

**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**

**JANUARY 16, 2018**

**Present:** Commissioners Dennis Shupak, Chair; Maureen Davey and Mark Crago Members; and Lori Dobitz, Administrative Assistant.

Others Present: Heidi Stadel, Clerk and Recorder; Mark Schreiner, Road Superintendent; Carol Arkell, DES; Tyrel Hamilton; John Sherwood; and Mikaela Koski, Stillwater County News.

**Pledge to Flag:** Commissioner Shupak opened the meeting at 9:00 am with the pledge to the flag.

**Public Comments:** none heard.

**Claims:** Commissioner Davey **MOVED** to approve Claim Checks No. 99162 through 99256 in the amount of \$195,593.58. Commissioner Crago **SECONDED**. Commissioner Crago questioned claim no. 99188 in the amount of \$550 for electrical charges. He said he would like to amend the motion to pull that claim for further clarification. Commissioner Davey said the Commission reviewed these claims the previous week and she didn't have any questions on that claim. She said all claims go through Joe Morse, Finance Specialist, in the Finance Office. Davey said he pulled a claim last week, that was submitted in the amount of \$4,000 because there was no contract with the company or proof of insurance and that claim was pulled by Joe Morse and was not paid. Davey said she didn't mind pulling the claim that Commissioner Crago was concerned about, however, if there are questions or concerns on any claims it should be addressed with Joe

Morse prior to the agenda meeting. Claims are submitted to Joe Morse, Finance Specialist, for review prior the Commissioners approval. Commissioner Davey **MOVED** to amend her motion and pull claim check no \*99188 in the amount of \$550. Commissioner Crago **SECONDED**. Motion passed unanimously. Commissioner Shupak called for a vote on the main motion. Motion passed unanimously. \*note – Claim check no. 99188 was mailed out on January 12, 2018.

**Minutes:** Commissioner Crago **MOVED** to approve the minutes of January 9, 2018. Commissioner Davey **SECONDED**. Motion passed unanimously.

**File Items:** Department Report(s) – Fees collected for the month/or quarter ending Dec. 31, 2017

a. Sheriff’s Office – Month \$400/ Qtr. \$1,325

Commissioner Davey **MOVED** to place the file item to file. Commissioner Crago **SECONDED**. Motion passed unanimously.

- Regular Business:**
1. Petitions for Abandonment– Decision (s)–
    - a. Commanche Road (County Rd 280Y) - Decision on petition submitted by Ryan Erickson, et al., to abandon a 2-mile portion of Commanche Road located in T3NR22E, MPM. Hearing no opposition to the petition for abandonment, Commissioner Davey **MOVED** to grant the petition to abandon that portion of Commanche Road and issue Order No. 2018-01 to be filed with the Clerk and Recorder. Commissioner Crago **SECONDED**. Motion passed unanimously.
    - b. West Gee Road (County Rd 37Y) - Decision on petition submitted by Gary Burmeister, et al., to abandon a 1-mile portion of West Gee Road located in T3NR22E, MPM. Commissioner Crago stated after listening to the two individuals that came and voiced their opinions on the abandonment of West Gee Road, he doesn’t see enough evidence to get him to agree to the abandonment of this portion of the road. Commissioner Crago **MOVED** to deny the petition and re-entertain a petition in the future from the landowners once John Sherwood, has sold his property. Commissioner Davey questioned the motion. Commissioner Crago said that was the request by the

protesting party during last agenda meeting. No **SECOND** was heard.

Commissioner Shupak stated written comments were received following the public hearing as follows:

1. John Sherwood (opponent) – read his letter dated January 9, 2018, addressing his comments made during the public hearing held that day. He outlined the reasons the petition should be denied with the main reason being access to his property off of West Gee Road. The other access road to his property is Stage Coach Road which is very rough and difficult to traverse because it is gumbo flat and crosses an intermittent stream which is very muddy on both sides. To leave the existing road open at the present time would allow all of the landowners to freely access their properties, he stated.

2. Bill Myers (proponent) – submitted a statement in writing that he is in favor of the road abandonment.

3. Gwen Myers (proponent) – submitted an email stating she was in favor of the abandonment due to several problems along this road.

Following discussion, Commissioner Crago **MOVED** to **DENY** the request to abandon West Gee Road as petitioned and withdraw his first motion. Commissioner Davey **SECONDED**.

Further discussion – Commissioner Davey said the roads have not been used for a longtime. John Sherwood’s property is a 40-acre parcel in the middle of this abandonment. She said if Mr. Sherwood had not spoken up regarding his 40 acres she would have voted to abandon the road.

**Vote** – Commissioner Shupak called for a vote. Motion passed unanimously.

2. Road Department
  - a. Road Agreement – Dust abatement agreement amendment between Stillwater County and Tippet Rise. Commissioner Crago **MOVED** to approve the agreement. Commissioner Davey **SECONDED**. Motion passed unanimously.
  - b. Encroachment Applications – Applicant Dick Anderson Construction Applications No. 2017-43 through 2017-46. Commissioner Davey **MOVED** to approve the encroachment applications. Commissioner Crago **SECONDED**.

Mark Schreiner, Road Superintendent, explained one of the applications is for the Springtime Road (the main road) and construction to make it compatible for their trucks, turbines, and main parts of the wind generation. The other applications are approaches on and off different county roads, ie. Phipps Road, Five-Mile Road, which were not talked about in the travel plan. He said the plan is for the county to know which roads are and are not used. On January 25, 2018, a meeting is scheduled to review the travel plan, Schreiner said.

Commissioner Shupak called for a vote. Motion Failed.

**Meeting Adjourned:**

Hearing no further business, Commissioner Shupak adjourned the meeting at 9:22 AM.