

## 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 NOVEMBER 29, 2016

- Present:** Commissioners Dennis Shupak, Chair; Maureen Davey and Gerald W. Dell, Members; and Lori Dobitz, Administrative Assistant.
- Others present: Jerry Friend, Treasurer; Mark Crago, Commissioner Elect; Coralee Hicks, citizen; Scott Waltner, Solid Waste Supervisor; Jerry Bokma, Facilities; and Marlo Pronovost.
- Open the Meeting:** Commissioner Shupak opened the meeting with the pledge to the flag.
- Minute Approval:** Commissioner Dell **MOVED** to approve the minutes of September 27 and October 4, 2016. Commissioner Davey **SECONDED**. Motion passed unanimously.
- Public Hearing:** Solid Waste Fee - Disposal of Agriculture Waste Policy 8.00 - Commissioner Dell opened the public hearing with the reading of a letter dated October 17, 2016, from Scott Waltner, Solid Waste District Supervisor. The letter referenced Policy 8.00 Rate Schedule at which during the Solid Waste Board meeting held on October 13, 2016, the board recommended the Commissioners add language to the policy addressing agriculture waste to include manure, hay, straw, grain, bedding, etc. at a disposal rate of \$17.00 per cubic yard. A notice was published in the Stillwater County News on November 10 and 17, 2016, to accept public comments regarding the added rate fee. Scott Waltner explained the reasons behind the proposed fee was because the transfer station and other waste sites are beginning to see an increase in manure from horse farms along with bedding, straw bales, and hay bales. Commissioner Davey said she attended the meeting where the Solid Waste Board made the recommendation to add this additional fee and there was very good discussion about it.
- Commissioner Shupak called for proponents - Scott Waltner and the Solid Waste Board are in favor.
- Commissioner Shupak called for opponents - hearing none.
- Commissioner Dell stated that written comments will be accepted until December 5, 2016, and a decision will be made in the December 6, 2016, Commissioner Agenda Meeting. Commissioner Shupak closed this portion of the hearing and continued with the regular agenda meeting.

- Regular Business:**
1. Absarokee RSID 5 & 7 - Commissioner Dell gave a brief background on the amendment stating in June 2016 the Commissioners and the Absarokee Wastewater Operator were summoned to Helena by the Department of Environmental Quality (DEQ) in reference to the wastewater project. Attending those meeting were representatives from Great West Engineering to answer questions of DEQ. This was not part of the original contract with Great West Engineering. The amendment includes paperwork and testimony before DEQ by the engineering firm. Commissioner Dell **MOVED** to approve the Great West Engineering Amendment #2 to Owner-Engineer agreement for additional services in the amount of \$3,000. Commissioner Davey **SECONDED**. Motion passed unanimously. The project is scheduled to start in 2020at DEQ’s request, Dell said.
  2. Road Department -
    - a. Rockslide - Commissioner Dell said Shannon and Wilson construction engineering proposal before the commission will provide engineering oversight on the scaling that High Tech will perform on the project. This includes having an onsite engineer. The contract is not to exceed \$52,000 (includes travel, room and board, and services at the construction site). Commissioner Dell **MOVED** to approve the proposal. Commissioner Davey **SECONDED**. Commissioner Dell said Shannon and Wilson Engineering is very knowledgeable for this type of project as is the contractor whom has worked with MDT on various projects. Both are very qualified firms, he said. Commissioner Davey said all meetings regarding this project were posted for the public to attended to hear the information and progress. Commissioner Shupak called for a vote: Motion passed unanimously.
    - b. Purchase Request - Commissioner Dell read the request submitted by the Road Superintendent to purchase up to 20,000 cubic yards of gravel from Free River Ranch Gravel in the amount of \$5.85 per yard plus \$1 royalty for a total of \$6.85 per yard. The gravel is located in a part of the county where Stillwater County does not have a permitted pit, Dell said. Commissioner Davey **MOVED** to approve the request as submitted. Commissioner Dell **SECONDED**. Motion passed unanimously.

**Consent Agenda:** 1. Library - Snow removal agreement (R & H - Hauge)

**File Items:** 1. Department of Natural Resources and Conservation (DNRC) - Wastewater System Improvements Ranking for 2016 Renewable Resources Grant.

Commissioner Davey **MOVED** to approve the consent agenda and place the file items to file. Commissioner Dell **SECONDED**. Commissioner Dell stated the county was notified by DNRC that the Absarokee Wastewater Project was granted \$125,000 for improvements on the wastewater system. The project was ranked 17 out of 94, he said. Commissioner Shupak called for a vote. Motion passed unanimously.

**Public Comment:** 1. Commissioner Davey addressed the information given during the November 15, 2016, agenda meeting stating she listened to the tape as she was not in attendance that day.

She said the way she does business is to talk to somebody about things, but it was done through public comment and she will respond. After listening to the recording of the meeting several times, she stated she believed there were very inaccurate and misleading statements. The old hospital building has been a topic since 2011 when the county discussed with the Hospital Association of paying off the bonds she said. Through that process, the county hired a structural engineer whom gave a professional evaluation of the old hospital. She said the only thing that was identified was a wall and we knew from discussions with the hospital administrator that roof needed to be repaired. She said the engineering firm has forty-years experience and they specialize just in structural engineering. We hired experts to look at this building, Davey said.

