existed since 2010. Now it comes time to do overlay and chip seal, which is costly, although this Department has been operating with same mil levy since 2007. We are currently assisting with work to provide a complete inventory of trails and any maintenance agreements to determine what was the agreement and who is responsible. It is necessary to complete this task prior to completing the Trails Plan update. It is unfortunate that the PATHS group did not address this. We were aware of the Gateway to Glacier pedestrian path and knew we were responsible for that. The Board President has been asked by the County Commission to move forward and meet to tear the plan apart and change as we would like. Pete will work with individuals to tackle all concerns, and Jessica Treweek will work with Pete to begin this process. The exact date is not set.

◦ **Trails Plan Update – Thank You Letter**

Jed read the thank you letter into the record.

April 17, 2019

TO: Gabe Dillon and the PATHS2/Trails Plan Group

FROM: Flathead County Weed/Parks Board

The Board wishes to thank you for your time and service in preparing the Trails Plan Update. We recognize it took a significant amount of time and input from many respected agencies, municipalities, businesses, sports groups, private citizens, and included many County resources. It is sincerely appreciated.

As indicated at the February Weed/Parks Board Meeting, the Board is taking this matter under advisement. Prior to this Board moving forward, a lot of questions remain, and the County has a significant amount of investigation and research to accomplish.

PATHS2/Trails Plan Group is not an arm of Flathead County government or its operations. No further County resources shall be used to subsidize the Group's activities.

Sincerely,

Pete Woll, President
Jim Buechle, Vice-President

Clyde Fisher, Board Member
Samuel Harworth, Board Member
Jessica Treweek, Board Member

Jessica Treweek moved to approve signing and sending the thank you letter to the trails group.

Jim Buechle seconded the motion.

There being no discussion, and all in favor – the motion was carried.

- **Recreational Manager Report**

This item was moved up on the agenda.

Weed Department Report

- **Weed Education/Compliance Officer Report**

This item was moved up on the agenda.

- **Weed Rodeo Donation**

Jed informed the Board that a donation request was received from the spouse of a Department employee. The donation is to help fund an event call the Weed Rodeo, held annually to pick weeds in the waterways of the Middle Fork. The event is well-attended and provides education as well as weed control. The Department has supported this event with donations the past several years.

Jim Buechle moved to support the Weed Rodeo effort with a donation of up to \$500 as in previous years.

Jessica Treweek seconded the motion.

There being no discussion, and all in favor – the motion was carried.

The Weed Department staff is back for the season with a few job openings. The equipment has received maintenance and rental sprayers are ready today. There is currently only 40-60% of weed germination so staff is holding back on the beginning of the spray season. Jed commented that the Department has made it clear that we are diligent on our setbacks from private land so there is no question about who and what was sprayed, and we are being very cautious about crops and other environmental concerns.

There were two bidders for Weed Department chemicals – Wilber Ellis out of Spokane and Nutrien Solutions out of Bozeman. Nutrien was the high bidder by \$23, and after consideration the bid was awarded to them. Typically, the County awards bids to the lowest bidder, however, Nutrien provides educational support to ag growers and have been a long-standing support network for the Department and taxpayers. Since the award the County Attorney's office and the County Commission received a letter from Wilber Ellis questioning who received bid.

Other Business

Many Lakes is a dead issue and is off of the table because the County Commissioners do not want to surplus and sell any land here. There is an encroachment concern in this area but we needed to wait for the snow to clear before a surveyor can be hired.

An agreement was entered into with Montana Conservation Corps for work in Herron Park, however, the Department will perform weed spraying due to liability concerns. MCC will perform bark removal and other work for a total of 5K.

Jed reported that some time ago three lots located in Polebridge reverted to the County because they were not developed. In the past, someone grazed a cow on this land, which became a problem. Currently someone is interested in renting this property for his RV to be there throughout the summer. The Department generally says no to this type of rental because there is no public benefit. This person does not like the 'no' answer and plans to come before the Board.

A recent meeting with the Department of Transportation went well. The Department will be performing weed control on the bypass.

Jed circulated the Rails to Trails newsletter which included a few comments regarding the Trails Plan update effort.

Matters of the Board

There were no matters of the Board.

Adjourn

Jessica Treweek moved to adjourn the meeting at 9:37AM.

Jim Buechle seconded the motion.

There being no discussion and all in favor – the motion was carried.

Upon conclusion of the meeting, the Board disbanded at the direction of Superintendent Jed Fisher. The time and place of the next meeting is **Monday, June 3, 2019** at 8:30AM in the conference room at 311 FFA Drive, Kalispell, Montana.


Documents Submitted to the Board

- Testimony of Darin Fisher
- Recreation Department Report
- Weed/Compliance Officer Report
- Weed Rodeo Donation Request
- Riverbend Stage MOU Sliter Park
- Rails to Trails – The Path Finder Spring 2019

Approved:



Pete Woll, Board President



Date