

**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)).

**SPECIAL MEETING
APRIL 6, 2017 - 10:00 AM**

Present: Commissioners Dennis Shupak, Chair; Maureen Davey; Mark Crago, Members; and Lori Dobitz, Administrative Assistant.

Others Present: Brian Lucas, Rita Westrum, Mark Schreiner, Road Superintendent; Heidi Stadel, Clerk & Recorder; Burt Williams, Joan Brownell, and Mikaela Koski, Stillwater County News.

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

Minute Approval: Commissioner Crago **MOVED** to approve the minutes of March 7 and March 14, 2017. Commissioner Davey **SECONDED**. Motion passed unanimously.

Claims: Commissioner Davey **MOVED** to approve check no.'s 97315 through 97387 in the amount of 146,753.91. Commissioner Crago **SECONDED**. Motion passed unanimously.

Consent Agenda: 1. Alternatives - Annual Purchase and Service Agreement

File items: 1. Department Reports - Fees collected for quarter and month ending March 31, 2017.
a. Clerk of District Court - \$ 11,705.19
b. Justice Court - \$ 15,353.05

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

Special Issues: Stillwater River Road Rockslide - Commissioner Crago reported there were no updates at this time.

Regular Business: 1. Citizen Initiated Zoning -
a. Proposed date to cease acceptance of signatures
b. Proposed date to complete verification process of signatures

Discussion: Commissioner Crago stated at the last Commissioners meeting it was discussed having a cut-off date accepting the signatures for the CIZ Beartooth Front petition. The petitioning group suggested a date and terms of how they could amend the petition as time went.

Motion: Commissioner Crago **MOVED** to set April 14, 2017, as the cut-off date to accept the petition to the Clerk & Recorders Office and that ownerships would be reviewed as ownerships of that date, with no additions or corrections thereafter. Commissioner Davey **SECONDED**.

Discussion: Further discussion ensued regarding the cut-off date. Burt Williams asked for clarification saying the request they made would allow 90-days to bring the records up to what ever cut-off date enacted. Williams said they have not gone through their entire database for sometime and they would like to bring that database current up to the date of the cut-off and said they would need 90-days to do that.

Heidi Stadel, Clerk and Recorder, explained in detail the process she takes in validating the signatures. Land ownership transfers were discussed with the group. Commissioner Crago expressed his concern stating when this is done and moves forward, and there are those protesting the petition, are we going to continually give more them more time to gather signatures. He said if we keep giving time to the petitioners are we going to be able to give this much time to the other side, if there is another side. Burt Williams said he believes they have 64% of the signatures, then no protest is possible. They would have to have at least 40% he said, in a Part 2 zone, he said. Burt Williams stated the county offered no guidance to the petitioners back in 2014, but they followed the statutes. Heidi discussed signatures matching deeds. Joan Brownell said she is hoping if there is an issue with a signature, Heidi would allow them the opportunity to discuss it with her. Each person that signed the petition would like their signature to count, Rita Westrum said. Commissioner Crago voiced his concern saying the question of integrity might rise of the validation process, if amendments of signatures are continually allowed during the validation process. It would raise concerns from another side, if another side were to present itself, Crago said.

Motion: Commissioner Crago **MOVED** to withdraw his motion. Commissioner Davey **SECONDED**. Motion passed unanimously.

Motion: Commissioner Crago **MOVED** to postpone the decision on 1.a. - proposed date to cease acceptance of signatures, and 1.b. - the date to complete verification process, until April 11, 2017. Commissioner Davey **SECONDED**. Motion passed unanimously.

2. Road and Bridge - Encroachment Permit Application 2017-03 - Applicant Charles Lucas, to improve existing road along right-of-way for a distance of 1 mile. Mark Schreiner stated the applicant is requesting to improve 1 mile of Coles Road located in Sections 25 and 30, T1N22E and T1N23E, MPM, bringing it up to county standards, and the county then would take over maintenance. Commissioner Crago **MOVED** to approve the application as recommended by the Road and Bridge Department. Commissioner Davey **SECONDED**. Motion passed unanimously.
3. Proposed Ambulance District - Ballot language discussion
Commissioner Davey said she requested a copy of the ballots from the Clerk & Recorder that are prepared to be mailed out April 12, 2017. Davey said the ballot has two (2) questions and the Commissioners Resolution 2016-42, *to order a referendum on the creation of the Stillwater Ambulance District #1*, is asking the voters of the proposed district one question “*Shall the proposition to organize Stillwater Ambulance*

District #1 be adopted?" She said she is concerned that the commission has not seen or does not see the ballot, and in this case, the ballot does not follow the resolution that was adopted by this commission. She stated the commission did not hear anything from the county attorney who is our advisor. Davey said she spoke to Rich Cowger, Columbus Fire Chief, who said it was run by the county attorney and their present legal counsel based on the resolution. Davey said the county attorney represented the Fire District but didn't represent the commission. Davey also said the commission was unaware the county attorney approved the ballot. Cowger said it was ran by two legal counsels, that both seen the draft resolution and the ballot language as well. Davey said she is not sure who is representing the commission.

Public Comments: Public comments - none heard

Meeting Adjourned: Hearing no further comments, Commissioner Shupak adjourned the meeting at 10:37 AM.