

CASCADE COUNTY WORK SESSION MINUTES
COMMISSION CHAMBERS COURTHOUSE ANNEX

Minutes of Work Session

<p>Notice: Pursuant to MCA 2-3-212(1), the official record of the minutes of the meeting is in audio form, located at cascadecountymt.gov and the Clerk and Recorders Office. This is a written record of this meeting to reflect all the proceedings of the Board. MCA 7-4-2611 (2) (b). This written record is to be officially approved on January 23, 2018.</p>	<p>Date: January 3, 2018</p>	<p>Time: 2:00 p.m.</p> <div style="border: 1px solid black; padding: 5px; text-align: center; margin: 10px auto; width: 80%;"> <p style="color: red; font-weight: bold;">COMMISSION MINUTES JOURNAL # 58</p> </div>
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Board of Cascade County Commissioners: Chairman Jim Larson, Commissioner Jane Weber, and Commissioner Joe Briggs.

Staff Present: Carey Ann Haight – County Attorney’s Office, Trista Besich – Community Health Care Center, Dan O’Bannon – Sherriff’s Office, John Stevens – Disaster and Emergency Services, Alex Dachs – Planning Division, Josh Blystone – Weed and Mosquito, Bonnie Fogerty – Board of Commissioners, and Frank Warren – Clerk and Recorder’s.

Public members: Traci Rosenbaum – Great Falls Tribune, Jen Rowell - The Electric, Dan Vukovich, Bill Zucconi, Brenda Byrnes

Motion to Elect: Presiding Officer (Chairman) of the Board of County Commissioners, Cascade County, MT.

Consent Agenda Items:	Purpose:	Department:
<p>Resolution 18-01: 2018 Commission Meeting Schedule Comments: Bonnie Fogerty provided an overview of the 2018 Commission Meeting schedule.</p> <p>Commissioner Weber requested that the Commission Meeting scheduled for 12/27/2018 be moved to 12/18/2017, and the 12/19/2018 Work Session be moved to 12/12/2018.</p> <p>Chairman Larson and Commissioner Briggs were in agreement with these suggested changes.</p> <p>Bonnie Fogerty advised she would make those changes.</p>	<p>Establishing a regular Cascade County Commission Meeting Schedule for 2018</p>	<p>Commission</p>
<p>Resolution 18-02: Daily per diem rate: \$ 89.75 Comments: Bonnie Fogerty provided a synopsis of this Resolution.</p> <p>Commissioner Weber inquired, of Commissioner Briggs, if the \$ 89.75 was something provided by MACO or is this</p>	<p>Establishing the daily rate of credit for incarceration for FY 2017-2018.</p>	<p>Commission</p>

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<p>something Dan O' Fallon calculates.</p> <p>Commissioner Briggs confirmed that the \$89.75 is calculated by Dan, and that there are two different per diem rates. One being what is billed to the State, which they do not pay the full amount on, and the other being what is specified in law as to how much the inmates get credit towards fines levied against them for having served a day in jail. However, both are calculated on spreadsheet that Dan maintains.</p> <p>Commissioner Weber asked media attendees if they would have any interest in being provided a spreadsheet, from Dan O' Fallon, pertaining to these rates.</p> <p>Jenn Rowell, from The Electric, indicated she would be interested in receiving that document.</p> <p>Bonnie Fogerty indicated she would coordinate securing that document with Dan.</p>		
<p>Contract 18-01: Effective January 1, 2018 through December 31, 2019 Comments: There was a brief discussion on Resolution 18-01. Please refer to the audio file found on the Cascade County website for details.</p>	<p>Cascade County Noxious Weed Management Plan</p>	<p>Weed and Mosquito</p>
<p>Contract 18-02: Cooperative Agreement and Noxious Weed Management Plan between City of Great Falls and Cascade County. Comments: There was a brief discussion on Contract 18-02. Please refer to the audio file found on the Cascade County website for details.</p>	<p>Noxious Weed Management Plan</p>	<p>Weed and Mosquito</p>
<p>Community Health Care Center:</p>	<p>Purpose:</p>	<p>Department:</p>
<p>Contract 18-03: Employment Agreement between Cascade County for the Community Health Care Center, Inc. and Nell M. Ryan, MN, RN, FNP. Effective: August 8, 2017 – September 30, 2019. Compensation: \$ 41.87 per hour.</p>	<p>Employment Agreement</p>	<p>Community Health Care Center</p>

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<p style="color: red; margin: 0;">Comments: There was a brief discussion on Resolution 18-03. Please refer to the audio file found on the Cascade County website for details.</p>		
<p>Contract 18-04: Employment Agreement between Cascade County for the Community Health Care Center, Inc. and Angela Carroll, LCSW, LAC. Effective: September 26, 2017 – September 30, 2019. Annual Base Salary: \$54,787.20.</p> <p style="color: red; margin: 0;">Comments: There was a brief discussion on Contract 18-04. Please refer to the audio file found on the Cascade County website for details.</p>	<p style="text-align: center;">Employment Agreement</p>	<p style="text-align: center;">Community Health Care Center</p>

