

**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 30, 2018

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

Others Present: Jerry Friend, Treasurer; Mark Schreiner, Road Superintendent; Rita Westrum; Tyrel Hamilton; Joe Morse; Finance Specialist; Heidi Stadel, Clerk and Recorder; Carol Arkell, DES; Burton Williams; Joan Brownell; 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.

Bid Opening: Road Department – the following snow blower attachment sealed bids were opened by Joe Morse and read aloud:

<u>Bidder</u>	<u>Make and Model</u>	<u>Total Bid Price</u>
SWS Equipment – Missoula	2018 Larue D50	\$127,275
T & E – Great Falls	RPM Tech LM220	\$128,528

Commissioner Davey **MOVED** to take all bids under advisement. Commissioner Crago **SECONDED**. Motion passed unanimously.

Claims: Commissioner Crago **MOVED** to approve Claim Checks No. 99260 through 99362 in the amount of \$204,15212. Commissioner Davey **SECONDED**. Motion passed unanimously.

Minutes: Commissioner Davey **MOVED** to approve the minutes of January 16, 2018. Commissioner Crago **SECONDED**. Motion passed unanimously.

File Items: 1. Clerk & Recorder – Correspondence relating to Beartooth Zoning District Petition.

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

Discussion: Joan Brownwell inquired about the correspondence. Commissioner Crago proceeded to read the letter submitted by The Clerk & Recorder on January 24, 2018, to the Commissioners. The letter notifies the commission that the petition submitted by the Beartooth Front District has not met the threshold amount of 60% of signatures of the affected real property owners as required by §76-2-101(1) MCA. As he read the letter, it stated “It is the County Attorney’s legal opinion that mineral interests must be considered in the global number of affected real property owners”. The Clerk & Recorder, the official responsible for validating citizen petitions, is advising the commissioners the petition does not meet the threshold amount of 60% of signatures of the affected real property owners, to include the sub-surface mineral interest holders as an affected real property owner, thus deeming the petition invalid.

Comments Followed:

Bill Hand – stated he is a year-round resident that pays his taxes and would like to make a few points. He said back in 2014 several citizens of the southern portion of Stillwater County approached the county commissioners to work together to react to a proposed oil and gas development along the Beartooth Front. He said the citizens are seeking to maintain and preserve the quality of this rural agriculture region in accordance with the Stillwater County Growth Plan; the Montana Code of Part 1 Citizens Initiated Zoning; and under the Montana Constitution, Article 9, Sec.1 - that guarantees the right of Montanans to a clean and healthy environment. He said the petitioners are not seeking to stop oil and gas development, but to only ask that regulations be established to protect the surface land and administrative values important to all Montanans.

Joan Brownell – summarized the timeline of the petition since 2014. She voiced her disappointment stating the county has hindered the process rather

than support the efforts of landowners of southern Stillwater County regarding the Beartooth Front CIZ District for the benefit of all.

Burt Williams – disagreed with the county’s decision of the CIZ petition and the county’s interpretation of the law. He stated they will take whatever action is necessary to counter the decision to reject the 61-62% of landowners owning well over 60% of the land surface. He expressed that he and other landowners find it difficult to believe the county commissioners would ignore the wishes of over 60% of landowners in a 80,000 acre swath of land encompassing the foothills of the beautiful mountain setting.

Rita Westrum - directed questions to the county attorney regarding mineral right ownership and the percentage of signatures on the petition that were mineral rights owners. County Attorney Nancy Rohde declined to answer those questions stating the item wasn’t listed as regular business on the agenda. Ms. Westrum said it is impossible to find mineral right owners because there is not a database.

Commissioner Davey – stated *the Commissioners are not making this decision, it was a decision made of taking the advice of the County Attorney by the Clerk and Recorder.* Davey said the Clerk & Recorder deemed the petition invalid.

Vote: Commissioner Crago called for the question. Motion passed unanimously.

Regular Business:

1. DES - Memorandum of Understanding (MOU) between the City of Columbus and Stillwater County for emergency services. Commissioner Davey **MOVED** to approve the MOU. Commissioner Crago **SECONDED**. Motion passed unanimously.
2. Absarokee RSID – Sewer rate adjustment and refund for Tax ID 200171 and 200296. Commissioner Crago explained the owner of two businesses in Absarokee that had questioned his sewer assessment. After some investigating, it was found his water usage was getting miscalculated. Crago said an adjustment and reimbursement for assessments already paid on these businesses. Commissioner Crago **MOVED** to approve the rate adjustment and

issue a refund as requested. Commissioner Davey **SECONDED**. Jerry Friend, Treasurer, asked if the Commission will notify the local DOR for billing purposes. It was confirmed that the Absarokee Sewer Manager is working with the DOR on the adjustment. Commissioner Shupak called for a vote. Motion passed unanimously.

3. Commissioners Meeting – Commissioner Crago stated the Commissioners would be attending the MACo Conference in Billings the week of February 12, 2018. Commissioner Crago **MOVED** to adopt **Resolution 2018-05** cancelling the regular agenda meeting of February 13, 2018. Commissioner Davey **SECONDED**. Motion passed unanimously. Filed in the Clerk & Records Office – Document No. 371334

Meeting Adjourned: Hearing no further business, Commissioner Shupak adjourned the meeting at 9:25 AM.

**Claims and
Warrants:**

Claims were examined and warrants ordered drawn in the amount of \$645,745.70 and payroll in the amount of \$438,948.80 for a total of \$1,084,694.50 for the month ending January 31, 2018.

/s/ Dennis Shupak, Commissioner Chairman

ATTEST: Heidi L. Stadel, Clerk and Recorder

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