

**STILLWATER COUNTY
COMMISSIONER MINUTES**

Notice: These minutes reflect the proceedings of the Board of County Commissioners. The official minutes are on file with the Clerk and Recorder MCA 7-4-2611(2)(b).

**REGULAR MEETING
July 18, 2023, 9:00 am**

- PRESENT** Commissioner Tyrel Hamilton, Commissioner Steve Riveland and Commissioner Jeff Ruffatto. Kisha Cornell, Commissioner Administrator
- Others Present: Ben McVitte; Stillwater County Road and Bridge, Jerry Friend; Treasurer, Stephanie Ray, Planning; Forrest Mandeville, Planning; Gayle Helt, Karla Johnson, Nick Lofing, Perry Helt, Shirley Keffer, Marlo Pronovost and Bristol Ketola with the Stillwater County News.
- PLEDGE** Commissioner Hamilton opened the meeting with the Pledge of Allegiance.
- MINUTES** June 13, 2023
- Commissioner Ruffatto **MOVED** to approve the minutes from June 13, 2023. Commissioner Riveland **SECONDED**. No discussion. Motion passed.
- CLAIMS** None
- RECOGNITION** None
- ANNOUNCEMENTS** Note of appreciation from the Museum of the Beartooths for their successful event at the Civic Center.
- CONSENT AGENDA**
- Commission**
- A) Designation of Secure Rural Schools Act State Payments – for SRS FY 24 payments if fully funded in the amount of \$93,700.00.
- Road and Bridge**
- A) Encroachment Permit Applications
- a. District 3
- Application No. 202209-Kallam- Trewin School Rd., Park City
- Application No. 202230-Gabel-2nd St SE, Park City
- Application No. 202122-Ryan-Cemetery Road, Park City
- Application No. 202320-Intermountain Infrastructure Group-Rapelje
- Application No. 202321-Intermountain Infrastructure Group -Big Coulee Rd
- FILE ITEMS**
- Clerk and Recorder**
- A) Report ending the month of June 2023 in the amount of \$9,336.49
- Sheriff**
- A) Report ending the month of June 2023 in the amount of \$300.00.
- B) Report ending June 30th 2023 for 2nd quarter in the amount of \$950.00.

Commissioner Riveland **MOVED** to consent to the consent agenda and file the file items. Commissioner Ruffatto **SECONDED**. Marlo Pronovost asked what the Secure Rural Schools Act State Payments involved. Commissioner Hamilton explained that it is a federal payout for road and bus route annual payments. No other discussion. Motion passed.

REGULAR BUSINESS

Road and Bridge

- A) Notice to Proceed – Mystic Mountain Construction for West Rosebud and Fiddler Creek Road Rehabilitation.

Commissioner Ruffatto **MOVED** to approve the Notice to Proceed for the Mystic Mountain Construction for the West Rosebud and Fiddler Creek Road Rehabilitation. Commissioner Riveland **SECONDED**. Commissioner Hamilton noted that this is the notice to begin the project with completion on October 18th, and final payment and close out on October 26, 2023. Perry Helt asked a question if this is the road to the Mystic Power station. Commissioner Hamilton provided the location and that it is on the paved part of the road. No further discussion. Motion passed.

- B) Amendment to Scope of Services for Stahly Engineering- Phase 5 Bidding and Construction Administration Phase for West Rosebud and Fiddler Creek.

Commissioner Hamilton noted that no action is required on this item as the Engineer has covered this in a previous document.

DUI Task Force

- A) **Resolution No. 2023-20**- Approving the FY 2023-2024 Operating Plan for Stillwater County DUI Task Force.

Commissioner Riveland **MOVED** to approve the **Resolution No. 2023-20**- Approving the FY 2023-2024 Operating Plan for Stillwater County DUI Task Force. Commissioner Ruffatto **SECONDED**. Formal adoption for the plan, Perry Helt asked for an explanation of the plan and the cost. Commissioner Hamilton noted it is for staffing for traffic events and to prevention as well as the sober graduation parties, in the amount of \$3,600.00. No further discussion. Motion passed.

Planning

- A) Stillwater County Courthouse ADA Addition Design – Contract between Stillwater County and A&E Design in the amount of \$270,180.00.

Commissioner Ruffatto **MOVED** to approve the Stillwater County Courthouse ADA Addition Design – Contract between Stillwater County and A&E Design in the amount of \$270,180.00. Commissioner Riveland **SECONDED**. Shirley Keffer requested explanation, Commissioner Hamilton explained that this is the design for an elevator and ADA accessible bathrooms. Stephanie Ray of Planning, expanded by saying that this is for construction ready plans for this project. The County will match 50% of the grant amount of \$500,000.00. Karla Johnson asked why they were putting funding into the Courthouse when they are not going to use it. Commissioner Hamilton explained that the courthouse needs to be accessible and this would provide options for the facilities needed in addition to the Law and Justice Center. Perry Helt, expanded with a question about the County Government expansion to the Law and Justice Center would not eliminate the need for the Courthouse. Commissioner Riveland, noted that the function of the courthouse will be the same as it is for several years and should be ADA accessible. No further discussion. Motion passed.

- B) Bearded Viking Mead Co. – Conditional Use Permit and Zoning Commission Recommendation.

Commissioner Hamilton requested a brief explanation of the project from Stephanie Ray of Planning. Stephanie explained that the zoning commission met last week and made a recommendation to approve with conditions as listed.

