

## STILLWATER COUNTY COMMISSIONERS 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 14, 2016

**Present:** Commissioners Dennis Shupak, Chair; Maureen Davey and Gerald W. Dell, Members; Lori Dobitz, Administrative Assistant. Others Present: Donald Hutson, Absarokee Rancher; Joe Morse, Finance; Carol Arkell, Fire Warden; Rich Cowger, Columbus Fire Chief; Nick Jacobs, Columbus Assistant Fire Chief; April Limberg, Planning; Clifford Brophy, Sheriff; and Rick Hanners, Stillwater County News.

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

**Public Hearing:** Trial Burn Permit System - Commissioner Shupak stated that the purpose for the public hearing is to receive comments and re-evaluate the trial burn permit system that has been in place for one year. A draft resolution will be considered for adoption to continue the service. Commissioner Dell said Carol Arkell, Fire Warden, will explain the service program and its benefits during the trial period.

Carol Arkell, Fire Warden - summarized the number of permits issued in the trial period totaled 477, new this year since January 2016 totaled 325 with 147 renewals. She said permit activations since the first of the year total 907. Those numbers show people are activating and purchasing permits and are following the guidelines within the system. She said her office and the Clerk and Recorders Office have received many calls in support of the system. They appreciate knowing when we have a weather or wind event that they can't burn. Arkell said on June 10, 2016, the Fire Council voted to support continuing the Burn Permit System, stating as a council, they feel it is a success.

Rich Cowger, Columbus Rural Fire Chief - Expressed his support for the continuation of the program. He said the trial period has been successful in reducing the number of call outs.

Commissioner Maureen Davey - said during the trial period, people that burned without permits were given verbal warning/education and Carol Arkell confirmed that.

Written Comments - Commissioner Dell read four (4) written comments the Commission received. All were in favor and support of continuing the burn permit system.

Proponents - Commissioner Dell called for those in favor of continuing the proposed burn permit system to show a raise of hands. Five proponents were in favor. Commissioner Dell said when approached by the process about 4-years ago, he was not in favor of it, as he stated in the last public hearing. The education he received from other counties that have the system and from our personnel that worked on putting this system together, he voted in favor of it last year and said he is still in favor of the system.

Opponents - Don Huston said he does not support the burn system because he believes it is against the private property owners rights whether they burn or not. He said prior to the system, there was a means if the fire got out of control, the person was still responsible for the fire. He questioned the permit fee. Arkell explained the fee structure, the renewal process, and education outreach. Mr. Huston said when the number of permits purchased was presented by Carol Arkell, it doesn't necessarily mean those people support the system, they are following the rules by purchasing the permits.

Draft Resolution - Commissioner Davey read draft Resolution 2016-21, a resolution establishing a fire season and related burn permits and fees for Stillwater County, MT, excluding the Town of Columbus. Commissioner Dell **MOVED** to adopt **Resolution 2016-21**. Commissioner Davey **SECONDED**.

Discussion - Commissioner Davey asked if the option of purchasing the permits at the Fire Wardens Office be added to the resolution. Carol Arkell agreed. Don Hutson asked why the fire season is the entire calendar year. Cowger said in our particular area, unlike the west side of the state, we don't experience the air inversions or the air quality issues that the other side of the state does. He said he feels they can regulate it better on a day to day basis, wind conditions, that kind of things, rather than set a special burn season. Commissioner Davey said past discussions also addressed setting certain dates/months for a burn season and how it would be confusing as to when persons were allowed to burn.

Commissioner Davey said she would like to see the permit fee go from \$8.00 to \$5.00 for new and renewals beginning January 1, 2017. The annual cost would be examined each year on December 1.

Vote - Commissioner Shupak called for vote on the motion. All voted nay. Motion failed.

New Motion - Commissioner Davey **MOVED** to adopt **Resolution 2016-21**, with changes to the annual fee be decreased from \$8.00 to \$5.00 beginning

January 1, 2017; and review the fees on December 1 of each year. Commissioner Dell **SECONDED**.

