

## 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 OCTOBER 25, 2016

- Present:** Commissioners Dennis Shupak, Chair; Maureen Davey and Gerald W. Dell, Members; Lori Dobitz, Administrative Assistant.
- Others present: Jerry Friend, Treasurer; Joe Morse, Finance; Scott Waltner, Solid Waste Supervisor; Joan Beck, Citizen; and Chip Kem, Undersheriff.
- Open Meeting:** Commissioner Shupak opened the meeting at 9:00 am with the pledge to the flag.
- Minute Approval:** Commissioner Davey **MOVED** to approve the minutes of August 2 and August 9, 2016. Commissioner Dell **SECONDED**. Motion passed unanimously.
- Claims:** Commissioner Dell **MOVED** to approve claim check no.'s 96184 through 96287 totaling \$265,173.77. Commissioner Davey **SECONDED**. Motion passed unanimously.
- Special Issues:** Stillwater River Road Rockslide - Commissioner Dell said bids are due on November 9, 2016, and the bid opening will take place on November 10, 2016. An on-site visit will be held on November 1, 2016, at 10:30 am.
- Regular business:** 1. Public Hearing - A petition was filed with the Stillwater County Commissioners by Joan Beck, et. al, to abandon a portion of Park Street in the unincorporated town of Reed Point, described as beginning at the intersection of First Ave. S thence south approximately 100 feet and ending at the intersection of the State of Montana right-of-way and Park Street.
- Commissioner Davey stated she and Heidi Stadel were appointed as the viewers for this petition and met on October 5, 2016. She said in viewing that street, there was grass on the present right-of-way with trees. It is not developed and there is a home on the west side and church property on the east side.
- Commissioner Dell said a written comment was submitted by Maxine Burkle with no opposition to the abandonment.
- Proponents - Commissioner Dell called for comments of those in favor of the abandonment. Mrs. Joan Beck, petitioner, said she is owner of the house to the west and they help the church take care of the property. She said is undeveloped

and is rocky with trees and grass. She is looking at splitting the abandoned property with the church and putting up a fence.

Jerry Friend, Treasurer, stated as the many years he has lived in Reed Point, it has never been used as a county road.

Opponents - hearing none.

Commissioner Dell said written comments will be accepted until October 31, 2016. A decision will be made on Tuesday, November 1, 2016. Commissioner Dell closed this portion of the public hearing and continued with the agenda.

## 2. Solid Waste - Policies

a. 8.00 - Rate Schedule - Commissioner Dell read a letter to the Commission requesting the addition of agriculture waste products to schedule fee at \$17 per cubic yard. Scott Waltner said the Solid Waste department is receiving large amounts of horse manure, bedding, and straw/hay disposed of at the sites. With the increase each year, the Billings Landfill has adjusted their rates to accommodate the disposal. The Solid Waste Board thought it was time to initiate a fee for Agriculture Waste.

Commissioner Davey said our Solid Waste Department was created for household waste which is a \$146 per year fee on a home. As we have evolved, there have been several fees added since they are not household waste and this would be one of them, Davey said. Commissioner Dell **MOVED** to hold a public hearing on November 22, 2016, advertising the required dates of publication, and make a decision on November 29, 2015. Commissioner Davey **SECONDED**. Motion passed unanimously.

b. 10.00 - Donations - Commissioner Dell said the Solid Waste Board recommended the Commissioner add language "*the donation request must be received three (3) months in advance of the date of the donation is need. Requests outside this timeline may be considered by the Solid Waste Board depending upon the circumstances*" to policy 10.00 to address request for donated services. Commissioner Davey **MOVED** to grant the recommendation from the Solid Waste Board. Commissioner Dell **SECONDED**. Motion passed unanimously.

3. Department of Revenue - Re-certification Guidance Memo regarding NorthWestern Energy (NWE) settlement - Commissioner Davey said the commission received information from the Department of Revenue (DOR) that there was a settlement made between the DOR and NorthWestern Energy. That triggered all counties to look at re-certifying their valuations, Davey said. DOR gave the commission and the Treasurer's office thirty (30) different districts that this decision impacts in Stillwater County. They are mainly school districts; fire districts; cemetery districts; and the road fund in the county. He explained what is has done is reduced the total taxable value. He said some of these districts will lose some revenue that has already been figured into their 2016-2017 budget. Re-certifying this

will delay sending out the tax statements to all taxpayers in Stillwater County, Dell said. He said taxes are normally due by the end of November of this year, and by delaying this it will push it out to December. Out of the 30 districts that notices have been sent to, 15 have asked for re-certification. The ultimate decision falls in the hands of the Commissioners, Dell said. Jerry Friend, Treasurer, said the thought process behind the decisions was probably trying to avoid NWE paying their taxes under protest, so they settled. Joe Morse, Finance Specialist, state the schools would be the only ones to gain anything by re-certifying. Commissioner Davey said this is not a light decision for this commission to make, however, we are not like Yellowstone County or Cascade County where it is a large amount. Davey said this is throwing a wrench in the schedule, and that she is fearful that some of these districts may not receive what they would have - if they went ahead and re-certified. Davey said it also jeopardizes getting our tax statements out for county government but also for our small businesses. Commissioner **MOVED** to not re-certify. Commissioner Dell **SECONDED**. Commissioner Davey stated she feels the DOR has put the county in a tough spot. If they had done this in September, it would not have been any problem. DOR is doing this right before taxes are suppose to come out, we don't know how long this could be. If we did vote to re-certify, we don't know if those tax statement would get out this year or not, she said. We are working with an agency that put us in this predicament and in the past we have not always received the right certification. I'm not in favor of re-certifying because of the strain it would put on the rest of the county as a whole. Commissioner Shupak called for a vote. Motion passed unanimously.

- Consent Agenda:**
1. Sheriff's Office
    - a. DUI Task Force - Board appointments recommended by Sheriff
    - b. Maintenance Agreement - Industrial Communications
    - c. Inmate Insurance Program - 2016-2017 MACo renewal

- File items:**
1. Department Reports -
    - a. Treasurer - Cash and investments for month ending September 2016.
    - b. Sheriff - Tri-County Victim/Witness Financial Status report - quarter ending September 2016.

Commissioner Dell **MOVED** to approve the consent agenda and place the file items to file. Commissioner Davey **SECONDED**. Motion passed unanimously.

**Public Comments:** None heard.

**Meeting Adjourned:** Hearing no further business, Commissioner Dell adjourned the meeting at 9:25 AM

Claims and  
Warrants:

Claims were examined and warrants ordered drawn in the amount of \$ 408,103.96

and payroll in the amount of \$396,265.43 for a total of \$804,369.39 for the month ending October 31, 2016.

APPROVED BY: /s/

Maureen Davey, Co-vice Chair  
Commissioner

ATTEST:

Heidi L. Stadel, Clerk and Recorder