

CASCADE COUNTY COMMISSION MEETING
July 12, 2016
COMMISSION CHAMBERS
COURTHOUSE ANNEX, ROOM 111
9:30 A.M.

Notice: These minutes are paraphrased and reflect the proceedings of the Board of Commissioners. MCA 7-4-2611 (2) (b). These minutes were officially approved at the August 2, 2016 meeting.

Present: Chairman Joe Briggs, Commissioner Jane Weber, and Commissioner Jim Larson.

Staff: Alex Dachs, Brian Clifton, Carey Ann Haight, Bonnie Fogerty, and Marie Johnson.

Public seating: Lillian Sunwall, Bob Reiman, Steve Erwin, William Helgeson, Dexter Busby, William Zucconi, Tonya Huston, Leslie Southworth, Mitch Tropilia, Bernadine Molen, Trent Short, Mark Leo, Kim Theil- Schaaf, Fernando Terrones, Richard Liebert, *(John Watts was unable to attend therefore this meeting was not filmed).*

Reading of the Commissioners calendar: Bonnie Fogerty, read the weekly calendar.

Purchase orders and accounts payable warrants: Commissioner Larson made a **MOTION** to approve purchase orders and accounts payable checks #264186 thru #264585 totaling \$1,651,706.94 dated 06/20/2016 thru 06/24/2016. And purchase orders and accounts payable checks #264586 through #264755 totaling \$767,693.77 dated 06/27/2016 thru 06/29/2016. **Motion carries 3-0**

Consent agenda: The consent agenda is made up of routine day-to-day items that require Commission action. Any Commissioner may pull items from the Consent Agenda for further discussion/vote.

Approval of the Minutes and Consent Agenda Items: Commissioner Weber made a **MOTION** to approve minute entries dated 06/14/2016, 06/17/2016, and 06/28/2016, 07/06/2016 also the approval of routine contracts as follows;

(B) Approval of Routine Contracts as Follows:

◆ **Policy 90.3:** Adoption of Bank Reconciliation, Section 90, Cascade County Operations Manual, Finance & Accounting Policy. *R0325236*

◆ **Policy 90.4:** Revision of Capital (Fixed Assets), Section 90, Cascade County Operations Manual, Finance & Accounting Policy. *R0325237*

◆ **Resolution 16-73:** Prosecutorial Assistance in the case of State v E.L. *R0325158*

◆ **Contract 16-114:** MT DPHHS Amendment to Purchase of Service Contract *R0325889*
#1622100008 SFY2016 Budget Modification, Area VIII Agency on Aging. Total Amount: \$781,149, plus an estimate of \$55,000 of NSIP funds for SFY2017. (Ref: Contract 16-83)

◆ **Contract 16-115:** Town of Cascade Exhibit B, FY 2016/2017 Proposed Budget for Sheriff Deputy services. Total Budget: \$98,786.00 Town of Cascade: \$49,393.00, Cascade County: \$49,393.00 (Annual Renewal) *R0325544*

◆ **Contract 16-119:** State of Montana Board of Crime Control, Sub grant 17-L05-92003 North Central Region Juvenile Detention. Total Amount: \$423,158.00. Effective Dates: July 1, 2016 - June 30, 2017. *R0325159*

◆ **Contract 16-120:** Town of Belt Exhibit B, FY 2016/2017 Proposed Budget for Sheriff Deputy services. Total Budget: \$98,786.00 Town of Belt: \$49,393.00, Cascade County: \$49,393.00 (Annual Renewal) *R0325890*

◆ **Contract 16-121:** Vision Net, Inc. 2017 Renewal Video Arraignment Services. Financial plan with the Sheriff's Office for T1 and circuit renewal. No cost increase from FY/2016

for connection to the Courthouse video and voice. Effective Dates: July 1, 2016 - June 30, 2017. Total Amount: \$11,820. (Ref: Contract 13-13, 0268283)

◆ **Contract 16-122:** Addendum to the Cascade County Adult Detention Center Agreement to provide medical services. Agreement extended for two yearly terms, 1st Term: July 1, 2016- June 30, 2017, 2nd Term: July 1, 2017-June 30, 2018. Compensation: \$779,176/annual (Ref: Contract 14-65, R0291071) *R0325160*

◆ **Contract 16-123:** Addendum to the Cascade County Adult Detention Center Agreement for the Chemical Dependency Program. Term: July 1, 2016 - June 30, 2018. Compensation: \$16,200/annual (Ref: 14-65, R0291071) *R0325161*

