

**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

FEBRUARY 6, 2018

- Present:** Commissioners Dennis Shupak, Chair; Maureen Davey and Mark Crago, Members; and Lori Dobitz, Administrative Assistant.
Others Present: Clifford Brophy, Sheriff; Randy Werdal, Road Foreman; Jerry Friend, Treasurer; Mark Schreiner, Road Superintendent; Heidi Stadel, Clerk and Recorder; Penny Redli, Museum Director; Joe Morse, Finance Specialist; 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 Crago **MOVED** to approve manual claim checks no. 99363 and 99365 in the amount of \$223,099.07. Commissioner Davey **SECONDED**. Motion passed unanimously.
- Minutes:** Commissioner Davey **MOVED** to approve the minutes of January 23, 2018, and the special meeting of January 25, 2018. Commissioner Crago **SECONDED**. Motion passed unanimously.
- Recognition:** Employee recognition for public service:
1. Woody Claunch, Chief Deputy, Sheriff's Office – 25-years
The Commission thanked Deputy Claunch for his dedication and service not only to the citizens of Stillwater County but to the State of Montana.

- Consent Agenda:**
1. Environmental Health Department - Request to purchase Ford 2010 F150 pick-up in the amount of \$20,000
 2. Stillwater Historical Society – Certified Local Government Program Grant

- File Items:**
1. Finance – Auditors Report for year-end 2017
 2. Department Reports – fees collected for January 2018
 - a. Justice Court - \$14,689.70
 - b. Clerk & Recorder - \$10,119.26
 3. MT Dept. of Revenue – Oil & Gas Production Tax Distribution 3rd Quarter totaled \$2,049.45 of which \$902.38 goes to county Government.

Commissioner Davey **MOVED** to approve the consent agenda and place the file items to file. Commissioner Crago **SECONDED**. Motion passed unanimously.

- Regular Business:**
1. Road Department
 - a. Bid Award – Snow blower attachment
Commissioner Crago, following reading the Road Superintendents recommendation, **MOVED** to accept Tractor and Equipment’s bid in the amount of \$128,500 for a RPM Tech Model LM220 loader mount snow blower unit. Commissioner Davey **SECONDED**. Motion passed unanimously.
 - b. Encroachment Applications – Applicant Dick Anderson Construction Applications 2017-43 through 2017-46 for the Stillwater Wind project in the northern part of the county. Commissioner Crago **MOVED** to conditionally approve the encroachment permits as recommended by the road department and contingent on receiving the first impact fee check from Stillwater Wind and Pattern Energy. Commissioner Davey **SECONDED**. Motion passed unanimously.

2. Finance and Human Resources - Amendment to Stillwater County's Cafeteria Plan Health Care Reimbursement Plan. Commissioner Davey **MOVED** to approve the amendment as presented. Commissioner Crago **SECONDED**. Discussion: Joe Morse explained this amendment to the plan allows employees in the Cafeteria Plan to use the HFS (flex) program with an increase to match federal law. Employees The new maximum is \$2,650 pre-tax contributions for employees, Morse said. Commissioner Shupak called for a vote. Motion passed unanimously.

Recess: At 9:12 AM, Commissioner Shupak recessed the meeting until 9:30 AM for the Public Hearing on Erie Drive Abandonment Petition.

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PUBLIC HEARING

FEBRUARY 6, 2018 - 9:30 AM

ROAD ABANDONMENT PETITION

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

Others Present: Sam Blaylock; Gale Madler, Sharon Fletmetis, Tim Russell, David Carse, Joyce Kelly, John Matovich; and Mikaela Koski.

Open Hearing: Commissioner Shupak opened the public hearing with introductions at 9:30 AM. He stated the purpose for the hearing is to receive comments and consider the viewers report on the proposed abandonment of Erie Drive.

Commissioner Davey stated the commission, from time to time, receives requests for abandonments or alterations of roads. She said the county follows the guidelines set forth in the state statutes. She thanked everyone for attending and invited them to speak up during the question and answer period.

Viewers Report: Commissioner Crago read the viewers report for those present. The report stated the road is not developed or maintained and is being used by the

landowners as an access to private property. It was also noted that there is no impact to the Road and Bridge Department.

Presentation:

Maps and pictures taken by the viewers were posted and provided for the audience to view.

David Carse explained he is petitioning to abandon a portion of Eerie Drive to improve the road so that he can build a home to raise his family in Stillwater County. He said the road is located at his property line, then crosses his property. He stated if abandoned, he would make improvements to the road and install larger culverts.

Discussion continued between the landowners regarding property lines, access issues, maps, survey, Montana statutes, etc.

Written Comments: Written Comments were received and read from Gale Madler and Gordon Williams; Timothy Russell and Joyce Kelley.

Proponents: Commissioner Shupak called for proponents. David Carse spoke in favor of the abandonment. Mr. Carse said Ms. Linda Bay, the only landowner affected by the proposed abandonment is also in favor of the abandonment.

Opponents: Commissioner Shupak called for opponents. The following spoke against the abandonment: Sam Blaylock; Joyce Kelley and Tim Russell; and Gale Madler.

Close Hearing:

Commissioner Shupak stated further written comments will be accepted until February 16, 2018, at 5:00 PM and a decision will be made on February 20, 2018, at 9:00 AM during the regular agenda session. Commissioner Shupak closed this portion of the hearing at 10:00 AM.