Commissioner Riveland **MOVED** to approve the Bearded Viking Mead Co. – Conditional Use Permit and Zoning Commission Recommendation. Commissioner Ruffatto **SECONDED**. Karla Johnson asked what the conditions were. Forrest Mandeville of Planning gave an explanation of the business as a mead (honey wine) production. The zoning commission had questions and the conditions were outlined including the tasting parameters and that it is purely for sale and not a sit-in type of business. Department of Environmental Quality has some requirements. Forrest outlined the seven conditions as part of the recommendation by the zoning commission. Perry Helt asked the location, and urged the curtailment of allowing too much of the product to be consumed which could cause a problem. No further discussion. Motion passed.

C) Beaver Creek Wind IV, LLC – Conditional Use Permit and Zoning Commission Recommendation.

Commissioner Hamilton requested a report from Forrest Mandeville, Planning contractor. Forrest noted that the public hearing was last week and the plans for the conditional use permit must work together with the previous conditional use applications for the previous phases of Beaver Creek Wind I, II and III. Concerns were addressed and the zoning commission voted to approve the application with eight conditions and they were read aloud to the Commission.

Commissioner Ruffatto **MOVED** to approve the Beaver Creek Wind IV, LLC – Conditional Use Permit and Zoning Commission Recommendation. Commissioner Riveland **SECONDED**. Nick Lofing as a representative of the Beaver Creek Wind projects gave a brief overview, location west of Rapelje on 15 sections of land. 88 wind turbines will be located in Stillwater County. Construction of all three projects will begin August of 2023 and the towers will be shipped in Spring of 2024. The first power will be generated in March of 2025. Perry Helt requested what compensation goes to the residents of the County, and where are the blades and turbines going when they are done. Nick Lofing explained that the impact fee of 1 and ½ percent of the construction costs would be a part of the compensation as well as tax revenue. The first payment will come upon construction. Nick also noted that the contractor is required to maintain the roads during and after construction. The disposal of the turbines and blades are required by a submittal of a plan to the Department of Environmental Quality one year after the completion of the project. No further questions. Motion passed.

Commission

A) Montana Coal Endowment Program (MCEP) Grant Management Agreement for the Valley Creek Bridge Replacement. Including the Designation of Depository for Direct Deposit Funds and the Signature Certification Form.

Commissioner Riveland **MOVED** to approve Montana Coal Endowment Program (MCEP) Grant Management Agreement for the Valley Creek Bridge Replacement. Including the Designation of Depository for Direct Deposit Funds and the Signature Certification Form. Commissioner Ruffatto **SECONDED**. Commissioner Hamilton explained the location of the Valley Creek Bridge location off of Cemetery Road in Park City. No further discussion. Motion passed.

- B) Beaver Creek Wind IV, LLC Impact Fee Agreement for 1.5% of the construction costs of the project estimated at \$126,350,000.00.

Commissioner Ruffatto **MOVED** to approve the Beaver Creek Wind IV, LLC Impact Fee Agreement for 1.5% of the construction costs of the project estimated at \$126,350,000.00. Commissioner Riveland **SECONDED**. No further discussion. Motion passed.

- C) Beaver Creek Wind IV, LLC- Contract for Maintenance and Repair of Stillwater County Roads By Beaver Creek Wind IV, LLC.

Commissioner Riveland **MOVED** to approve the Beaver Creek Wind IV, LLC- Contract for Maintenance and Repair of Stillwater County Roads By Beaver Creek Wind IV, LLC. Commissioner Ruffatto **SECONDED**. No further discussion. Motion passed.

- D) Beaver Creek Wind IV, LLC - Noxious Weed Management Plan by Beaver Creek Wind IV, LLC.

Commissioner Ruffatto **MOVED** to approve the Beaver Creek Wind IV, LLC - Noxious Weed Management Plan by Beaver Creek Wind IV, LLC. Commissioner Riveland **SECONDED**. No further discussion. Motion passed.

- E) **Resolution No. 2023-21** – Amendment to Resolution No. 2022-08 Granting Tax Abatements to Beaver Creek Wind II, LLC and Beaver Creek Wind III, LLC.

Commissioner Riveland **MOVED** to approve **Resolution No. 2023-21** – Amendment to Resolution No. 2022-08 Granting Tax Abatements to Beaver Creek Wind II, LLC and Beaver Creek Wind III, LLC. Commissioner Ruffatto **SECONDED**. Commissioner Hamilton explained that this amendment was to align the years of the project and the payments with the current project. No further discussion. Motion passed.

- F) **Resolution No. 2023-22** – Resolution Granting Tax Abatements to Beaver Creek Wind IV, LLC.

Commission Ruffatto **MOVED** to approve **Resolution No. 2023-22** – Resolution Granting Tax Abatements to Beaver Creek Wind IV, LLC. Commissioner Riveland **SECONDED**. Nick Lofing noted that the percentage is by statute and not set by the County Commission. No discussion. Motion passed.

Planning Board

Appointment of Norman Moss to the County Planning Board for a 2-year term.

Commission Riveland **MOVED** to approve the appointment of Norman Moss to the County Planning Board for a 2-year term. Commissioner Ruffatto **SECONDED**. No further discussion. Motion passed.

PUBLIC COMMENT

Shirley Keffer noted that the citizens of Columbus need to do a better job of showing up and she was disappointed in the number of folks that showed up last week to the Columbus Agenda meeting was too bad. Shirley continued to speak to election quality and requested that the County Commissioners eliminate the tabulators and to encourage the citizens to educate themselves on the taxation of your property. Lastly, she questioned the green energy element of the wind farm.

Karla Johnson noted that the last election was stolen from the people and the machines are the problem. She requests the 2020 election be redone.

With no further comments heard the meeting was adjourned at 9:59 a.m.

APPROVED BY: /s/ Tyrel Hamilton, Commissioner Chairman

Prepared by: Kisha Cornell, Administrator

ATTEST: Heidi L. Stadel, Clerk and Recorder