◆ **Contract 16-124:** Full Rodeo Stock Contractor Agreement with Sankey Pro Rodeo and Robinson Bulls to perform as a Full Rodeo Stock Contractor for the Cascade County, Big Sky Pro Rodeo Roundup 2016 during the Montana State Fair a four (4) day rodeo. Effective Dates: August 3-6, 2016. Compensation: \$62,500.00

◆ **Contract 16-125:** Memorandum of Understanding between Cascade County, the Big Sky Rodeo Roundup Events Committee and the Great Falls Turf Club to collaborate on creating preferred seating area for state fair, horse racing and rodeo events. Each party will pay one-third of the cost. County Cost: \$31,550.74

◆ **Contract 16-126:** Business Assistance Agreement between Cascade County and Anderson Steel Supply, Inc. for Montana Department of Commerce Big Sky Economic Development Trust Fund Program, Contract #MT-BSTF-1-16-20, (Ref: Contract 16-113, R0324544) *R0325235*

◆ **Contract 16-128:** Promissory Note and Agreement with the Great Falls Community Ice Foundation. Total Amount: \$183,092.95 *R0325163*

◆ **Contract 16-129:** Management Plan between Cascade County and Great Falls Development Authority for the implementation of the Big Sky Trust Funds for the Anderson Steel Supply, Inc. expansion and job creation. (Ref: Contract 16-113, MT DOC MT-BSTF-1-16-20, R0234544/ Contract 16-126). *R0325631*

City County Health Department

◆ **Contract 16-116:** MT DPHHS Task Order 17-07-3-31-022-0 Montana Tobacco Use Prevention Program. Purpose: To address the public health crisis caused by the use of all forms of commercial tobacco products in Montana. Total Maximum Amount Payable up to: \$72,000. (No County Match) Effective Dates: July 1, 2016 - June 30, 2017. (recurring).

◆ **Contract 16-117:** MT DPHHS Amendment Number One to Task Order #15-07-1-01-119-0, Office of Public Health System Improvement (PIP) program. Purpose: To use additional grant award money to revamp the rabies program at the Health Department. Extended Effective Dates: April 1, 2015 - May 1, 2017. Increased Award Amount: \$5,000, Total Award: \$45,000.00. (No County Match) (Reference Contract 15-61, R0309390)

◆ **Contract 16-118:** Yellowstone City-County Health Department Contract dba/Riverstone Health, Ryan White Part C. Purpose: To continue to provide early intervention services for HIV positive clients. Effective Dates: July 1, 2016 - June 30, 2017. Total Amount: \$30,000 (No County Match)

Community Health Care Center

◆ **Contract 16-127:** OneBeacon Health Care Group FTCA Professional Liability Insurance Quote for the Community Health Care Center. Policy Period: July 1, 2016 - July 1, 2017. Annual Cost: \$11,472.03 (Premium \$11,165.00, Taxes \$307.03) (renewal)

Motion carries 3-0 *R0325162*

AGENDA ITEM #1

MOTION TO APPROVE/DISAPPROVE FINAL PLAT BIRKY TRACTS

Alex Dachs, Planner read the synopsis (which can be found in Agenda Item #1 dated July 12, 2016) for this Final Plat. He noted that Glen Birky, the property owner has met all of the conditions except for condition #10 which does not pertain to this subdivision. Mr. Dachs also presented the Commission with an updated map that moved the lot lines (See exhibit "A"). Mark Leo of Big Sky Civil and Environmental, Inc. stated that the reason for moving the lot lines were to accommodate the buyer and to even out the acreage.

Commissioner Larson made a **MOTION** to approve Birky Tracts, a tract being lot 1 of M-T Tracts, Subsequent Minor Subdivision Final Plat subject to the applicant having met the conditions of approval to include 12 conditions (which includes removing condition #10).
Motion carries 3-0

AGENDA ITEM #2

MOTION TO APPROVE/DISAPPROVE RESOLUTION 16-72

FINAL RESOLUTION TO CREATE A RURAL SPECIAL IMPROVEMENT DISTRICT (RSID) FOR FOX FARM ROAD 20325157

Brian Clifton Public Works Director read the synopsis (which can be found in Agenda Item #1 dated July 12, 2016) for this final resolution. He reminded the public, that this work does not include regular maintenance that is scheduled for Dune Road, Dick Road and Fawn Drive. Also this new RSID is for Fox Farm Road only and will be for the reconstruction of this road which is not allotted for in his budget.

Commissioner Weber noted that the decision to assess each parcel is historically how each assessment is decided for a RSID. She also stated that with each new subdivision created, new parcels would be accessed and the RSID fees would be adjusted yearly to include the new parcels. Which could possibly lower the assessment rates in the future.

