

**STILLWATER COUNTY  
COMMISSIONERS MINUTES**

**REGULAR MEETING  
JUNE 1, 2015**

**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; Joe Morse, Finance Specialist; and Marlo Pronovost, Stillwater County News.

**Public Comments:** Public Comment on matters within the Commissioners jurisdiction pursuant to §2-3-103, MCA, public comments will be accepted on any public matter that is not scheduled on the Agenda. No comments were heard.

**Minutes Approval:** Commissioner Davey **MOVED** to approve the minutes of May 12, 2015, as presented. Commissioner Dell **SECONDED**. Motion passed unanimously.

**Reports:** Tri-County Victim Witness Program - Commissioner Dell read a letter dated May 12, 2015, addressed to Sheriff Brophy from the Montana Board of Crime Control in reference to the Tri-County Victim/Witness Program Grant 15-V01-91790. The letter stated the Application Review Committee has recommended that Stillwater County's application be awarded federal dollars in the amount of \$63,891. The county will receive notice of the committee's final action following their meeting.

**Road Department Motor Graders:** Joe Morse, Finance Specialist, said the Road Department will receive shortly, two (2) new motor graders from Caterpillar Financial Services. These documents presented to the commission is part of the lease agreement that we entered into. He explained that each time we get delivery of a new motor grader, this is the procedure required by Caterpillar Financial Services. Commissioner Dell **MOVED** to adopt **Resolution 2015-14** and approve the Caterpillar Financial Services Lease/Purchase Documents for Transaction Number 2677686 for the subsequent lease of two motor graders. Commissioner Davey **SECONDED**. Motion passed unanimously.

**Meeting Adjourned at 11:09 AM**

**SPECIAL AGENDA  
JUNE 1, 2015 - 1:30 PM  
STILLWATER COUNTY PAVILION**

**Present:** Commissioners Dennis Shupak, Chair; Maureen Davey and Gerald W. Dell, Members; Lori Dobitz, Administrative Assistant; Rich Cowger, CRFD; Nick Jacobs, CRFD; Terry Ekwortzel, Nye Fire; Mark Schreiner, Road & Bridge Superintendent; Frank Repka; Randy Smith, SCSO; Shirlee Keffer, Stillwater Republican Women; Bryan Bartholomew, PCVFD; Renzle Crain, SCSO; Nancy Rohde, County Attorney; Alan Sipes; John Briggs, PCVFD; Grady Martin, Chris Southworth, Dave Russell, Nye Fire Department; Dough Robinette, Nye Fire Department; Jeff Stockwell, USFS; Martin L. Martin, Nye Fire Department; George Bokma, former Stillwater County Fire Warden; Terry Brumfield, CRFD; Clifford Brophy, Sheriff; Blair Jones, 22<sup>nd</sup> Judicial District; Heidi Stadel, Clerk & Recorder; and Marlo Pronovost, Stillwater County News.

**Public Comments:** Public Comment on matters within the Commissioners jurisdiction pursuant to §2-3-103, MCA, public comments will be accepted on any public matter that is not scheduled on the Agenda. No comments were heard.

**Proposed Burn Permit:** Commissioner Shupak said this special agenda meeting was called to make a decision as to whether or not implement a burn permit system in Stillwater County. He said a public hearing was held on May 12, 2015. Commissioner Shupak called on Carol Arkell, Fire Warden to explain to those present how the system would work.

**Discussion -** Carol Arkell, Fire Warden - She said from her perspective as the Fire Warden, this is a way to track the fires in the county. This is a way to see who is burning in the county and it is an automated system. She said any resident in the county can access the information 24/7 to see who is burning. She said to purchase a burn permit can be done in three different ways - in person at the Clerk & Records office; online; or over the phone. She explained the ease in activating the permit once purchased. She said the permit system is a proactive approach rather than a restrictive measure. She said this will also help sending fire departments out on false calls. She said the program proposed to be used is Montana Interactive, a branch of Montana.gov. which is a state portal for transactions ie. vehicle renewals, Secretary of State transactions, taxes, hunting and fishing licenses, etc. She said her proposal on the cost of the permits is \$8 for the first year, and \$5 each subsequent year. Of the fees, \$3 will go to the state for the administration of the program and the remaining amount will come back to the county. She said the first year the monies will be used for mass advertisements. She said someone mentioned that taxpayers already pay for fire protection, this is not the same thing. This is a permit system, so only the ones that are going to purchase a permit would pay for the permit system, she said. Those of us that use computers on a daily basis will be monitoring the system and we will let those out in the field know what is going on. Small slash-piles, backyard campfires, none of those apply, she said. As far as high school bon-fires, we will ask them to obtain a permit, but we will work with the fire departments on those, she said. She also told the group that someone stated at the public hearing that the permit system would be a burden to law enforcement, however it would not and Sheriff Brophy supports it.

Nancy Rohde, County Attorney, stood before the group and read the draft resolution she drafted and

prepared for the commissioners to adopt.

Jeff Stockwell, Forest Service, he said he did not hear in the description about federal lands within Stillwater County. Carol Arkell said they would be exempted from the county system process.