Additional Items added to the Consent Agenda:

- **CHCC - MOU between CHCC, CCHD, & DPHHS Immunization Program for deputizing and oversight of public health departments to provide vaccines for children (VFC) purchased vaccine to entitled underinsured children.**
- **Budget Officer – FDA Grant Resolution/Combined Budget Amendment (RE: Contracts 17-205/206).**

#1

Motion to Approve or Disapprove

Resolution 18-04: Prosecutorial Assistance in the case of State of Montana v. T.N.M.

Comments:

There was a brief discussion on Resolution 18-04. Please refer to the audio file, found on the Cascade County website for details.

Carey Ann Haight recommended this item be moved to the Consent Agenda.

#2

Motion to Approve or Disapprove

Resolution 18-05: Prosecutorial Assistance in the case of State v. T.Y.S.

Comments:

There was a brief discussion on Resolution 18-04. Please refer to the audio file, found on the Cascade County website for details.

Carey Ann Haight recommended this item be moved to the Consent Agenda.

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Board Appointments

#3

Compensation (1 vacancy) 3 year term Term Expires: June 30, 2020

Applicants: Darren Brown, Cindy Johnston, Anne Martinez, James McNamara, Jr., Kerry Yates

Requesting Re-Appointment: Anne Martinez (Served 1 term)

#4

Regional Airport Authority (1 vacancy) 3 year term Term Expires: June 30, 2020

Applicants: Dexter Busby, David Cooley, Darrell Krause, Richard Hart, Cindy Johnston, James McNamara, Jr. Robert Moretti, Bob Morgan, Robert David Smith

Comments:

Commissioner Briggs shared that it was determined there was no conflict of interest, for one of the applicants, as the individual had previously operated a business on the airport grounds. Also, the individual going off the board is a retired Montana Air National Guard, along with being a private pilot and a pilot for a commercial airline. There are still two pilots on the board, and at least two of the applicants are pilots. One is a retired Customs Agent. Overall, it is a very interesting cross-section.

Chairman Larson communicated that there is a higher than normal amount of applicants, and he is pleased as this does provide a wider selection to look at.

Bonnie Fogerty advised she had spoken to Mr. Buck and he wished to communicate that he was happy to serve on this board.

#5

Weed Board (3 vacancies) 3 year term Term Expires: December 31, 2020

Applicants: Darren Brown, Michael Edwards, Brent Hansen, Steffen Janikula, Darrel Krause, Scott Wethern

Requesting Re-Appointment: Bruce Keaster (Served 1 term)

Comments:

Commissioner Briggs posed a question, to Josh Blystone, as to whether some of the applicants being licensed sprayers would pose any kind of problem.

Josh Blystone responded that he does not see this as being a problem, as there was a licensed sprayer on the board who has since retired. Also, private properties are not sprayed.

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Commissioner Weber inquired as to whether Steffan Janikula who works for the City, as the Trails Coordinator, would pose a conflict of interest concern. Commissioner Weber also asked if the County Weed Department sprays the trail.

Josh Blystone responded that they do not spray the trails.

Therefore, it was determined no conflict of interest would exist.

#6

Planning (3 vacancies) 2 year term Term Expires: December 31, 2019
 (1 vacancy) Fill Remainder Term Expires: December 31, 2018

Applicants: Dexter Busby, Martin Byrnes, Tom Lambert, Richard Liebert, James McNamara, Jr., Bob Morgan, Brian Neilsen, Trent Short, Russell Armstrong Snyder, Carl Thrasher, Shon Weaver

Requesting Re-Appointment: Mark Carlson (served 2 terms), Dan Johnstone (partial term)
 Charles Kuether (Served 1 term)

Comments:

Commissioner Briggs advised that Charles Kuether had communicated that he had applied for both the Planning and Zoning Boards, but he is only interested in serving on one or the other.

#7

Zoning Board of Adjustments (2 vacancies) 2-year term Term Expires: December 31, 2019

Applicants: Rodney Blake, Carolyn Craven, Thomas Jackson, Jon C. (J.C.) Kantorowicz
 Charles Kuether, Richard Liebert, Bob Morgan, Brian Neilsen, Craig Rude,
 Trent Short, Brandon Skogen, Melissa Smylie, Gerald Stinson, Carl Thrasher,
 Logan Tinsen, Erin Troplia

Requesting Re-Appointment: Jim Edwards (Served 5+ terms)

Comments:

Commissioner Weber asked if there was a statutory requirement, to reside in the County, to apply for this board.

