

## STILLWATER COUNTY COMMISSIONERS MINUTES

**Notice:** These minutes reflect the proceedings of the Board of County Commissioners. The official minutes were approved and are on file with the Clerk and Recorder (MCA 7-4-2611(2)(b)).

### REGULAR MEETING AUGUST 25, 2015

**Present:** Commissioners Dennis Shupak, Chair; Maureen Davey and Gerald W. Dell, Members; Lori Dobitz, Administrative Assistant; Marissa Hauge, Economic Development Coordinator; Jerry Friend, Treasurer; Mark Schreiner, Road and Bridge Superintendent; Carol Arkell, Fire Warden; Brent Moore, CTA Contract Planner; Tom Kelly, North Star Land Surveying; Coralee Hicks, Citizen; and Rick Hanners, 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 July 28, 2015 as presented. Commissioner Dell **SECONDED**. Motion passed unanimously.

**Stillwater River Road:** Rockslide update - Mark Schriener, Incident Commander/Road Superintendent, stated GSI submitted a second report on August 21, 2015, which is currently being reviewed by the Rockslide committee. He also said he has received response letters to the county's scoping letters sent to several agencies informing them of the proposed project and to solicit any input they may have regarding any aspects of the rockslide mitigation. He reported DNRC viewed the rockslide and told him it did not fit their criteria. Commissioner Dell said the commission has received letters in response from the US Department of Interior, Fish Wildlife Services, and U.S. Army Corps of Engineers. Commissioner Davey stated the county website is being updated as new information is available to keep residents informed.

**2015 Fire Season:** Each week during the fire season the Commissioners will discuss the current status of fire conditions and/or fire restrictions within the county. Action will be taken if conditions warrant.

Carol Arkell, Fire Warden, reported some surrounding counties are currently in burning restrictions. It is her recommendation that the burn permit system remain shutdown at this time. Commissioner Dell also reported on an article in the Billings Gazette that State of Montana helicopters are banned from dropping water on federal lands because they hold more gallons of water than allowed by federal regulations. So there are helicopters sitting back and federal lands are burning up, he said. Mark Schreiner said the color of fire retardant is being changed from red to hot pink because of the

beatle kill. Also reported is the inaccurate information on the Sheriff's webpage instructing residents to call the Sheriff's department and notify dispatch if you decide to engage in a controlled burn. Commissioner Davey said this is confusing to the public after the notices and meetings we have held regarding the new burn permit system. It contradicts the message we are trying to get out on the new system. Carol Arkell said she has emailed the Sheriff and is awaiting a response.

**Planning:** Dick Family Subdivision Minor Plat Review - Brent Moore, Contract Planner, CTA presented the minor subdivision. This proposed one (1) lot subdivision is located along the West Rosebud Road. The site is approx. 15.943 acres in size - Tract 2 COS No. 231874 being in the NE1/4 of Sec. 23, T5S, R17E, PMM. The proposed subdivision will lift the agricultural restriction on the property. The owners are Cheryl Sinclair and Gary W. Dick. Tom Kelly, Northstar Land Surveying is the development representative. Brent Moore said the Planning Board met on August 5, 2015, and recommended approval with seven (7) conditions.

Tom Kelly said when he survey the area, he came upon three granite headstones. He said this is an unique situation and with that discovery, a *reservation of pedestrian easement* will be on the face of the plat and recorded with the survey. The easement will be specifically for the Dick Family use.

Mark Schreiner, Road & Bridge Superintendent, stated major construction on the West Rosebud Road is planned that will include alignment change and access changes, and suggested the commission add a condition addressing encroachment permits being obtained prior to constructing a driveway.

Commissioner Dell **MOVED** to conditionally approve the Dick Family Subdivision Minor Preliminary Plat, as recommended by the Planning Board and Planning Staff; with the addition of Condition No. 8 - *Obtain an encroachment permit for any access off of West Rosebud Road*; and lift the agriculture covenant. Commissioner Davey **SECONDED**. Motion passed unanimously.

**Treasurer:**

- a. Request to cancel uncollected 2010 Taxes ID 30798 in the amount of \$120.66. Commissioner Davey **MOVED** to conditionally approve the request to cancel said taxes. Commissioner Dell **SECONDED**.

Discussion - Jerry Friend, Treasurer, explained upon the recommendation of the Department of Revenue, he is requesting that the Commission authorize the cancellation of the 2010 taxes associated with Tax ID# 30798 as uncollectible and remove the penalties and interest from the remaining years. He said the current taxpayer purchased the property from the previous owner in 2011 and did not receive the 2010 tax bill. Conditional Approval - Upon deliberation, the Commissioners are requesting that the Treasurer notify the previous taxpayer in writing of this outstanding debt. If the Treasurer does not receive payment within 45-days or by October 9, 2015. At that time, the Commissioners will honor the request.

**Vote** - Commissioner Shupak called for a vote on the motion of conditional approval. Motion passed unanimously.

- b. Request to waive 2011-2014 penalties and interest Tax ID 30798. Commissioner Davey **MOVED** waive the penalties and interest of approximately \$95.00 on the outstanding property James and Karen Redman purchased from Archer Enterprises in January 2011, in exchange for payment in full of all outstanding taxes due for tax years 2011-2014.

Commissioner Dell **SECONDED**. Motion passed unanimously.

**South Grove Creek Road Petition:** A petition was submitted by Peter Halstead, et al, to abandon a portion of South Grove Creek (County Road #2) located in the S1/2 SE1/4 of Section 13, T4S, R17E, MPM and the N1/2 of Lot 4 of Section 18, T4S, R18E, MPM, beginning at a point on South Grove Creek Road where the NW corner of said Lot 4 meets the NE corner of the S1/2 SE1/4 of Section 13, traversing in a southerly direction to the end of South Grove Creek Road. Commissioner Dell **MOVED** to appoint Heidi Stadel, Clerk & Recorder, Commissioner Dell as viewers; Mark Schreiner, Road Superintendent, as staff advisor to the viewers; and set a public hearing date of September 29, 2015, at 1:30 PM. Commissioner Davey **SECONDED**. Motion passed unanimously.

**Consent agenda:**

1. Columbus Airport - Non-Commercial Hangar Lease - Lot 5 Block 4, Brandon and Cindy Garouette, Lessees.
2. Road and Bridge - Request to Lease a 2015 CAT 962M Loader w/trade for a term of four years from Tractor and Equipment.
3. Economic Development - CTEP Project No. 48(5) Columbus - Pike Ave. Path. Agreement Form between Contractors and Stillwater County.

**File items:**

1. Commissioners -
  - a. MT Department of Revenue FY 2015 Mineral Impact Fund Distribution
  - b. Letter from citizen Maurie Pettersen regarding old hospital building.
2. Human Resources - New Hire - Lyndsy Flanagan, Part-time Communication Officer, effective August 11, 2015.

Commissioner Davey **MOVED** to approve the Consent Agenda and place the file items to file. Commissioner Dell **SECONDED**. Motion passed unanimously.

**Meeting Adjourned:** Hearing no further business, Commissioner Shupak adjourned the meeting at 9:44 AM