Commissioner Weber also requested that Brian Clifton compare the differences in the two projects on Flood Road and Fox Farm Road and describe the finances used.

Brian Clifton stated that Flood Road had an asphalt overlay with chip seal and some ditch work done which is considered a maintenance project, not a reconstruction project. He commented that the same kind of work is scheduled for Dune Road, Dick Road and Fawn Drive which is a 1.5-million-dollar project that comes out of the Public Works Department budget for scheduled maintenance. As for the Fox Farm Road, which is the reconstruction project of 1.2 miles and is not within the budget allowance for the Public Works.

Commissioner Weber stated that during the protest period, many people were concerned about paying for someone else's road and felt that this was not fair. Commissioner Weber reminded them that everyone's paying for the maintenance of Dune Road, Dick Road and Fawn Drive since it is all taxpayers money.

Chairman Briggs acknowledged the need for RSID's and stated he has had two on his road which is on Gore Hill; one RSID for the reconstruction to get it up to gravel specifications and the other RSID to pave the road for school bus travel. He stated that he

has had personal experience in paying on RSID's and reminded everyone that this RSID process is not a new practice but one that has been in place for some time.

Commissioner Weber also stated that this project has been bid at this time, and if the assessment comes in vastly higher. The Commission will take this into consideration and review this to see if it feasible to continue the RSID. She was hopeful that the bids will come in lower, which would reduce the assessment. Chairman Briggs noted that the last RSID did in fact come in drastically higher, in which the Commission and homeowners therefore stopped the RSID.

Chairman Briggs requested that Carey Ann Haight-County Attorney outline the RSID process thus far.

Carey Ann Haight stated that the Commission has passed the Resolution of Intent for this RSID with appropriate legal notices (See exhibit "B") being published. This began the 30-day protest period in which the homeowners can submit a written protest to the Clerk and Records office before the deadline of July 7, 2016 (See exhibit "C"). Thirteen (13) timely protests were received, and once previewed four (4) of them were not eligible, because they had an RSID wavier. Also there were Thirteen (13) protests that were submitted after the protest closing date of July 7, 2016 (See exhibit "C"). She informed the Commission that 9 protests were eligible protests which is not a sufficient amount to stop the protest process, which needed to be 50% of all the homeowners. She encouraged the Commission to take public comment at this time and reminded them that it is still at their discretion on how to proceed, from this point.

Chairman Briggs called for **Proponents;**

Trent Short, 6 Morning View Lane announced that he would like this RSID to move forward, but did have some neighbors who had questions. They were wondering why the County is choosing to go by the Department of Transportation's (DOT) standards instead of the County's standards? He also noted that when the options were sent out, that they were not asked if they wanted the DOT or the County's. And why is Dick Road not included in this RSID? He again stated, he did not mind being in the RSID but requested that these questions be answered.

Brian Clifton Public Works Director, responded, by stating that this project is within the set Metropolitan Improvement Plan (MPO) boundaries. The MDOT (Montana Department of Transportation) is tasked with this project and that the road work must meet DOT specifications to be eligible for the project funding. He stated that did they did an average daily traffic count study and Dick Road was not eligible.

Commissioner Larson questioned if there could be reimbursement of work done in the past, on Fox Farm Road.

Brian Clifton stated that would not be possible, at this time we have been trying to save up enough money to fix the roads.

Chairman Briggs called for more **Proponents;**

Richard Liebert Boston Coulee Road, questioned the amount of the assessment per year and the time period of this RSID.

Brian Clifton stated it would be approximately \$534.48 per year for twenty (20) years.

Chairman Briggs called for **Opponents**;

William Helgeson 7501 Fox Farm Road, stated he had some concerns about this project as he noted in his written protest. He felt that he should not have to pay as much; as the others, who use the whole stretch of the road since and he only uses a small portion of it. He requested clarification on how the parcels were charged. He stated that one RSID happened in the past, and that they divided the assessments differently and he requested the Commission look into it

Brian Clifton responded, the amount of the assessment is determined through calculations and methods outlined within Montana Code and is based on the number of parcels within the district, the cost of the project, and the length of time for payment on the RSID.

William Helgeson also referred to a letter he received dated September 17, 2016 that stated; out of the 294 landowners only 90 supported the project and he was curious when 69% didn't support the project how could it continue to go forward.

Chairman Briggs stated that when you survey the public you don't get much of a response although he was surprised by the response that they did receive. But unfortunately the percent was not high enough to discontinue the RSID.

William Helgeson stated that he felt the majority are not in favor, and many have ignored the project until now. He also requested that the protest period be extended so more people could respond.

