

## 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 SEPTEMBER 15, 2015

**Present:** Commissioners Dennis Shupak, Chair; Maureen Davey and Gerald W. Dell, Members; Lori Dobitz, Administrative Assistant; Monica Plecker, CTA Contract Planner; Rich Cowger, Columbus Fire Chief; Forrest Mandeville, Engineering West; Mark Schreiner, Road Superintendent; Monica Plecker, CTA Group; Coralee Hicks; Rick Hanners, Stillwater County News; Nancy Rohde, County Attorney; Heidi Stadel, Clerk & Recorder.

**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. None were heard.

**Minutes Approval:** Commissioner Davey **MOVED** to approve the minutes of August 11, 2015, as presented. Commissioner Shupak **SECONDED**. Motion passed unanimously.

#### Special Issues - Reports

1. Stillwater River Road - Mark Schreiner, Road Superintendent, said he attended a meeting with the attorneys and it was decided to proceed with a another opinion on the rockslide, an independent opinion. Commissioner Dell said we are in the process of preparing a letter for a group of residents to bring them up to date on the rockfall. Commissioner Davey said we are in the process of going out for Request for Proposals that will be advertised.
2. 2015 Fire Season - Current status of fire conditions and/or fire restrictions within the county. Action will be taken if conditions warrant. Rich Cowger, Columbus Fire Chief, said he is reporting for the Fire Warden while she is out this week. He reported the county burn permit is not activated at this time due to dry temperatures we have been experiencing. He said our county is fairing considerably better than the western portion of the state. Smoke in the area is a result of fires currently burning in California, he said. The burn permit system will continue to be deactivated until improved weather conditions, Cowger said.

**Planning:** Robertus Minor Subdivision - Monica Plecker, CTA Group, presented the Preliminary Plat for the Robertus Minor Subdivision, a proposed 3-lot minor subdivision located on Valley Creek Road approx. 3.2 miles northwest of Park City, described as Tract 2 of COS 327224 in the

E 1/2 of Sec. 23, T2S, R22E, MPM. Owners Tim and Gloria Robertus, and Development Representative Engineering West. Ms. Plecker stated the subdivision went before the Planning Board on September 2, 2015, meeting, unfortunately a quorum was not present, she said, but those members that attended allowed Forrest Mandeville, Engineering West to present the subdivision. A discussion followed she said, at which time they made their opinion known as opposed to a formal recommendation, however, those members of the Planning Board present suggested approval of the minor subdivision.

Plecker said the lots range in size of 23 to 29 acres and currently there is a Declaration of Restrictions that limits future development to one single family residence and associated uses to the property/lots. She read the eight (8) conditions of approval followed with suggested language for condition number 9 based on information received from the County Road Department regarding the gravel surfacing of Valley Creek Road. She read suggested language for an RSID Alternative to be included in the SIA (Subdivision Improvement Agreement) Section I - and suggested language in the SIA Section II - Transportation relating to an RSID.

Commissioner Dell asked if the lots will be divided again. Mandeville said not at this time, and if they were to be divided, it would be a subsequent subdivision which would be reviewed as a major subdivision. Mandeville said adding condition number nine is a fair compromise, which gives the commission the ability at a future point to require an RSID be created if there were more subdivisions in that area. You have that ability already, he said, this just calls it out a bit more.

Any funds that come in through an RSID directly benefits those affected landowners. Commissioner Davey asked if the county could pass the costs of putting an RSID together onto the developer. Monica said yes, all engineering, all bond counseling etc. to the creation of that district, so there is not those types of financial burdens to the county, all of which can be assessed to those property owners.

Commissioner Davey **MOVED** to conditionally approve the Robertus Minor Subdivision with the conditions and additions/corrections:

- \* Condition No. 7 - add "or road construction"
- \* SIA Section 1 - D - change ~~specifically~~ to "including"
- \* SIA Section II - C - change . . . *in a future Rural Special Improvement District which ~~may~~ to "will" be created when the subdivision occurs adjacent to the Valley Creek Road and the Robertus Minor Subdivision.*

Commissioner Shupak **SECONDED**. Following further discussion, Commissioner Dell called for a vote. Motion passed unanimously.

**Commissioners:** Commissioner Shupak **MOVED** to adopt **Resolution 2015-35** canceling the regular agenda of September 22, 2015. Commissioner Davey **SECONDED**. Motion passed unanimously. This resolution is filed with the Clerk & Recorder under Document No. 363411.

**Airport Board:** Columbus Airport - Woltermann Memorial - The Commission received a draft Capital Improvement Plan 2016-2022 from the Airport Board for approval. This is a yearly requirement by the Federal Aviation Administration (FAA) and Montana Department of Transportation (MDT Aeronautics Division to update the projected projects and costs for the upcoming seven years of projects. The correspondence explains this does not obligate the Sponsor (County) to anything at this time, but provides a long range plan to assist the FAA in budgeting for higher dollar projects in the future. Commissioner Davey **MOVED** to approve the Capital Improvement Plan as recommended by the Airport Board. Commissioner Shupak **SECONDED**. Motion passed unanimously.

### **Consent Agenda**

1. Commissioners
  - a. MSU Extension - Agreement for FY 2016 Extension Services county contribution to Extension Agent Salaries.
  - b. Local Emergency Planning Committee (LEPC) - following appointments: Lee Cornell, Justice of the Peace; Heidi L. Stadel, Clerk & Recorder; and Jim Hicks, Town Representative, terms expire December 31, 2015.
  - c. DUI Task Force - following appointments as recommended by DUI Task Force: Lee Cornell, Justice of Peace (term runs concurrent with elected position) ; Jacob Ward, Columbus Police Officer; Christine "Tina" Robinson, Stillwater Billings Clinic, terms expire July 2017.
  
2. County Attorney
  - a. Legal Assistance - Contract between Stillwater County and Susan Swimly, Attorney at Law, as recommended by County Attorney for the assistance on the Stillwater River Road Rockslide.
  
3. Sheriff
  - a. Equitable Sharing Agreement and Certification

### **File Items**

1. Treasurer - Cash reports submitted for the following months:
  - a. July 2015 cash and investments total \$ 30,661,220.60
  - b. August 2015 cash and investments total \$ 30,104,853.57
  
2. Clerk & Recorder
  - a. received notification of mail ballot election for the Municipal General Election for Town of Columbus.
  - b. received notification that there will not be Water & Sewer District Elections - Directors elected by acclamation or filled by appointment:
    1. Park City - Myron Gross and Mike McNamee
    2. Reed Point - Spencer Peterson
    3. Rapelje - Larry Gee, Donald Herzog, and Andrew Lacy
    4. Absarokee - Peter Gaustad and Tom Degele

3. Commissioners - The Commission received a letter from The Beartooth Backcountry Horsemen notifying the county that they passed a resolution opposing the transfer or sale of federal public lands managed by the US Dept of Interior and Agriculture.

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

**Meeting Adjourned:** Hearing no further business, Commissioner Shupak adjourned the meeting at 9:510a.m.