

**STILLWATER COUNTY
COMMISSIONERS MINUTES**

**PUBLIC HEARING
PROPOSED BURN PERMIT SYSTEM
MAY 12, 2015 - 11:00 AM**

Notice: These minutes reflect the proceedings of the Board of County Commissioners. The official minutes were approved and are filed with the Clerk and Recorder (MCA 7-4-2611(2)(b)) in their entirety, with the complete current month ending, along with resolutions and other supporting documents.

Present: Commissioners Dennis Shupak, Chair; Maureen Davey and Gerald W. Dell, Members; Lori Dobitz, Administrative Assistant; Heidi Gergen, PCVFD Board; John Briggs, PCVFD; Marlo Pronovost; Stillwater County News; Corey Arnold, AVFD Board; Dough Robinette, Nye Fire Dept.; David Russell, Nye Fire Dept.; Keith Martin, Nye Fire Dept.; Terry Ekwortzel, Nye Fire Dept.; Larry Gee, Rapelje Fire Co.; Clifford Brophy, Sheriff; Carol Arkell, Fire Warden; Nancy Rohde, County Attorney; Charles Kem, Undersheriff; Tammie Mullikin, Evidence Clerk; Geri and Tim Walrath; Shirlee Keffer, Stillwater Republican Women; Daryl Northup; Terry Brumfield; Rich Cowger, Columbus Fire Chief; Nick Jacobs, CVFD; and Jennifer Siegfried, Asst. DES Coordinator.

Open Public Hearing - Commissioner Shupak opened the public hearing at 11:00 AM with the pledge to the flag. Introductions were made and Commissioner Shupak asked those that speak to please state their name for the record.

Reason for Hearing - Commissioner Shupak stated the purpose for the public hearing is the Stillwater County Fire Warden (Carol Arkell) submitted a request to the Board of County Commissioners to implement a Stillwater county-wide Burn Permit Service (excluding the Town of Columbus).

Shupak said on April 21, 2015, a Resolution of Intent was adopted to establish a fire season, implement a burn permit system, and establish a fee schedule for burn permits. Notice of this public hearing was published in the Stillwater County News. Fire Council meetings were held for comments.

Proposed Burn Permit Service - Carol Arkell explained the service program for the proposed burn permits. She said the reason for this is not to control

what people are doing, by any means, but to gather statistics and data for where they are burning and hopefully the fire departments will not have to respond to controlled burns. She said the program will enable those wanting to burn to activate their permit through an automated system. Everyone, including the Fire Departments, will be able to log on to the system and see the activated controlled burns. She explained that if conditions such as a Red Flag Warning is in effect, or a large wildfire is currently burning in the county, the system will not allow you to activate your permit during the event, especially when resources are limited.

Rich Cowger, Columbus Fire Chief, said persons will be required to purchase a permit each year (\$8 for the first year and \$5 for each year after) that can be activated throughout the year. He said if there is a burn ban in effect, then the permitting system will be shut down for that period of time. It is all done on an automated system, so when someone calls the number, it gives you the information of what the burn conditions are that day and whether burning is allowed or not that particular day. It gives us the ability to regulate that which we do not have at this time, he said, without going through total stage restrictions. He explained the system allows us to do that by geographic area in the county vs doing a county-wide ban.

Questions and Answers - Terry Brumfield asked the if the dispatchers would have a list of who is burning on any given day. Sheriff Brophy said yes, they have access to the computer program, a web-based program. They can have the program populated so they can see all of the active burning permits rather than scrolling through a lot of different calls for service as they currently have to do. Currently these controlled burn courtesy calls that people make to dispatch are logged with other calls such as traffic stops, criminal complaints, etc.

Commissioner Davey stated that Carbon County, our neighboring county, will be implementing the same system in July, and Yellowstone County is currently on the system.

Tim Walrath asked if the burn permit allow for burning in a garbage can or a burn can. Rich Cowger explained that is not allowed. DEQ has rules against that type of burning, Cowger said. This is for agriculture opening burning, ditches, fields, timber, and anything natural debris.

