

**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

JUNE 26, 2018

- Present:** Commissioners Dennis Shupak, Chair; Maureen Davey and Mark Crago, Members; and Lori Dobitz, Administrative Assistant.
Others Present: Carol Arkell, Fire Warden; Bob Brown; Steve Brown; Forrest Mandeville; Clifford Brophy, Sheriff; Chris Southworth; Dave Johnson; Pat McNamee; Robbie Neihart; Deloris Berry; Coralee Hicks; Jerry Friend, Treasurer; 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
- Minutes:** Commissioner Crago **MOVED** to approve the minutes of June 12, 2018. Commissioner Davey **SECONDED**. Motion passed unanimously.
- Claims:** Commissioner Davey **MOVED** to approve manual claim #100279 in the amount of \$775. Commissioner Crago **SECONDED**. Motion passed unanimously.

Special Issues: 1. Stillwater River Road Rockslide – Commissioner Crago reported on the project status stating it was going very well. He said GSI is a very professional company in what they are doing in bringing down very large rocks. He reminded those in attendance to stay clear of the area as it is still a high hazard danger area at this point – the work is progressing right on schedule.

Consent Agenda: 1. Dept. of Public Health – Public Health Emergency Preparedness Task Order

2. Road & Bridge Department – Contractor Agreement between Knife River for chip seal project on Shane Creek as awarded in the amount of \$53,550

3. Maid in Columbus – Custodial service contract renewals - County Attorney and Sheriff Offices.

4. Finance Office -

a. Renewal of Managed Services for County Computers between Systems Tech Consultants. \$3,300 month

b. Managed fire wall for West Annex between Systems Tech Consultants \$1,848

5. USDA – Memorandum of Understanding for predator protection of cattle and sheep.

Commissioner Crago **MOVED** to approve the consent agenda. Commissioner Davey **SECONDED**. Motion passed unanimously.

Regular Business: 1. Columbus Airport – Woltermann Memorial – Airside Pavement and Electrical Rehab (AIP-3-30-0017-013-2017) MMI Invoice and Request for Reimbursement No. 9.

Commissioner Crago **MOVED** to approve the invoice payment and the request for reimbursement as submitted. Commissioner Davey **SECONDED**. Motion passed unanimously.

2. Fire Warden – Department of Natural Resources and Conservation (DNRC) Cooperative Equipment Agreement and Cooperative Fire Control Agreement.

Commissioner Davey **MOVED** to approve both agreements as presented. Commissioner Crago **SECONDED**. Motion passed unanimously.

3. Commissioner's Agenda Meeting - Commissioner Crago **MOVED** to cancel agenda meeting of July 3, 2018. Commissioner Shupak **SECONDED**. Motion passed unanimously.

4. Road & Bridge – Spring Creek Bridge Replacement Contract Documents

Commissioner Crago stated the bid was awarded to Tamietti Construction and Great West has prepared the contract and the Notice to Proceed. Commissioner Crago **MOVED** to approve the construction documents and continue to move forward with the replacement of the Spring Creek Bridge. Commissioner Davey **SECONDED**. Commissioner Crago stated this is a fully county funded project and there is no state or federal funding on the project. Mark Schreiner, Road Superintendent, stated mid-July to the end of July water levels are being looked at and as soon as the levels are acceptable for construction they will start. A pre-construction meeting will be on July 10, 2018, at 1:30 PM at the Spring Creek Bridge site. He also said the Army Corp of Engineers permit is being processed and should be getting it this week. Commissioner Shupak called for a vote. Motion passed unanimously.

Meeting Recessed: Commissioner Shupak recessed the meeting at 9:08 AM until 9:30 AM for the Beartooth Subdivision.

TUESDAY – JUNE 26, 2018

SUBDIVISION REVIEW

9:30 AM

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

Others Present: Carol Arkell, Fire Warden; Bob Brown; Steve Brown; Forrest Mandeville; Clifford Brophy, Sheriff; Chris Southworth; Dave Johnson; Pat McNamee; Robbie Neihart; Deloris Berry; Coralee Hicks; Jerry Friend, Treasurer; and Mikaela Koski, Stillwater County News.

