

**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 13, 2018

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

Others Present: Penny Redli, Director, Museum of the Beartooths; Joe Morse, Finance; Mark Schreiner, Road Superintendent; Dave Carse, Petitioner; Heidi Stadel, Clerk & Recorder; Carol Arkell; GIS; Cliff Brophy, Sheriff; Gale Madler; Nancy Rohde, County Attorney; Jerry Friend, Treasurer; 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.

Minutes: Commissioner Davey **MOVED** to approve the minutes of February 27, 2018, and the regular meeting of March 6, 2018. Commissioner Crago **SECONDED**. Motion passed.

File Items:

1. Department Report
 - a. Sheriff's Department - \$950 collected fees for month ending February 28, 2018.

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

Regular Business: 1. Human Resources – Montana VEBA Health Reimbursement Account

a. resolution to participate in VEBA program - Joe Morse explained the resolution in front of the commission to adopting and formalizing the VEBA health reimbursement account arrangement for those retiree eligible employees for both the union and non-union group. The election held amongst the affected employees was passed by a majority vote.

Commissioner Davey **MOVED** to adopt **Resolution 2018-06**, State of Montana Health Reimbursement Accounts “Montana VEBA HRA”. Commissioner Crago **SECONDED**. Motion passed unanimously. Filed in the Clerk and Records office – Document # 371732.

b. adoption of policy for VEBA – Commissioner Crago **MOVED** to adopt the VEBA Policies for the non-union and union group of eligible employees. Commissioner Davey **SECONDED**. Motion passed unanimously.

2. Montana Department of Transportation (MDT) - Yearly Certification of Roadway Mileage – SFY 2019. Commissioner Crago **MOVED** to approve the Mileage Certification Form with the changes made on the gas tax maps. Commissioner Davey **SECONDED**. Commissioner Davey explained these maps are reviewed annually by the Road Department for additions, corrections, and deletions. Motion passed unanimously.

3. Museum of the Beartooths – Certified Local Government Grant Agreement MT-18-015. This is a match grant of \$3,066 and the City of Columbus also participates with same matching dollars according to Penny Redli. Commissioner Davey **MOVED** to approve the grant agreement as recommended by the Museum Director. Commissioner Crago **SECONDED**. Motion passed unanimously.

4. Road Department - Decision on petition to abandon a portion of Erie Drive.

Commissioner Crago stated written comment in opposition was received after the public hearing as follows:

1. Sam Blaylock – letter stated he would not like to see Eerie Drive closed that travels through Linda Bay’s property to his property line. He stated the road allows him access to his property on the north side of Sheep Creek to access his headgates on the Stillwater River. He stated he uses the road to move livestock to and from his property to the Matovich property rather Highway 78 due to heavy traffic.

Commissioner Davey stated a letter in favor of the abandonment was received from the County Road Department as follows:

1. Mark Schreiner, Superintendent – reviewed permanent records on file at the Clerk & Recorder’s office and finds that 1. the abandonment will have no significant impact on human welfare; 2. Eerie Drive is a dead-end road; and 3. If the petition is denied, there is potential for significant cost to maintain and upgrade the road. He is recommending abandonment as petitioned.

Commissioner Davey read draft order 2018-08, an order to abandon a portion of Eerie Drive aka Eerie Road.

Motion - Commissioner Shupak called for a motion. Commissioner Crago **MOVED** to adopt **ORDER 2018-02** as written. Commissioner Davey **SECONDED**.

Discussion – Commissioner Davey said it is not an easy decision but after reviewing all the information given and listening to the County Attorney and the Road Department, this fits the criteria for abandonment.

Gordon Williams – said he disagrees with the Road Superintendent and a discussion ensued regarding authority to grant easements and access issues. He reminded the commission that if two or more landowners are affected by the abandonment, they all have to agree on it. He claims 4 people are affected by the abandonment of this portion of road.

Nancy Rohde, County Attorney - stated Joyce Kelly and Tim Russell (husband and wife) are not affected and neither is Sam Blaylock. She said

Gordon Williams and Gale Madler (husband and wife) are somewhat affected by the abandonment (1 property) so the Commissioners have the discretion to abandon the road. She said if the county abandons this road today, the landowners will have to come together and decide what you are going to do for easements and access, which includes Linda Bay. Dave Carse stated he is not trying to block anyone from the north fence line and would give them an easement if that is what they wanted.

Gordon Williams – stated he objected to Nancy Rohde’s classification that Joyce Kelly is not impacted. He said she should not exclude Kelly and Russell from this abandonment as being affected. He said his point is, the county needs to follow the statute. Commissioner Davey stated there has been a lot of discussion on this and a meeting was held to bring the facts together and she is ready to make a decision.

Vote: Following dialog back and forth, Commissioner Shupak called for a vote on the motion to adopt **Order 2018-02**, granting the petition. Motion passed unanimously. Filed in the Clerk and Recorders office – Document # 371738.

Meeting Adjourned: Hearing no further business, Commissioner Shupak adjourned the meeting at 9:34 AM

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