

**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
SEPTEMBER 13, 2016**

Present: Commissioners Dennis Shupak, Chair; Maureen Davey and Gerald W. Dell, Members; Lori Dobitz, Administrative Assistant.

Others Present: Coralee Hicks, Citizen; Jerry Krauth, Bearpaw Ranch Association; Cliff Brohpy, Sheriff; Michael Takeuchi, Citizen; Mark Crago, Commissioner Candidate ; and Rick Hanners, Stillwater County News.

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

Minute Approval: Commissioner Dell **MOVED** to approve the minutes of the regular meeting of June 14, 2016. Commissioner Davey **SECONDED**. Motion passed unanimously.

Claims: Commissioner Dell **MOVED** to approve check no. 95988 in the amount of \$99.42 (manual claim). Commissioner Davey **SECONDED**. Motion passed unanimously.

Speed Limit Ordinance

Readings:

1. Second Reading Ordinance 2016-03 - to reduce the speed limit to 25 mph on Shane Ridge Road (a gravel road). Commissioner Dell conducted the second reading of the ordinance to those present. The proposed speed limit would apply to Shane Ridge Road located in Sections 4,10,14,23, and 24, T3S, R20E, MPM starting at the intersection of Shane Creek Road and continuing south easterly to the end of the county road approximately 5 miles. Commissioner Dell stated the first reading was held and approved on August 30, 2016. Commissioner Dell **MOVED** to adopt Ordinance 2016-03. Commissioner Davey **SECONDED**.

Discussion: Commissioner Davey said we have gone through the process and this is the procedure you take to change a speed limit. Jerry Krauth, Bearpaw Association representative, stated the association is against the 25 mph, stating it is unrealistic and very difficult to maintain a 25mph. Mike Takeuchi, resident, stated he is

not in favor of lowering the speed limit from the current 35 mph. He said it doesn't seem to be a material difference between the dust at 35 mph and 25 mph. He also stated that he didn't know if the sheriff's office would sit up on Shane Ridge Road to see who is doing 25mph, he is sure they have more important things to do. In that sense, it probably isn't enforceable either. Commissioner Davey thanked those that commented. She stated the Commission received a letter from DEQ and they suggested that lowering the speed limit would help with the dust particles in the air and this is what we can afford to do. That is how this initiated she said, with the letter received from DEQ. Mr. Takeuchi said dust abatement would only be needed where the houses are located. Jerry Krauth agreed with Mr. Takeuchi and stated there is an avenue (cost share) to address that and keep the 35 mph. Commissioner Dell said the county cost shares by preparing the road and the landowner provides the material in several locations in the county.

Vote: Commissioner Shupak called for a vote. Commissioner Davey voted yea. Commissioners Shupak and Dell voted nay. Motion Failed. Commissioner Dell explained the reason he voted no was because the Bearpaw Association is against this. Failed Ordinance Document No. 366461 filed with the Clerk and Recorder.

2. Second Reading Ordinance 2016-04 - to set a speed limit of 25 mph on South Grove Creek Road (a gravel road). Commissioner Davey conducted the second reading of Ordinance 2016-04. The proposed speed limit would apply to) beginning at the intersection of said road, Davidson Creek Road and Grove Creek Road in the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 13, Township 4 South, Range 17 East, south through Govt. Lots 2 and 3 in Section 18, Township 4 South, Range 18 East, and continuing in a southerly direction along the section lines of the easterly boundary of said Section 13 and the westerly boundary of said Section 18 to the end of the county road at Govt. Lot 4 of said Section 18 and the S $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 13, approximately 4,775.82 feet. Commissioner Davey stated the first reading was held and approved on August 30, 2016. Commissioner Davey **MOVED** to adopt Ordinance 2016-04. Commissioner Dell **SECONDED**.

Discussion: Commissioner Davey restated this is the process and procedure to change a speed limit.

Vote: Commissioner Shupak called for a vote. Motion passed unanimously. Document No. 366462 on file with the Clerk and

Recorder.

- Special Issues:**
1. Stillwater River Road Rockslide: Commissioner Dell said prior to the meeting he had a phone call with Scott Walker, Shannon and Wilson in regards to the bid package for the work on the rockslide. It is in review by his immediate supervisor and he is in the process of forwarding the bid package to this office.
 2. 2016 Fire Season - The Commission is in receipt of a letter from the County Fire Warden, dated September 12, 2016. It is her recommendation to go out of Stage I Fire Restrictions due to cooler weather; recent rainfall; and concurrence by the local fire chiefs. Commissioner Dell read draft resolution 2016-31. Commissioner Dell **MOVED** to adopt Resolution 2016-31 Rescinding Stage I Fire Restrictions in Stillwater County effective immediately. Commissioner Davey **SECONDED**. Motion passed unanimously.

Commissioner Davey **MOVED** to remove the Contract for Civil Attorney from the consent agenda and discussed individually. Commissioner Dell **SECONDED**. Motion passed unanimously.

County Attorney: Commissioner Davey said the County Attorney has submitted a Contract for Civil Attorney for her office not the Commissioners office. Following review of the contract, one of the paragraphs conflicts with our insurance, Davey said. The county attorney was contacted about the language and it was removed from the contract. The contract is with Jacqueline Papez through her firm of Doney Crowley, P.C. at the rate of \$135/hr for first fifteen hours a month and \$175/hr thereafter. Commissioner Davey **MOVED** to approve the contract under the recommendation of the County Attorney with the removal of the language regarding insurance. Commissioner Dell **SECONDED**.

Discussion: Commissioner Dave stated this is the second attorney contract outside the county that the County Attorney is using and it seems to be working very well.

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

- File Items:**
1. Sheriff's Office- Fees collected for month ending August 31, 2016.
 2. Justice Court - Fees collected for month ending August 31, 2016.

Commissioner Dell **MOVED** to place the file items to file. Commissioner Davey **SECONDED**. Motion passed unanimously.

Public Comments: None heard.

Meeting Adjourned: Hearing no further business, Commissioner Shupak adjourned the meeting at 9:26 AM