Beartooth

Subdivision: Preliminary Plat 18 - Lot Major Subdivision

Forrest Mandeville, Contract Planner presented the Beartooth Subdivision located in Park City north of Cemetery Road and west of 3rd St. West. The property is described as Tract 3C of COS 281941 and Tact 4 of COS 228842, located in the SW ¼ of Sec. 29, T2S, R23E, MPM. Performance Engineering, on behalf of Patrick McNamee, Beartooth Water Jetting & Inspection, LLC submitted a preliminary plat application. It is a proposed 18-lot residential subdivision containing just over 10.5 acres that will be removed from agricultural production as a result of this subdivision, Forrest said.

Forrest presented to the Commission the Compliance Review and the Findings Summary of the subdivision. He said the Planning Board recommended approval subject to 16 conditions during their public hearing held on June 6, 2018. Findings that required more discussion included: Internal Roads - The applicant proposed dedicating internal roads to the County to ensure maintenance by establishing an RSID. The Road Superintendent indicated his preference that the County not accept new road dedications and that subdivision roads be owned and maintained by private means, i.e. homeowners

association and/or maintenance agreement. Agriculture Water - The applicant states that adjacent farmland utilizes flood irrigation practices. A ditch is proposed to be constructed to prevent flooding of the subdivision and to direct irrigation water through the subdivision to provide irrigation water in individual lots. A lengthy discussion followed. Cash in lieu of parkland and will be submitted said Forrest.

Summary of Public Comments – Forrest summarized the public comments spoken at the Planning Board’s public hearing. He explained most concerns were raised over internal irrigation and creating an alley on the back side of lots. The Planning Board felt piping potential residential irrigation water would be preferable to open ditches and added condition #11 in response to those comments. The board also said the creation of an alley was unnecessary and that a house fire could be adequately addressed from the front of the lots. Furthermore, the board thought that if the utility easements were left open they may become a maintenance issue and public safety hazard due to potential dead ends and blind corners.

Forrest read each of the recommended preliminary plat conditions of approval to the Commission. Condition #9 was revised to read “*The final plat shall show a “no-access” strip along the south side of Lots 1 and 18 and the east side of Lots 10, 11, and 12*”, and the Commissioners added Condition #18 “*Covenants should contain a statement warning against construction across easements.*”

Public Comments – The following persons made comments:

1. Steve Brown – discussed the possibility of creating an alley between the subdivision and the adjacent landowners.
2. Bob Brown – submitted a “petition” sign by all the property owners within the area of 3rd St. West requesting an alley verses an easement behind their properties stating they have no legal access to the backs of their properties without an alley. Brown said it floods on the corner of his lot and there is no

culvert to get rid of the excess irrigation water. The simple solution is for McNamee to make an alley in lieu of a park stating the new landowners along with the adjacent owners would have access to the back of their properties, Brown said.

3. Pat McNamee – explained that he does not wish to create an alley as no one follows the rules as they are now, stating most alleyways collect junk, trailers, and vehicles. That is not what he wants and he doesn't think that is what the townspeople of Park City want.

4. Deloris Berry – asked if a covenant could prevent persons from parking anything in the alley. Pat McNamee explained it is current law and people still park in the alley.

5. Commissioner Crago – He said from conversations he has been involved with regarding alleys, the Road & Bridge; Sheriff's Department; and the County Attorney, specifically in Park City, have spent an immense amount of time and expense trying to get things removed from the alleys. He said he can appreciate the landowners wanting to access the backside of their property, however, there isn't an alley that currently exists, and in theory, they are driving across the developers property (proposed subdivision) to access the backside of their properties.

6. Chris Southworth – stated since the road department doesn't want to accept the road to the subdivision, he asked if the eighteen property owners would have to pay county and road taxes. It was explained to him that all property owners pay road taxes.

Commissioner Action: Commissioner Crago **MOVED** to approve the Preliminary Plat of the Beartooth Subdivision with the conditions recommended by the Planning Board; added a Commissioner's amendment to Condition #9; and Commissioners addition of Condition #18 as discussed. Commissioner Davey **SECONDED**. Motion passed unanimously.

Meeting Adjourned: Hearing no further comments, Commissioner Shupak adjourned the meeting at 10:45 AM.

Claims and

Warrants: Claims were examined and warrants ordered drawn in the amount of \$ 501,112.24 and payroll in the amount of \$ 637,002.99 for a total of \$ 1,138,115.23 for the month ending June 30, 2018.

/s/ Dennis Shupak, Chairman

Attest: Heidi L. Stadel, Clerk and Recorder

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