

**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
MARCH 6, 2018**

- Present:** Commissioners Dennis Shupak, and Mark Crago, Member; and Lori Dobitz, Administrative Assistant. Absent: Commissioner Maureen Davey. Others Present: Jerry Friend, Treasurer; Charles Sangmeister; Bill Hand; Bill Peterson; and Marlo Pronovost, 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 Claim Checks no.'s 99464-99527 in the amount of \$73,562.37. Commissioner Shupak **SECONDED**. Motion passed.
- Minutes:** Commissioner Crago **MOVED** to approve the minutes of the public hearing dated February 6, 2018, and the regular meeting of February 20, 2018. Commissioner Shupak **SECONDED**. Motion passed.
- File Items:**
1. Clerk and Recorder – Status of upcoming Water & Sewer District elections for May 8, 2018.
 2. Department Reports – Fees collected for the month ending February 28, 2018.
 - a. Clerk & Recorder - \$6,442.78
 - b. Justice Peace - \$8,750.00
- Meeting Adjourned:** Hearing no further business, Commissioner Shupak adjourned the meeting at 9:02 AM

PUBLIC HEARING
MARCH 6, 2018 – 9:30 AM

Present: Commissioners Dennis Shupak, and Mark Crago, Member; and Lori Dobitz, Administrative Assistant. Absent: Commissioner Maureen Davey.

Others Present: David Katz; Bill Hand; Bill Peterson; Lana and Charles Sangmeister; Bill Peterson; Joan Brownell; Burt Williams; Kelly Carter-Flynn; Kaity Williams; Cindy and Stephen Doxey Hatch; Bill Muldoon; Suzanne Belser; Linda Halstead-Acharya; Virginia and Richard Cross; Rita Westrum; Jeff Bollman; Kathleen Ralph; Dot Gallagher; Nancy Rohde, County Attorney; Mike Lorash; Merriam; and Marlo Pronovost, Stillwater County News.

Opened Hearing: Commissioner Shupak opened the public hearing at 9:30 AM and turned the meeting over to Commissioner Crago to facilitate. Commissioner Crago thanked everyone for attending the hearing and began with introductions of the Commission and County Attorney. He explained everyone would be given fair time to speak.

Reason for Hearing: Commissioner Crago stated there are currently no guidelines for the signature process in place for Citizen Initiated Zoning. He said assistance was sought from neighboring counties that have guidelines. He said the County Attorney, Clerk & Recorder, and himself has drafted guidelines for consideration.

Written Comments: Commissioner Crago explained the Commission received approximately 12 written comments since February 21, 2018, all appearing to be opposed in some form or another to the guidelines. Crago said he received a written comment with a request to be read into the record because the party could not attend the hearing. He will read the comment on behalf of the constituent during the opponent section of the hearing. Crago stated the Commission will continue to receive written comments until Tuesday, March 13, 2018, at close of business day. Commissioner Crago said at this time there is not a date for a decision because of this being named in a lawsuit.

Proponents: Commissioner Crago called for proponents, those in favor of the proposed guidelines.
None were heard.

Opponents: Commissioner Crago called for opponents, those not in favor of the proposed guidelines.

1. Dan Burkhardt's (Fishtail) letter was read in the record by Commissioner Crago. His letter summarized the creation of Stillwater County and a zoning district in the 1970's urging the commission to accept the threshold of 60 percent of the residents who signed the petition.

2. Joan Brownell (Fishtail) – read her letter into the record which stated her disappointment with the guidelines. She also stated the cadastral and GIS mapping is incorrect. She also didn't agree with restrictions regarding the Notary Public.

3. Bill Hand (Nye) - read his letter into the record which summarized his objections to the proposed guidelines. He said the process presented is extremely expensive and burdensome to any group. He stated six objections and questioned the definition of the term "land" as interpreted by the county asking why there is an attempt at defining the term here. He said there is blatant inconsistency regarding treatment of surface holders rights and rights of subsurface owners.

4. Burt Williams (Fishtail) – said he was all for a reasonable expectable set of procedures in order to help citizens realize their own fate on the lands that they control and have to live on. Nearly everything in the proposed guidelines is designed to be prohibitively expensive or practically difficult to impossible to accomplish.

5. Charles Sangmeister (Nye) – read the preamble of the U.S. Constitution and asked the commission to scrap the guidelines and re-write it.