Frank Repka, Rancher, asked if one will be advised when calling in to burn if restrictions are in place. Carol explained the system will alert one to restrictions in the county if in place and will not allow one to obtain activation. The only time the system will be shut down is for Red Flag Warnings issued by NOAA; or our county resources are out fighting a fire; or Stage 1 or Stage 2 Restrictions. She said any of the four districts may request in writing, a shutdown in their district.

Al Sipes, Park City Resident; had a question in regards to agriculture purposes. If you purchase a permit, are you allowed to activate it time and again for those purposes? Carol said that is correct, you pay only once per calendar year for the permit and you may activate as many times as need that year without a charge.

George Bokma, former Stillwater County Fire Warden, said he worked on trying to establish a burn permit for the county for about ten years. He has always been in favor of it and this is an early warning system for us and he has studied the state system for the last two years and said this is the best deal he has seen.

Commissioner Davey said DNRC was in the office this morning and stated they were in favor of burn permit system and were glad the county was taking a step to look into this.

Commissioner Davey also asked if Park City could shut down their area if they wanted to. Carol Arkell said she has set up the county into four districts (Absarokee, Columbus, Park City and North). She gave an example - if a district is experiencing conditions of high temperatures, winds, and other things that make it favorable for wildland fires, they could call in and the county can shut down that district for permits on that day. Commissioner Davey asked how do people know where the line is for each district. Carol responded that the districts are set up in the mapping system on the program and the residents within those districts would be shut down from activating the permit. It is built in the system that way, Arkell said. Someone asked if the system could be shut down for the summer. Carol said, you can not shut it down just because you want to shut it down, you have to follow a criteria, ie. high winds, drought, etc.

Shirlee Keffer asked for clarification on resources in use when one wants to activate their permit. Bryan Bartholmew, Park City Fire, helped explain the potential hazard in activating permits during an active wildland fire incident. Bryan said the reason he is supporting the system is because he has the ability to control what is going on in his district. He said *the other added benefit is, if Park City gets a call of report of smoke, which happens a lot with I-90, we get a lot of cell phone calls on fires, I may send out one truck to investigate it first without sending out all the trucks. If it is something big, I can have the rest of his crew ready to roll if it is an uncontrolled fire we need to address. And by doing that, I'm not putting wear and tear on tax payer vehicles. I'm not wasting taxpayer money by fueling trucks going responding to calls we didn't need to go to. I'm not wasting guys time when they can be at home with their families or at work.* Those are some of the reasons

I support it.

Terry Eckwortzel asked if permits that are activated in the morning and a fire breaks out in the early afternoon, how will those people be notified of a shutdown. Carol explained that when one activates their permit, a contact phone number is required for activation. She said if something like that was to happen, we have a couple of back up people and they will be making the direct calls to them to let them know to shut down their burn.

Rich Cowger, Columbus Fire Chief, said the flip side to that is we are primarily talking new burns. So if you have one that is going, obviously your focus is going to be on your major incident at the time. Someone else comes up to activate that burn permit during that incident, the system will deny them. On behalf of the Columbus Rural Fire District and on behalf of the Board of Trustees, we support this process and feel it is invaluable. When you look at this fact sheet that was compiled by the state and handed out to each of us here today, you will see that your just shy of half of the population of Montana operates under this burn permit system and that speaks volumes. **T h i s** program also simplifies the workload going into dispatch.

Commissioner Davey said we have had a hearing on this. Proponents and Opponents were heard. We have received letters on both sides, with reasons, and I think some of those reasons were talked about and clarified today. It is a safety issue and I'm thinking about our volunteers and everybody has another job to do and we really appreciate those volunteers she said. Stillwater County has stretched our volunteers, our firefighters, and they have done an excellent job.

**Motion** - hearing no other comments, Commissioner Shupak called for a motion. Commissioner Davey **MOVED** to adopt **Resolution 2015- 15**, establishing a burn permit system in Stillwater County on a trial basis for a period of one-year. Commissioner Dell **SECONDED**.

**Discussion** - Commissioner Dell said when we started this process approximately three-years ago, and he was on the fence. In fact, he voted to table it until more work was done on it, he said. After seeing what the other counties have done over that two to three year period, the information they have put out on how it has helped their counties, and helped their volunteer system, he now has changed his mind. Commissioner Dell said he realizes he represents a district that is totally against it, and some of their reasoning has nothing to do with the burn system. In Stillwater County there is 927,231 acres that are in the wildland fire money. With the departments we have heard from, either for or against, 52% of that acreage is for the system and 47% is against the system, he said.

Dave Russell suggested a public hearing prior to reinstating this a year from now to see how people feel about it and have it open to the public. Commissioner Davey stated she thought that would be good.

Bryan Batholmew asked Commissioner Dell to clarify the 47% against the system. He asked who was representing that percentage, ranchers, farmers, fire departments? Commissioner Dell said mainly from the fire departments. Commissioner Davey said what is confusing to her is that Park City Fire Board and Park City Fire Fighters were in opposition of the system, but we have the Park City Fire Chief in favor of it. She said that is why we were thinking a little more education for the

boards, fire council and fire fighters during their meetings and answer more questions. Bryan Bartholmew, Park City Fire Chief responded that he was unable to attend the last business meeting and he thinks that is where the misinterpretation came in between the department and the board. I myself as fire chief do support this, Bartholmew said. **Vote** - Commissioner Shupak called for a vote. Motion passed unanimously.

**Meeting Adjourned 2:13 PM**