

**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  
SEPTEMBER 12, 2017**

- Present:** Commissioners Dennis Shupak, Chair; Maureen Davey, Member; and Lori Dobitz, Administrative Assistant. Commissioner Crago was absent.
- Others Present:** Carol Arkell, Fire Warden; Joe Morse, Finance Specialist; Mark Schreiner, Road Superintendent; Bill Pronvost; Kisha Miller; Forrest Mandeville; Scott Aspenlieder; Jen France; Becky Sidwell; Joyce Kelly; Jill Exner; Lee Cornell; and Mikaela Koski, Stillwater County News.
- Open Meeting:** Commissioner Shupak opened the meeting at 9:00 am with the pledge to the flag.
- Bid Opening:** DES - Joe Morse, Finance Specialist opened the sealed bid for one new 30kw portable generator and related items. The bid was from TW Enterprises, Billings, MT, in the amount of \$20,373.  
Commissioner Davey **MOVED** to take the bid under advisement. Commissioner Shupak **SECONDED**. Motion passed unanimously.
- Public Comments:** none heard
- Item Removed**
- Consent Agenda:** Commissioner Davey **MOVED** to remove item number two (Absarokee RSID) from the consent agenda and place it on regular business to discuss. Commissioner Shupak **SECONDED**. Motion passed unanimously.
- File items:**
1. Department Reports - month ending August 31, 2017
    - a. Sheriff's Report - fees collected \$450
    - b. Clerk & Recorder - fees collected \$8,446.95
    - c. Justice Court - fees collected \$12,027.45
- Consent agenda:**
1. Road Department - Request to solicit bids to lease a new loader on a five-year contract.  
Commissioner Davey **MOVED** to place the file items to file and approve the consent agenda. Commissioner Shupak **SECONDED**. Motion passed unanimously.

## Regular Business

### Added:

1. Absarokee RSID 5&7 Facility - Commissioner Davey asked the County Attorney if she reviewed the Lease Agreement with MSU regarding a term and hold harmless clause. Nancy Rohde responded that she had not. Commissioner Davey **MOVED** to postpone action on the agreement for further clarification and review. Commissioner Shupak **SECONDED**. Motion passed unanimously.

### Special Issues:

1. 2017 Fire Season - Carol Arkell, Fire Warden, reported two human caused fires were started in the past week. Her recommendation is to remain in Stage II Fire Restrictions at this time. The Commissioners concurred.

### Regular Business:

1. Planning Department -
  - a. Hillbrook Estates Major Subdivision Third Filing - Forrest Mandeville, Contract Planner, presented the final plat for approval. He said the 20-lot residential and 3-lot commercial lot subdivision is located east of Park City and contains 2 park-land areas. All conditions of approval have been met. Commissioner Davey **MOVED** to approve the final plat as recommended by the contract planner. Commissioner Shupak **SECONDED**. Motion passed unanimously.
  - b. Rafter H Subdivision - Commissioner Davey **MOVED** to approve the request to release claim on letter of credit guaranteeing completion of required improvements as recommended by the contract planner. Commissioner Shupak **SECONDED**. Motion passed unanimously.
  - c. Horseshoe Hills Subdivision - Request to amend final plat documents as reviewed and approved on June 13, 2017. Forrest Mandeville explained the applicants submitted revised documents which in his opinion constitute a material change to the previous approved documents. Commissioner Davey **MOVED** to approve the request. Commissioner Shupak **SECONDED**. Discussion ensued between the applicants representative; county attorney; and the commissioners. Following discussion, Commissioner Shupak called for a vote. Motion Failed.
  - d. Beartooth Subdivision - Scott Aspendlied, Performance Engineering, requested a variance to forego a traffic impact analysis on the Beartooth Subdivision located on Cemetery Road between 3<sup>rd</sup> St. SW and 6<sup>th</sup> St SW in Park City. Forrest Mandeville stated the planning board reviewed the request for the variance and held a public hearing as required by statutes. He said the County Planning Board is recommending denying the variance request as a traffic analysis is required by the county subdivision regulation on any subdivision containing 4 or more lots. The applicant's representative summarized his justification for the request and pointed out conflicting language in the regulations. Forrest Mandeville did confirm the language conflict in the regulations, as still shown in Section II to the

