

**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  
AUGUST 28, 2018**

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

Others Present: Lee Cornell, Justice of the Peace; Betsy Scanlin, Candidate for Senate District 29; Eric Simonsen, Simonsen Architect; Carol Arkell, Fire Warden; Jerry Friend, Treasurer; Chris Southworth; Cliff Brophy, Sheriff; and Mikaela Kosli, Stillwater County News.

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

**Public Comments:** Commissioner Crago made the following comments:

1. Oil and Gas Board Meeting – Commissioner Crago addressed a letter to the editor in regards to the Commission attending a meeting of the Oil and Gas Board. He clarified that the Board of Commissioners did not attend the meeting, but he did so to inform the board of the lawsuit between the Beartooth Front and Stillwater County as well expressed an interest that the board come and present an educational program to inform the general public and the county of the role of the Oil and Gas Board.

2. Rock Slide Project - Commissioner Crago stated demobilizing is taking place at the rock slide and awaiting Nemont to replace fiber optic lines. He said the county road department will then re-stabilize the bank where the slide took off a couple feet of road bank, re-gravel and re-grade the road, and then re-open the Stillwater River Road for public use.

Betsy Scanlin - introduced herself and stated she is running for Senate District 29 and is attending the meeting to hear the issues in Stillwater County.

**Minutes:** Commissioner Davey **MOVED** to approve the minutes of July 31, 2018.  
Commissioner Crago **SECONDED**. Motion passed unanimously.

**Special Issues:** 2018 Fire Season – Carol Arkell, Fire Warden, reported on the current conditions (added moisture) in Stillwater County. Commissioner Davey **MOVED** to prepare a Resolution to rescind the Stage I Fire Restrictions on September 7, 2018 at 12:01 AM. Commissioner Crago **SECONDED**. Motion passed unanimously.

**Consent Agenda:** 1. ~~County Attorney Office Space Lease (Victim Witness Office) between Robert and LaNita Maurer.~~  
2. Sheriff's Office – DUI Task Force Services Agreement for enforcement activity reimbursement between Stillwater County and MT Highway Patrol.

**File Items:** 1. Reports - Treasurer Cash and Investments report - July 2018  
2. Correspondence – FAA Letter – Notification of Amendment No. 1 for Columbus Airport- Woltermann AIP 3-30-0017-013-2017 increasing the maximum grant obligation.  
3. MDT – Billings Area Safety Improvements – Preliminary Field Review Report/Scope of Work.

Commissioner Davey **MOVED** to place Consent Agenda Item No. 1 (County Attorney) to the Regular Commissioner Business No. 4 for discussion. Commissioner Crago **SECONDED**. Motion passed unanimously. Commissioner Crago **MOVED** approve the remaining consent agenda and place the file items to file. Commissioner Davey **SECONDED**. Motion passed unanimously.

**Regular Business:** 1. Resolution – MDT Bridge & Road Safety and Accountability Restricted Account Reservation. Commissioner Crago explained that the State of Montana will hold the county's gas tax money in reserve and the county has to have a specific project designated to use the funds. He said the resolution would allow the State to reserve the funds until there is enough to complete a road and bridge project. Commissioner Crago **MOVED** to adopt **Resolution 2018-15**, a resolution requesting reservation of local government road construction and maintenance match program funds. Commissioner Davey **SECONDED**. Motion passed unanimously. Filed in the Clerk and Records Office, document no. 373276.

2. MT Fish, Wildlife, and Parks (FWP) – 2019 Brucellosis Proposed Annual Work Plan. Commissioner Davey wanted to bring the annual work plan to the attention of the public explaining the MT FWP is expanding their designated surveillance area (DSA) to counties around Yellowstone Park and at this time does not include Stillwater County. She said the FWP needs to manage their elk so that it does not interfere with the production of our livestock people.

3. Facilities – Courthouse Stair Replacement Project – Fee proposal and Scope of Work with Simonsen Architect. Commissioner Crago said approximately three weeks ago the commission approved replacement of the front steps. This is the agreement covers the construction documents, bidding assistance and construction administration services for the full stair replacement. The agreement is in the amount of \$25,500. Commissioner Crago **MOVED** to approve the Architectural/Engineering – Scope of Project Agreement between Simonsen Architect. Commissioner Davey **SECONDED**. Motion passed unanimously.

4. County Attorney – Office Space Lease (Victim Witness Office) – between Robert and LaNita Maurer. Commissioner Davey said the commission received a request to rent office space for the victim witness program. She said the program has operated for the past 20-years in Stillwater County under the Sheriff’s Office. This past year it has moved from the Sheriff’s Office to the County Attorney’s Office. In the past the commission participated in all the steps in receiving the grant. She said with this new grant, she has not seen the application nor the award contract and does not feel comfortable signing the lease until she does. Commissioner Crago **MOVED** to approve the county attorney office space lease for the victim witness office. Hearing no second, Motion Failed.

**Meeting Recessed:** Hearing no further discussion, Commissioner Shupak recessed the meeting at 9:15 AM until 9:30 AM for a public hearing.