Chairman Briggs called for **Opponents**, three more times in which no one came forward. **Chairman Briggs** called for **Informational witnesses**, three times in which no one came forward.

Chairman Briggs thanked everyone for their participation in this RSID. He said it has been a good process with a lot of feedback; both pro and con, and he has been pleased with the adjustments made along the way. He requested that the record reflect. The number of protests received *were inadequate* to automatically stop the process. Now this becomes a discretionary action of the Commission, and he entertained a motion.

Commissioner Weber requested to make a few comments before her motion. She thanked everyone for taking the time to participate in the process and submit their protests. She announced that there were nine (9) valid protests, but assured everyone that *all of the protests were read*. She stated she appreciated the financial burden that this RSID will place on everyone; especially those with fixed incomes. She also reminded the everyone that the County cannot work within their means when it comes to reconstruction, they do not have the financial capabilities to fund a project of this size without getting into a RSID

assessment. She also stated that she recognizes all the concerns about finances as she lives on a fixed income herself.

She announced that over her five (5) years as Commissioner there have been several comments about the poor conditions of Fox Farm Road, many from the residents themselves repeatedly.

Commissioner Weber made a MOTION to approve Resolution 16-72, final resolution to create a Rural Special Improvement District for Fox Farm Road that will allow for the reconstruction of Fox Farm Road from the southerly limit of MDT Federal Aid Project STPU 5220 to the intersection with Dune Drive (approximately 1.2 miles). **No vote was given at this time.**

Commissioner Larson agreed that it is hard to vote in a tax for a road, but with the number of comments and concerns about people hurting and dying due to the condition of this road creates lots of contention. He stated the work had to be done now or later and later will cost more money, and with the other project at the same time it makes sense to do it now with the tools we are given.

Chairman Briggs stated he concurred with his constituents and reminded everyone one that none of them raise taxes or place special assessments lightly. He commented that the Commission understands that this is a burden, and the least enjoyable part of his job. But it is also their job to meet the public needs within the available budgets and we don't have an unlimited source of funding. He said this is a tool that is provided to us under the law and he has come to a conclusion that this is the only way that Fox Farm Road will get a reconstruction. He also mentioned that the vast majority of people he spoke to in the Fox Farm area do not want it to be repaved they want the structural issues of the road fixed and for that reason he believes this is the best solution available.

Chairman Briggs called for a vote on the MOTION (see above). **Motion carries 3-0**

Commissioner Weber mentioned that there was a comment at a public meeting about claiming the interest paid on tax returns and they will check with the Treasurer's office to task them with this to make it possible for the homeowners who are paying on this RSID. Also, she thanked Public Works Director and his staff announcing that this was probably the most public comment received. She also felt that the whole process has been transparent and they have communicated with the resident's multiple times; along with providing extensive information with an open door policy. She requested that Mr. Clifton extend their appreciation to his staff.

Commissioner Weber also thanked Carey Ann Haight with her guidance with this new RSID process that has been her first since she has been Commissioner.

Commissioner Briggs called for public comment;
Public Participation in decisions of the Board and allowance of public comment on matters the Commission has jurisdiction, on items not covered by Today's agenda. (MCA 2-3-103)

Richard Liebert Boston Coulee Road, stated he was disappointed that this meeting was not being videotaped since it was an engaging issue on the RSID and the people not attending should have been able to observe this meeting and he stressed the importance to have visibility in public meetings

Chairman Briggs stated that the gentleman who normally videotapes forgot, they did call him and he was unable to attend. However, he was glad that this was brought up, stating that the Federal Government has just released a set of rules for public websites that will require all to be ADA compliant. So if videoed or if the County decides to do live stream, it has to be closed caption. This will require the website to be drastically redesigned and the cost will skyrocket.

Richard Liebert stated that the cost of transparency is priceless and it gives the governing body more credibility and public trust. He also commented on the farm lands and that the hay crops are not doing that great. He complimented the road department stating that they had an inch and a half of rain on Eden Road and it drained properly. He also thanked Jamie Bailey and Patty Boyle in the Treasurer's Office for providing him with the information he requested about the expected Calumet revenue. In closing he commented on the upcoming meeting regarding the solar energy panels and stated we need to get moving on natural energy.

Commissioner Weber thanked Peter Johnson for his informing articles he writes for the Tribune which allows the Commission to inform the public.

Brian Clifton agreed that Peter Johnson is very accommodating to inform the public of upcoming road projects which is appreciated.

Adjournment: Chairman Briggs adjourned this Commission meeting at 10:34 a.m.