

**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

APRIL 3, 2018

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

Others Present: Jerry Friend, Treasurer; Dana Weatherford, Weed Coordinator; Mark Schreiner, Road Superintendent; Shirlee Keffer; Pam and Dean Brill; Scott Waltner, Solid Waste Supervisor; Sharon Flemetis, NRCS; Cliff Brophy, Sheriff; Carol Arkell, DES; Tyrel Hamilton; Chip Kem, Undersheriff; and Mikaela Koski, Stillwater County News.

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

Public Comments: 1. Dana Weatherford, Weed District Coordinator, stated the district will be going out for weed spraying bids on county rights-of-way. Bids will be accepted until Friday, April 20, 2018, at 4:00 PM.

Claims: Commissioner Crago **MOVED** to approve Claim Checks No.'s 99528-99793 in the amount of \$338,499.10. Commissioner Davey **SECONDED**. Motion passed.

Minutes: Commissioner Crago **MOVED** to approve the minutes of March 13, 2018 and March 20, 2018. Commissioner Davey **SECONDED**. Motion passed.

Remove Item from File Item:

Commissioner Davey **MOVED** to remove the Treasurer's Report from the File Items for discussion. Commissioner Crago **SECONDED**. Motion passed.

Consent Agenda:

1. DES – TW Enterprises, Inc., quote approval for a new generator funded through the FEMA Grant with 25% county match.
2. MACo – Renewal rates for select plan benefits (dental and vision) for 2018-2019.

File Items:

1. Planning – Timeline submitted to complete Stillwater County Growth Policy for adoption in November 2018.

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

File Item

Discussion:

Department Report – Treasurers Cash Report for month ending August 31, 2017, in the amount of \$33,628,563.87. Commissioner Davey stated the commission is getting ready for budgeting with the departments and questioned the Treasurer on his submittal of cash reports. Jerry Friend, Treasurer, responded that he will have at least 2-3 more reports by the end of next week. Commissioner Crago **MOVED** to place the item to file. Commissioner Davey **SECONDED**. Motion passed.

Special Issues:

1. Stillwater River Road Rockslide – Bid Award Final Phase (netting and bolting).

Commissioner Crago stated this is considered Phase 5 of the Stillwater River Road Rockslide Project. He said a contractor walk-through pre-bid meeting took place two weeks ago. The engineering firm, Shannon and Wilson, received and reviewed the bids.

It is their opinion, both Geovert and GSI should be capable of completing the project based on review of their bids. The question that the County will have to contend with is whether the low bidder (Geovert) presents a higher risk.

a. Geovert's total price is approximately \$750,000 lower than the next lowest bid (GSI), and less than half of the other bidders (Triptych/Rock Supremacy and Access Limited/Hi-Tech). In our opinion, this price is lower than we expected for this project, and may indicate that Geovert does not entirely understand the complexity of the project. This suggests a higher risk of potential change order claims during construction as compared to the other bidders. Also of note, the next lowest bidder (GSI) has a bid that is essentially equal to the construction line item in the FEMA bid.

b. It is the recommendation of Shannon and Wilson that the county reduce some risk and award the bid to GSI, who is the second lowest bidder at 1.899 million dollars for the project.

Commissioner Crago **MOVED** to approve GSI's bid and award them the contract for the final phase of the rockslide on Stillwater River Road. Commissioner Davey **SECONDED**. Discussion: Commissioner Davey said it has been a long process and thanked all the departments for their efforts. Commissioner Crago

said he wanted to remind everyone that this is a 75/25 FEMA match grant and the county's match is 25% of the 1.899 million. Commissioner Davey called for a vote. Motion passed.

- Regular Business:**
1. Sheriff's Office – Interlocal Agreements for Adult Detention Services (3-yr term):
 - a. Yellowstone County
 - b. Gallatin County

Commissioner Davey said the two agreements before them for approval were prepared by the County Attorney. Chip Kem, Undersheriff, explained in his letter that the Yellowstone County agreement has been updated for the services we have been receiving and reflects the cost of services which were increased by Yellowstone County last year. The Gallatin County agreement is new and is being sought as an alternative to housing long-term prisoners Yellowstone County. The lower rate offered by Gallatin will offer a cost savings for certain prisoners that have been sentenced or are awaiting transfer to the Department of Corrections.

Commissioner Crago **MOVED** to approve both the Yellowstone and Gallatin County the interlocal – agreements for adult detention services. Commissioner Davey **SECONDED**.

Discussion: Commissioner Davey asked Undersheriff Kem if we had the most current copy of Yellowstone County's policy and procedures which is mentioned in the agreement. Kem said he wasn't aware if we had a current copy or if they have changed anything. Davey said she thinks it is important that we include those policies and procedures when approving the agreements.

Vote: Commissioner Davey called for a vote. Motion passed.

2. Road and Bridge Department – Termination of WKN MT II Project Road Agreement. Commissioner Davey said the current wind project is with a company named Pattern Energy and the previous company was WKN MT II.

Mark Schreiner, Road Superintendent, explained the original agreement pertained to WKN MT II, and since Pattern Energy bought them out, a new agreement is in place.

Commissioner Crago **MOVED** to move forward with terminating the WKN MT II project road agreement. Commissioner Davey **SECONDED**.

Discussion: Commissioner Crago said the County Attorney mentioned this was a housekeeping item like Mark Schreiner explained. Everybody has viewed and accepted the new road agreement for the new company that is doing the windfarm known as Pattern Energy. Their legal team wants to make sure there is not a

document out there that could be used against them that has nothing to do with them now, Crago said. Davey questioned the size of the previous agreement (100+ pages) to a new agreement consisting of four pages with Pattern Energy. She compared other county agreements for snow shoveling; on-call electrical, etc. that consists of more than four pages. She said we are looking at terminating something that may help us in the future, it may hurt them, but it may help us.

Mark Schreiner Road Superintendent, explained a lot of the information in the previous agreement with WKN does not pertain to what is going on now.

Vote: After much discussion, Commissioner Davey called for a vote. Motion Failed with a tie vote of 1-1. Commissioner Shupak did not vote.

3. Public Hearing Set for the following: note for record

- a. Solid Waste - roll off box and mileage /out of district permits - Hearing 4-17-18 at 9:30 AM
- b. Weed District - Equipment Rentals - Hearing 4-17-18 at 10:00 AM

4. Dept. of Public Health Human Services – Designation of Stillwater County Earmarked Alcohol Tax Money. Commissioner Crago said the form is requiring a percentage to be earmarked to the Journey Recovery Satellite Office. Crago sees no issue as to why not to continue this relationship with our allocation of these monies toward this program. Commissioner Crago **MOVED** to approve the earmarked alcohol money to Journey Recovery. Commissioner Davey **SECONDED**.

Discussion: Commissioner Davey stated this agreement has been in place for numerous years and it seems to be working with our Adult Probation and Juvenile Probation and is a successful program.

Vote: Commissioner Davey called for a vote. Motion passed.

Meeting Adjourned: Hearing no further business, Commissioner Davey adjourned the meeting at 9:19 AM.

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