**PUBLIC HEARING**  
**AUGUST 28, 2018 – 9:30 AM**  
**PROPOSED SOLID WASTE FEE**

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

Others Present: Scott Waltner, Solid Waste Supervisor; Bill Linger, Solid Waste Board Chair; Lee Cornell, Justice of Peace; Roger Nummerdor; Lee Goldy; Wes Bell; Pat Hanner; Boyd Bernard; Nancy Gallowy; Kenny Southworth; Gary Weiss; Betsy Scanlin; Pat Mullaney; Lloyd and Dianne Jones; Richard Kissler; Larry Larson; Mike Phillips; Shane Thormahlen; Pam Cunningham, Solid Waste; Roy Yurt; Dana Weatherford; Bill and Deb Calovis; James and Margaret Jenkins; Deb and Dave Stimmel; George Realbird, Big Horn County Commissioner; Keith Thompson; Russ Marlow; Chris Southworth; Russel Seymanski; Perry and Gayle Helt; and Mikaela Koski, Stillwater County News.

**Open Hearing:** Commissioner Shupak opened the hearing at 9:30 AM. He introduced Bill Linger, Solid Waste Board Chair; Scott Waltner, Solid Waste Supervisor; and the Board of Commissioners and the Administrative Assistant. Commissioners Davey welcomed everyone to the meeting and explained this is the process we take for proposed increase of fees. She said the county is guided by the Montana Code Annotated which provides for a hearing to hear all comments. She explained that a decision will not be made today.

**Reason for Hearing:** Commissioner Shupak stated the reason for the hearing is to amend Solid Waste Policy 8.00 to reflect adding disposal categories as follows:

- a. personal yard debris
- b. tree/brush trimmings
- c. mattresses or box springs
- d. chairs
- e. Pallets

and increase current fees for commercial yard debris, construction debris, carpet; passenger and light truck tires; barrels, etc; as recommended by the Solid Waste Board.

**Background:** Scott Waltner explained that during a Solid Waste Board Meeting held on July 12, 2018, the board voted to recommend the commission revise Policy 8.00 to add additional items to the fee schedule and increase nine other fees currently on the fee schedule. Commissioner Davey asked for the reason for the increases. Waltner explained the costs have increased for services. He also explained the assessment is a fee and not a tax –and it is how they survive, he said. The Solid Waste Department receives an assessment from every household in the county and that is how he sets the budget for the year. He said the last time the Solid Waste Board raised the assessment from \$122 to \$146 was in 2006. He said his worker's wages have doubled since that time. He said the annual Billings landfill charges in 2006 was \$52,000 and is now \$100,000. He said the liability insurance in 2006 was \$20,000 and is now \$41,000. He said everything has more than doubled. He said the Solid Waste budget has been running in the black every year with the exception of last year and things are just starting to go the opposite direction. The Solid Waste Board has recommended, rather than increase the assessment for everyone, to make it more of a user fee system Waltner said.

**Questions:** Commissioner Davey questioned the proposed fees for mattresses and box springs as being dumped as a set or priced individually. Scott said it was not addressed by the board. Another resident questioned the proposed fees for disposing of a chair. She asked what kind of chair, recliner, rocker, kitchen chair, baby chair. Scott Waltner said any chair would fall under the proposed fee. Questions regarding what a cubic yard is or how it is measured or determined were answered by Scott Waltner. Roger Nummerdor asked Scott how he would know these proposed fees would be enough money to get the Solid Waste Department back in the black, whereas a change for all the households of either \$1 or \$2 increase on their assessment would **guarantee** those funds. Waltner said he hopes it does. Following a lengthy question and answer period, the Commissioners brought out the letters and emails that were received prior to the hearing.

**Written Comments:** Lori Dobitz, Administrative Assistant, read several letters and emails the Commission received prior to the public hearing. Most were in opposition of the proposed fees - especially the fees for yard debris, grass, and tree branches. Some stated they agreed with commercial and construction fees.

**Proponents:** Commissioner Shupak called for proponents – those in favor of the proposed fees. The people that spoke in favor were: Perry Hilt; Pam Cunningham; Dana Weatherford; and Russ Marlow. They were all in agreement that those bringing in large amounts of debris and large items should pay more.

**Opponents:** Commissioner Shupak called for opponents – those not in favor of the proposed fees. The people that spoke in opposition were: Shane Thormahlen; Nancy Galloway; Chris Southworth; Lloyd Jones; Larry Larson; James Jenkins; Lee Goldy; Lloyd Bernard; Gary Weiss; Roger Nummerdor; Keith Thompson; Kenny Southworth; Dave Stimmel;

Wes Bell; Gayle Helt; and Jerry Friend. The majority of the opponents stated the new charges will cause large items to be dumped in barrow pits and fees should not be charge for grass clippings or branches. Most agreed that an assessment increase would be a better approach to the shortfall reported by Scott Waltner. Also noted as opponents were the 11 letters received, one letter having 18 signatures.

**Close Hearing:** Commissioner Davey stated the Commission will take further written comments until Tuesday, September 4, 2018, at 9:00 at which time a decision will be made during the Regular Agenda meeting. Commissioner Davey closed this portion of the Public Hearing at 10:41 AM.

**Claims and Warrants:** Claims were examined and warrants ordered drawn in the amount of \$1,371,990.09 and payroll in the amount of \$444,948.76 for a total of \$1,816,938.85 for the month ending August 31, 2018.

/s/ Mark Crago, Commissioner Co-Chair

ATTEST: Heidi L. Stadel, Clerk and Recorder

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