Chris Southworth inquired about burning a slash piles - saying they cannot be put out when the sun goes down. Who is going to enforce them to make sure they are put out and who would be responsible for writing the tickets? How are you going to enforce these rules? Commissioner Shupak said only law enforcement officers can write the tickets which was confirmed by Sheriff Brophy. Rich Cowger said there is an exemption in the process for

timber slash, logging operations, that those can extend beyond the normal hours of burning, and we talked about that in the development of the process.

Rich Cowger explained there are three avenues to obtaining a permit with the system. You can get a written permit, a computerized permit, or call in on the phone. You buy the permit one time a year. Once you get the permit processed you have that permit number you keep all year long. Then you can activate it by calling the 1-800 number, or online. Once activated, it is populated and we, dispatch, or anyone, can see where those burns are located. From a responders point of view, if something happens, like an un-forecasted wind event comes through, we can call the person conducting the burn and get them to shut the fire down prior to the arrival of the event. That is the process, right now there is no process, he said, other than a courtesy call to the sheriff's dispatch.

Commissioner Davey asked Carol Arkell, Fire Warden, how many counties are using the system. Carol stated fifteen (15) counties are currently in the program, and three (3) others on board this year.

Shirlee Keffer said the technology would benefit the Fire Department and Sheriff's Office, but wondered why a fee is attached because right now all that one needs to do is call in. Carol Arkell said there is an administration fee in which \$3 for each permit goes to the State and the remaining will stay in the county for fire education purposes.

Written Comments - Commissioner Dell read three letters submitted from the following persons and stated their position on the proposed burn permit system:

1. Travis Jones, Broadview Volunteer Fire Department, in favor.
2. Steve Dooley, Chief, Molt Volunteer Fire Department, in favor.
3. Bryan Bartholomew, Chief, Park City Volunteer Fire Department, in favor.

Call for Proponents - Commissioner Shupak called for proponents. Let it be known that the following persons spoke **in favor** and support the proposed Burn Permit System:

1. Rich Cowger, Chief, Columbus Volunteer Fire Department
2. A letter submitted by Rich Cowger on behalf of the Columbus Fire Board of Trustees stating the sam.
3. Tammie Mullikin, resident living in Pine Crest Subdivision.
4. Cliff Brophy, Stillwater County Sheriff
5. Terry Brumfield, Reed Point Resident
6. John Briggs, Park City Fire Department firefighter.

Call for Opponents - Commissioner Shupak called for opponents. Let it be known that the following persons spoke **in opposition** and do not support the proposed Burn Permit System:

1. Dave Russell, Assistant Fire Chief Nye Fire Department
2. A letter submitted by Dave Russell on behalf of the members of the Nye Fire Department stating the same.
3. Chris Southworth, Park City Volunteer Fire Board.
4. Larry Gee, Rapelje Fire Department.
5. Corey Arnold, Absarokee Volunteer Fire District.
6. Tim Walrath, Columbus Resident

Written Comments - Commissioner Shupak thanked everyone for their comments and stated the Commission will accept written comments until **5:00 pm - Friday, May 29, 2015**. A decision will be made at a future agenda meeting.

Commissioner Davey asked Carol Arkell, Fire Warden, if there is information on the county website that would answer questions brought forth at the hearing today or for those that were not able to attend. Arkell confirmed that the information on the website would answer most questions and she would be available to answer calls in her office. Arkell also stated that she would be happy to go to any fire department or show anyone how the system works on the website. She also told those present that they can view a demo of the system online and it will also answer questions they may have. Carol said she will also offer a presentation at the next fire council meeting.

Close Public Hearing - Commissioner Dell thanked everyone for attending and told the group the commissioners are listening to you, and it is going to be a tough decision. Everyone is welcome to attend the agenda meeting when the commission makes a decision, he said.

Commissioner Davey **MOVED** to close the public hearing and make a decision on the proposed burn permit on June 2, 2015, during the regular agenda meeting. Commissioner Dell **SECONDED**. Commissioner Davey stated the Commission will be attending a MACo District meeting on June 2, 2015, and **MOVED** to amend the motion and hold a special agenda meeting on June 1, 2015. Commissioner Dell **SECONDED** the amendment. Motion passed unanimously. Commissioner Shupak asked for a vote to close the public hearing. Motion passed unanimously.

Meeting Adjourned at 11:44 AM