At the November 15, 2016, public comment period, a figure of \$300,000 to \$500,000 to re-roof the building was mentioned. Davey said when she spoke to the structural engineer, he came up with a cost of \$113,400 with a contingency of 20 percent which is considerably less. She said the building is old but the Stillwater Hospital Association had a contract with the county for years for the maintenance on the building. She said there were a lot of community leaders, very reputable people, on the board and good hospital administrators. This is not *a band-aid on an amputee*, she said. *I do not believe our community leaders would leave us with that kind of building and I think this structural engineer professionally told us that was not the case.* She said she listened to the tape and it said we didn't care what people thought. Commissioner Davey said she has been here for fourteen years and she cares very much what people think and it is very important to her. She said she always listens to the people, and she may not agree with everything, but her job is listening to people and she thinks she has done that very well.

Commissioner Davey said our agenda is posted 48-hours ahead of time and we have tried to expand that to the website. The week it wasn't posted on the website, the webmaster was having a new computer installed. She said we follow the requirements of the statutes.

Commissioner Davey addressed the question on the timing of the decision of the county office space options. She explained the commissioners have always put away monies for capital improvements. Taking care of the assisted living and the old hospital building, she considers capital improvements. She stated the county has put enough funds away for that to not go to the voters and ask them to do any bonding. She feels that is fiscal responsibility. She said she does not want to see Stillwater County go into debt.

Commissioner Davey mentioned a tour of the old hospital was held, however the commissioners were not invited nor informed of it stating maybe more questions

could have been answered if they were rather than assumptions made. She explained improvements were made in the Meadow Lark Assisted Living Facility because the county has made that commitment. It a two-phase building and boilers, heating and cooling systems needed to be replaced which has nothing to do with the old hospital. The county is conducting operation and maintenance of the assisted living with some good improvements and it needed to be done.

Commissioner Davey said asbestos was questioned in the old hospital. She said the county hired a professional to evaluate the building and she knows there is some asbestos there. We have past reports from the Hospital Association that shows there is some in the building, we don't believe a lot, but there is some there, she said. She said all the information is in the Clerk & Records Office, and very few people have looked at the information. Those are the facts and she said they are available to anyone.

2. Commissioner Dell said before he was elected in 2010, he attended several meetings with Commissioner Hoyem and the Stillwater Hospital Association and the Billings Clinic. He said these were ongoing meetings and he had no input until he was elected. He wanted to be knowledgeable of what was being done, what was being said, what was being discussed before he took office in January 2011. He said bi-weekly meetings were held with the clinic and association. He said the clinic and association were moving fast and hard to get a decision made to start a new hospital for Stillwater County. He said two public hearings were held, July and November of 2011. He said out of those public hearings, were three things that needed to be decided. One - the citizens of Stillwater County were very adamant that they wanted a new hospital. Two - the same citizens, the same people at these hearings, was very adamant the assisted living facility stay open. Three - was talked about in the public hearings, that the remainder of the facilities, which included the old hospital, was suitable for and in good enough condition to used for governmental and administrative facilities. During the negotiations with the association and clinic, we the Commissioners of Stillwater County, tried to get a commitment out of Billings Clinic and the Hospital Association that is they bought the assisted living, that it would stay open for five years. Billings Clinic declined to agree to that request. That was one of the concerns this commission had, to make sure that facility stayed in operation, Dell said. That is one of one of the reasons why the commission did what they did and paid off the bonds for the assisted living, that way getting us all of the property over there and the assisted living facility. When we as Commissioners were elected, he said, by the citizens of the county, one of the functions of the commission is the governing body of the county. He said sitting at the table, there is 28-years of experience in Commissioners. Two of the commissioners have run for re-election, one ran three-times unopposed, the other one also ran unopposed, and that is telling me the citizens of Stillwater County must have confidence in these people or they wouldn't have re-elected them, he said. Commissioner Dell said he had many questions as to why he didn't run, saying I think all you have to do is read the paper and you'll know why I didn't run. I'm getting tired of getting beat up. To quote a comment in Stillwater County News by Mr. Movious, he stated he didn't

believe that the Commissioners have the skill sets and knowledge necessary to understand the risk involved in the remodel project. Commissioner Dell said in the last 6-years the county has had several large projects either done or ongoing. We hire professional people to help us, engineers, architects, etc. We have done our due diligence he said, in all of this.

Commissioner Davey said she would never support tearing down the courthouse. It needs work for future use and she is willing to work on that and commit towards that. The old hospital is old, but listening to the structural engineer, it has a lot of use left to it. She said business throughout town are in old buildings.

Commissioner Shupak explained the kitchen from the old hospital building was moved to the assisted living facility to make it more economical and cost effective rather than leaving it where it was and continue using it.

**Meeting Adjourned:** Hearing no further business, Commissioner Shupak adjourned the meeting at 9:35 AM.

**Claims and  
Warrants:**

Claims were examined and warrants ordered drawn in the amount of \$ 531,891.38 and payroll in the amount of \$389,647.49 for a total of \$921,538.87 for the month ending November 30, 2016.

APPROVED BY: /s/

Dennis Shupak, Chair  
Commissioner

ATTEST: Heidi L. Stadel, Clerk and Recorder