

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 FEBRUARY 21, 2017

- Present:** Commissioners Dennis Shupak, Chair; Maureen Davey, and Mark Crago Members.
- Others Present: Mark Schreiner, Road and Bridge; Sheriff Brophy; April Limburg, Planning; Monica Plecker, CTA Contract Planner; Penny Redli, Beartooth Museum; Carol Arkell, DES Coordinator; Jerry Friend, Treasurer; Nick Jacobs, Columbus Fire Department; Mikaela Koski and Marlo Pronovost, Stillwater County News.
- Open Meeting:** Commissioner Shupak opened the meeting at 9:00 am with the pledge to the flag.
- Minutes:** Commissioner Crago **MOVED** to approve the minutes of February 7, 2017. Commissioner Davey **SECONDED**. Motion passed unanimously.
- Claims:** Commissioner Davey **MOVED** to approve the Claim No.'s 96991 through 97088 in the amount of \$174,237.80. Commissioner Crago **SECONDED**. Motion passed unanimously.
- Special Issues:** Stillwater River Road Rockslope - Commissioner Crago reported the new start date for the rockslide project is March 27, 2017 (begin to mobilize) and scaling is scheduled for April 3, 2017. Commissioner Davey said delays have been because of weather conditions.
- Consent Agenda:**
1. Planning - Hirschi Minor Subdivision Final Plat Approval as recommended by Planning Staff.
 2. Sheriff - Authorize purchase of 9-1-1 Interface between call taking equipment & TriTech Program.
- File items:**
1. Department Report's - Sheriff's Report totaling \$100; and Justice of Peace totaling \$14,681.30 in fees collected month ending January 2017.
 2. Finance - Olness & Assoc. significant audit findings
 3. Economic Development - Targeted Brownfields Assessment (TBA) Application for former hospital
 4. MT Department of Revenue - Oil & Gas Production Tax for 3rd Qtr. Distribution to counties.
 5. Clerk & Recorder - Election status notices for Beartooth Park District and county Fire Districts.
- Commissioner Crago **MOVED** to approve the consent agenda and place the file items to file. Commissioner Davey **SECONDED**. Motion passed unanimously.

Regular Business:

1. Museum of the Beartooths
 - a. CLG Montana Historical Society Grant Application for 2017-2018 - Penny Redli, Museum Director, explained this is the sixth year for the grant program in which she has applied. She said grant monies are used for archiving; oral histories, and has assisted the museum with much needed funding in the amount of \$5,500. Commissioner Davey **MOVED** to approve the grant application. Commissioner Crago **SECONDED**. Davey said she agreed with Penny and that this is a worthwhile program that the city also contributes to. Motion passed unanimously.

2. Road Department
 - a. West Rosebud Project - FHWA Contract Modification Request. Commissioner Crago stated the contractor, Williams Civil Construction (WCC) and Sletten Construction are requesting a contract modification to begin work and start the bridge work on the replacement of the Allen Grade Bridge on the West Rosebud Road. WCC would like to change the start date from April 1, 2017 to March 1, 2017, and amend the contract concurring with the date. Mark Schreiner voiced his concern with the request due to ice build-up above the bridge and winter conditions. Commissioner Davey **MOVED** to write a letter to the Western Federal Lands Highway Division deny the request due to the recommendation by Mark Schreiner, Road & Bridge Superintendent for reasons discussed. Commissioner Crago **SECONDED**. Commissioner Davey said she thinks we need to listen to our Road Department and look at the conditions and doesn't think this is a good time to start the project. Motion passed unanimously.

 - b. Custodial Services - Agreement for new road shop. Commissioner Crago said only one proposal has been submitted to the board for consideration and he would like to entertain the motion to put it out for bid and see if we can get some competitive pricing on the contract. Commissioner Crago **MOVED** to deny the current proposal and put out a request for bids on the cleaning of the new road and bridge shop. Commissioner Davey **SECONDED**.

Discussion: Commissioner Davey said she thinks we need to take the recommendation from our Road Department and then maybe go out for bid in June. Commissioner Crago **MOVED** to amend the motion to deny the current proposal effective date and change it to read ending on the 1st day of June, 2017, and in the meantime, seek bids for other cleaning services and have those for our fiscal budgeting. Commissioner Davey **SECONDED** the amendment. Motion passed unanimously. Commissioner Shupak called for a vote on the original motion. Motion passed unanimously.

 - c. Secondary Roads Program - Final Priority list vote for acceptance by counties and MDT. Stillwater County has discussed with MDT during their visits about the intersection of P78 and secondary route 421 (south of the Yellowstone River Bridge). Commissioner Davey said it is tough to come off the Joliet Road with a full semi-truck and make that corner onto P78. This project is on the list for funding which will amount to approximately \$2 million dollars for the .6 miles of road. Commissioner Davey **MOVED** to accept the final priority List for Stillwater County. Commissioner Crago **SECONDED**. Motion passed unanimously.