commissioners. Mark Schreiner, Road Superintendent, stated in an email on August 8, 2017, that the Road Department opposes the variance, not only because of the regulations, but because of other potential subdivisions in the same vicinity are in the process of completing a traffic impact analysis. Commissioner Davey **MOVED** to take the advice of the contract planner and deny the request for a variance. Commissioner Shupak **SECONDED**. Motion passed unanimously. Commissioner Davey stated the subdivision regulations will need to be revisited on conflicting language.

2. County Attorney - Request for AG Opinion - Response re: detention center/jail costs responsibility. Commissioner Davey stated in 2013, then County Attorney John Petak had submitted a request for an opinion from the Attorney General's Office. Since his departure from the position, Commissioner Davey has called the AG's Office several times seeking the status on the request. She then contacted MACo Executive Director whom contacted the AG's Office on Stillwater County's behalf. A letter of advice was issued and forwarded to the current county attorney in May 26, 2017. Davey explained the county was awaiting word from the AG's Office regarding jail cost responsibility, county and city. County Attorney Rohde said it is her opinion that this is well settled since the 1980's between who's paying for the jail, the city or the county depending on the nature of the offense. She explained if state code is violated, the county pays. If municipal code is violated, the city pays. She also explained that most municipal ordinances are not going to be a jailable offense. She said the letter of advice is based upon the absence of a detention center, which we don't have the absence of a detention center. She said we have YCDF in Yellowstone County, which is Stillwater County's designated jail with a guarantee of a certain number of beds. Nancy Rohde stated the very premise of the letter from the AG's Office does not apply to us and it is her opinion that "state of the law", as the case law has established since the 1980's, is that the city is not responsible for paying the county for housing their prisoners. Commissioner Davey said the question has been raised several times in the past and thanked Rohde for the explanation.
3. Resolution - Commissioner Davey **MOVED** to adopt **Resolution 2017-44** cancelling commissioners agenda meeting of September 19, 2017. Commissioner Shupak **SECONDED**. The Commissioners will be attending the annual MACo Conference. Motion passed unanimously. Filed with the Clerk & Recorder - Document No. 370158.

**Meeting Recessed:** Commissioner Shupak recessed the meeting at 9:53 AM and announced the Commission will reconvene at 11:00 AM for the Final Budget Adoption.

**BUDGET ADOPTION**  
**SEPTEMBER 12, 2017 - 11:00 AM**

**Present:** Commissioners Dennis Shupak, Chair; Maureen Davey, Member; and Lori Dobitz, Administrative Assistant. Commissioner Crago was absent.

Others Present: Joe Morse, Finance Specialist.

**Meeting**

**Reconvened:** Commissioner Shupak reconvened the agenda meeting for the purpose of adopting the Final 2017-2018 Budget.

**Levy**

**Resolution:** Commissioner Davey read Resolution 2017-45, a resolution fixing the levies for FY 2017-2018. The certified taxable valuations were received from the Department of Revenue on August 9, 2017, noting taxable valuation county-wide is \$41,267,924. and the taxable valuation outside the incorporated city limits of Columbus is \$34,0487.378.

Commissioner Davey **MOVED** to conditionally adopt **Resolution 2017-45** as recommended by the Finance Specialist. The condition being the Finance Office is awaiting corrected information from the Park City Schools. Commissioner Shupak **SECONDED**. Motion passed unanimously. Filed in the Clerk and Records Office - Document No. 370176.

**Budget**

**Resolution:** Commissioner Davey read Resolution 2017-46, a resolution approving the final budget for FY 2017-2018. Commissioner Davey **MOVED** to conditionally adopt **Resolution 2017-46** as recommended by the Finance Specialist. Commissioner Shupak **SECONDED**. Motion passed unanimously. Filed in the Clerk and Records Office - Document No. 370159.

**Meeting Adjourned:** Hearing no further business, Commissioner Shupak adjourned the meeting at 11:07AM.