6. Lana Sangmeister (Nye) - read her letter for the record summarizing that the guidelines impedes citizen participation; too expensive; totally departs from intention and precedence of statute; attempts to re-write state law; and blatant mistreatment of surface owners.

She said the Notary Public requirements circumvent and over-reach existing state notary law.

7. Bill Peterson (Nye) - he said one of the main things that disturbs him most is the dysfunction on the county level and the shirking of responsibilities --- is almost too much to bear. He said the commissioners are not representing the people of this county.

8. Noel Keough (Nye) - asked Commissioners Shupak and Crago if they knew all of the mineral rights owners of their property. Commissioner Crago reminded Mr. Keough that this portion of the hearing is to accept comments rather than questions and answers. Mr. Keough said he would encourage the commission to find out who has mineral rights on their property. He said most of the property in this county was homesteaded around 1916-1918 and the mineral rights were severed by the Department of Interior (DOI) at that time and to get the DOI to sign off on these petitions would be an interesting case in itself.

9. Bill Muldon (Landowner) - He said a well written CIZ guideline document and subsequent stakeholder agreements can ensure that all future oil and gas development will be conducted in a reasonable and responsible manner by allowing the affected surface property owners to have influence over how oil and gas companies operate. The proposed CIZ guideline will not allow the affected surface owner to have this influence because it includes the requirement to obtain 60% of the mineral rights owners in the petition. He said it would be impossible for the petitioners to satisfy this requirement due to the complexity and impossible for the county to validate.

10. Kathleen Ralph (Columbus) – She urged the commission to start from scratch in developing guidelines and urged them to work with the concerned impassioned citizens who have first-hand knowledge of the process.

11. Virginia Cross (Fishtail) – said the proposed guidelines essentially remove the voice of the people who live and work in Stillwater County in preference to mineral rights holders who do not live and pay taxes here.

12. Dot Gallagher (Columbus) - said when she first moved here she looked into the ownership of mineral rights because she was concerned about oil and gas development, particularly the fracking practices. She

found 60-80 mineral rights on her 300 acres and said it would be impossible to identify who all those mineral rights owners are. It is an unacceptable requirement she said.

13. Mike Lorash (Land Manager) - on the property he manages they have 72 mineral right owners in 357 acres at a cost \$3,000 for the report. He said he has people that own 5/2034th of an interest. It is on the verge of ridiculous and stated the commissioners are taking some of the citizen's rights away because for some it would be out of reach for them to find out that report. He is asking the commission to reconsider proposed the guidelines.

14. David Katz (Beehive) - said the commissioners drafted guideline policy does not have clear standards. The focus of his comments is the county's position on whether the county is required to consider mineral owners in the global number of affected property owners as defined in 76-2-101(1) MCA. He asked who decides when subsurface rights are at risk? Does the Commissioners or the petitioners? He said we are going to end-up in court from the get go if we try to implement this policy. Katz also addressed the required steps stating they are impossible as written. As landowners, we have to spend a quarter of a million dollars to get a list of all the surface and mineral rights owners. He said even if by some chance all the requirements were met, what would then happen? According to the policy, he said, the Board of County Commissioners, at its discretion, may adopt a resolution that states their intention to create the district. Do not adopt this policy, do it by talking to us, he said.

15. Noel Wood (Nye) – said he and his wife support the action of the petitioners.

16. Kirsten Feldman (Fishtail) - said it is impossible to obtain and hunt down the mineral right owners.

17. Doxy Hatch (Nye) – said he comes from a politically conservative background that is pro business and overtime he has distanced himself some from that. He imagined that the commissioners don't want to create an environment in Stillwater County that is anti-business that will obstruct development that will build a taxbase, provide jobs, and that make sense to him. However, there is a long history in Montana of mineral development that does a lot of damage and when the development is completed they extract most of what is valuable, the companies declare bankruptcy, and the state has to pay to clean things up. He said the these initiatives are not

designed to prevent mineral development, it is designed to set in place conditions that would make it safe to do it. These are people who love the Stillwater valley, we just want to keep it from being ruined.

Close Hearing: Hearing no further comments, Commissioner Crago stated the hearing will remain open for further written comments until Tuesday, March 13, 2018, 5:00 PM via email, postal mail, or hand delivered. Commissioner Crago closed this portion of the hearing at 10:34 AM.

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