3. Sheriff's Department
 - a. Forest Service - Sheriff Brophy explained the annual program that we have been in place for decades with the Forest Service for law enforcement to perform patrol services in campgrounds during peak season. It is his recommendation to enter into the annual agreement in the amount of \$2,500. Commissioner Crago **MOVED** to approve the annual Cooperative Law Enforcement Annual Operating Plan Agreement. Commissioner Davey **SECONDED**. Commissioner Davey said the \$2,500 has been in place for sometime and asked if we have asked for more because of our cost increasing. Sheriff Brophy said we could ask for an increase, however, up until sometime ago, we have never used the full \$2,500. He said this is for specific patrols, not for responding to calls. The amount reimburses the county for mileage and wages. Motion passed unanimously.
 - b. DUI Task Force - Commissioner Davey **MOVED** to appoint Cris McCann (2019) and Jennifer Davis (concurrent with position) to the DUI Task Force as recommended by Sheriff Brophy. Commissioner Crago **SECONDED**. Motion passed unanimously.
 - c. Training Space - Commissioner Crago presented a rental agreement with Robert and LaNita Maurer as submitted by the Sheriff's Office. The rental space is used for training on the use-of-force simulator as explained by the Sheriff. Commissioner Crago **MOVED** to renew the agreement in the amount of \$36.00 or a minimum of \$144.00 per month, as recommended by Sheriff Brophy. Commissioner Davey **SECONDED**. Motion passed unanimously.
4. Solid Waste Department
 - a. Request to remove Solid Waste Assessment, Tax ID 3140517 (un-inhabitable mobile home) Commissioner Davey **MOVED** to grant the request of the Solid Waste Board and remove the Solid Waste Assessment. Commissioner Crago **SECONDED**. Motion passed unanimously.
 - b. Request to remove Solid Waste Assessment, Tax ID 40067, and refund tax years 2011-2015 in the amount \$730, as they were double billed. Commissioner Davey **MOVED** to grant the request of the Solid Waste Board to remove and refund as stated above. Commissioner Crago **SECONDED**. Motion passed unanimously.
 - c. Request to seek bids for new roll-off truck - Commissioner Davey **MOVED** to grant the request by the Solid Waste Board and seek bids for a new roll-off truck. Commissioner Crago **SECONDED**. Commissioner Davey explained the trucks currently in use by the Solid Waste Department are becoming high mileage and in order to accommodate continued good service, the Solid Waste Board recommended the purchase of a new truck. Motion passed unanimously.
5. Planning Department
 - a. Resolution to amend Subdivision Regulations - Monica Plecker, CTA Contract Planner, said this process has been a "long-time in the making" and that both the Commissioners and Columbus City Council authorized funding to complete a couple of projects. One of those projects, is to make some improvements to the Subdivision

Regulations, and in particular, the city county planning board and the county planning board worked on Section IV Design and Improvement Standards. She said the draft amendment was reviewed by MACo and the County Attorney. The City/County Planning Board (CCPB) recommended adoption of the draft as is; and the County Planning Board (CPB) has recommended one change from staff recommendation. The CPB does not agree with the \$4,000 fee per lot for the fee in lieu of a dry hydrant. A Major subdivision in a high fire hazard would be required to install a 30,000 dry hydrant. If the subdivision is not in a high fire hazard area, they can choose between the tank or the fee, Plecker said. In the case of a minor subdivision (with 4-lots), it would be a 10,000 gallon tank or the fee. There is no requirement for a subdivision with less than 4-lots, she said. Monica said the CPB wanted the fee language in regards to the dry hydrants completed stricken from the regulations. Commissioner Crago expressed his concerns about inspections and servicing the dry hydrants. Monica Plecker explained that was a lengthy discussion with Staff and both planning boards. She said there is language that has always been in the subdivision regulations that the county can require the developer to create a RSID to maintain the hydrant. The issue is that is an administrative responsibility on the county to make sure these maintenance districts are in place and being administered annually, with assessments being collected. That mechanism is in there and can be used at any time, Plecker said.

The County Planning Board talked at length about how they are very supportive of having a dry hydrant liaison, there use to be that position in the county. In the absence of that position, she said, there is language that says in the absence, at least at the time of construction, the county is requiring that at professional engineer sign off on design and state that it (dry hydrant) has been constructed to specifications required. Beyond that there are not a lot of models out there of what other smaller counties are doing according to Plecker.

Carol Arkell, Fire Warden, said concerns were brought forth that the decisions and the discussions that have been made by the planning boards and planning staff were never been brought to the Fire Districts for their input. Monica Plecker addressed her questions regarding fittings and fees. Commissioner Davey stated it is time to address a dry hydrant liaison again as this is a dilemma not only in Stillwater County, but other counties as well.

Commissioner Davey **MOVED** to adopt **Resolution 2017- 21**, amending the language in section Q - Fire Protection, 3 (d) to read A Fire Protection Service Fee of **\$2,000** per lot *sequential* instead of the \$4,000 fee. Commissioner Crago **SECONDED**. Commissioner Davey said if the commission receives any further confirmation on anything else in this resolution or on the subdivision regulations, we can always adopt another resolution. Monica also explained the fee in lieu of a hydrant is used by the ruling district to purchase equipment to increase fire fighting capacity. Commissioner Crago expressed he did not agree with reducing the per lot fee and explained his reasoning. Following further discussion, Commissioner Shupak called for a vote on the motion. Commissioners Shupak and Davey voted aye. Commissioner Crago voted nay. Motion passed 2-1. Resolution 2017-21 is on file in the Clerk & Records Office Document No. 367992. The resolution goes into effect 30-days following adoption (March 23, 2017).

6. Disaster and Emergency Services (DES) Department
 - a. EMPG 2017-2018 Grant Application Documents - Carol Arkell, DES Coordinator, explained the Emergency Management Performance Grant (EMPG) Program is to provide Federal funds to states to assist state, local, territorial, and tribal governments in preparing for all hazards. She said the amount is applying for is the same as the previous year \$103,050.00 grant she is applying for requires a 50/50 match to fund the program. Commissioner Davey **MOVED** to approve the EMPG Grant Application as presented. Commissioner **SECONDED**. Motion passed unanimously.
7. Public Comments - None heard.

Meeting Adjourned: Hearing no further business, Commissioner Shupak adjourned the meeting at 10:00 AM