Discussion - Commissioner Dell said when he lived in Washington State, the burn permits there were a lot more restrictive than they are here. At present time, a permit there costs \$40.00, just to give a comparison in costs, he said.

Vote - Commissioner Shupak called for a vote. All voted in favor. Motion passed unanimously.

Close public hearing - Commissioner Dell **MOVED** to close the public hearing. Commissioner Davey **SECONDED**. Motion passed unanimously. Public hearing closed at 9:37 am.

**Minutes Approval:** Commissioner Dell **MOVED** to approve the minutes of April 5, 2016. Commissioner Davey **SECONDED**. Motion passed unanimously.

**Special Issues:** Stillwater River Road Rockslide - Commissioner Dell said he is working to organize a meeting for tomorrow or Thursday with the committee.

**Regular Business:**

1. Resolution - Distribution of Metal Mines License Tax (MMLT) - Joe Morse, Finance Specialist, said he has received the second half 2015 MMLT which is a distribution from the Nye Mine and the East Boulder Mine. He prepared a spreadsheet with two different options for consideration by the Commissioners. He said Option A is what the county has normally done with a 40% into the Hard Rock Trust Fund and the remaining distributed, a third to the affected High Schools, a third to the affected Elementary Schools, and a third to the county for Economic Development. He said the second Option B is no change to the Nye Mine but the East Boulder Mine, taking that and putting 100% into the Hard Rock Trust Fund, which would mean the schools would not receive any distribution. He said under state law, the county is required to place the minimum of 37% in the Hard Rock Trust. Commissioner Davey said she met with John Beaudry, Stillwater Mining Company Public Affairs Manager, saying she needs a review each year since this distribution takes place twice a year and there were legislative changes. She said the Nye Mine distribution is significant in dollar figures. The East Boulder Mine distribution is not significant, she said. In discussing with John Beaudry, he said it may be a little easier for the formula and the distribution.

Joe Morse, Finance Specialist, said both distributions are distributing for both mines, we are just putting 100% of the East Boulder into the Hard Rock Trust. Commissioner Davey said when this money goes into the trust fund, and if the mine closes it would be distributed to the county and the schools. It is put away in a trust, so it is not

touched unless the mine closes or there is a reduction in 50% in workforce.

Following discussion, Commissioner **MOVED** to select Option B with the adoption of **Resolution 2016-22** for the distribution of the MMLT for the second half of 2015. Commissioner Dell **SECONDED**.

Discussion - Commissioner Davey thinks it will make it a little easier and it is not a significant dollar figure to the schools. Commissioner Dell said the only two schools affected are Reed Point and Columbus.

Vote - Commissioner Shupak called for a vote. Motion passed unanimously.

2. Planning Department -
  - A. Hillbrook Estates Major Subdivision - Final Plat approval and SIA
  - B. Anderson Ranch, LLC., COS 275043 Amended Plat - Final Plat Approval and SIA
  - C. Trewin Subdivision - Final Plat Approval and SIA

April Limberg, Planning Department, stated the subdivisions have met their conditions of approval and the contract planner has signed off on all three. Commissioner Dell **MOVED** to approve the final plat approval and SIA on the above referenced subdivisions as recommended by planning staff. Commissioner Davey **SECONDED**. Motion passed unanimously.

- Consent Agenda:**
1. Sheriff's Department
    - A. Victim Witness Program Grant - Statement for in-kind match used in grant program #15-V01-91790
    - B. LEPC and DUI Task Force - Board Appointments
    - C. Alternatives, Inc. - Annual Purchase and Service Contract 2016
  2. Board of Canvassers - Appointment of Sandy Fox to serve as a canvasser.

- File Items:**
1. Department Reports - May 2016 - Sheriff's Department
  2. MT Department of Revenue - Classification and Appraisal Notices
- Commissioner Davey **MOVED** to approve the consent agenda and place the file items to file. Commissioner Dell **SECONDED**. Motion passed unanimously.

**Public Comments:** None heard.

**Meeting Adjourned:** Hearing no further business, Commissioner Shupak adjourned the meeting at 9:48 A.M.