Carey Ann Haight advised this is not a statutory requirement, but it has been a pretty long-standing practice with the County that applicants do reside within the County.

Commissioner Briggs shared that the rationale for this is that the authority package that comes with the Board of Adjustments is entirely outside of the city limits, as is the funding for its operation. People who live in the city are not impacted by the decisions nor do they pay anything for its operation. He also finds it odd that the same requirement does not exist for Zoning as it does, very specifically, for Planning. The County has always transferred that requirement to Zoning.

Commissioner Weber posed a question as to whether it would be a concern if applicants have stated a stance on the proposed slaughterhouse, one way or the other since this item would be coming before the Zoning Board.

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Carey Ann Haight advised she would be concerned with any potential board member that has taken a position publicly on an item that is to come before the board. Their job is to be impartial and unbiased and to weigh in on information that comes to the board. Therefore, with a project of this nature, she would be very concerned about the appearance that someone is not able to be impartial as this could easily throw a wrench into any decision that might come from the Zoning Board, and that would not be a wise risk to take.

Commissioner Weber suggested that Alex Dachs be prepared to advise the Commission if any of the applicants have weighed in on the slaughterhouse issue prior to a motion being rendered.

Commissioner Briggs stated this puts the Commission in an extremely difficult situation. Also, the fact that at least one side has actively recruited people to sit on the Zoning Board creates a potential problem. However, he would dislike not putting someone on the board because they weighed in on this particular issue but would be a good board member for the rest of the term. This being said he would prefer to have the information on applicants who have previously weighed in on the slaughterhouse issue, so the Commission might make the judgment as to whether they are specifically applying for one issue or not.

The Commissioners agreed they are not concerned as to whether the comment is for/against the slaughterhouse, but more that there was a public comment of any nature.

Commissioner Weber asked how the issue of social media comments, on the slaughterhouse, could be addressed as only verbal/written comments are being tracked by Planning Division.

Carey Ann Haight advised it best route is to simply contact the applicants and pose the question about social media comments on the slaughterhouse issue.

Chairman Larson expressed his concern that the potential pool of applicants could be drastically reduced applicants that weighed in on slaughterhouse are excluded. He also feels that those particular applicants are not signing up to be a public servant for the year but rather for one purpose only.

Bill Zucconi – 617 Coyote Lane – Bill stated he is a resident of the County and just because a person lives in the city does not mean their interests are just guided to within the city limits. Bill also stated that even though he may be against this particular project the documents submitted do indicate that what the special use applicant is doing would be allowed. He added he would not change the code to fit his prejudices if he were a board member.

Commissioner Briggs informed Mr. Zucconi that the Commission historically has not put anybody on the Zoning Board of Adjustments that has not already served at least 1 term on the Planning Board. This is to ensure they fully understand the process. It is not a requirement but would weigh heavily in Commissioner Briggs decision. Commissioner Briggs then articulated that while Mr. Zucconi is a resident of the county he is not a resident of the district over which this body has jurisdiction. He then clarified that Mr. Zucconi's money does not pay taxes that fund Planning. Those taxes are only paid by residents outside of the city limits. Those are not a general mill but instead are a rural mill.

Public Hearing

Montana Eggs, LLC. Application for a new or expanding industry classification to provide potential tax abatements for the expansion of the egg processing facility.

Motion to Approve or Disapprove

Resolution 18-03: A tax benefit for a new or expanding industry - Montana Eggs, LLC.

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Comments:

Carey Ann Haight indicated that she has resubmitted the Action Agenda Report and Resolution, with some minor changes. The board had previously heard this item back on December 12, 2017, via Resolution 17-113. Now that we are being asked to do a reconsideration of the application, all the other criteria are the same with the exception of an additional communication from Anderson Zurmuehlen & Co. There was also an email received from Richard Liebert that should be made part of the Commissions record.

Chairman Larson questioned why this item is back on the agenda, as it has already been dealt with.

Carey Ann Haight responded it is back on the agenda because the applicant had requested reconsideration and there is at least one Commissioner who is inclined to have it on the agenda.

Chairman Larson inquired if one Commissioner can request an item be put back on the agenda, does it stand to reason that one Commissioner can request an item be taken off the agenda.

Carey Ann Haight explained that it would take two board members to request an item be removed from the agenda. The reasoning for this is that the majority of the decisions made by the Commission are made by the board and that requires two. It has never taken two board members, in the history of her representing the board, to have an item placed on the agenda and she does not see this particular item as a basis to differentiate from past practice.

Chairman Larson reiterated that this item has been previously discussed here and that no laws/rules were broken.

Commissioner Weber communicated that she had requested this item be put back on. She shared that she was contending with family matters, during the week of December 11th, and was not able to attend the previous meeting this item was discussed during. She agreed that she would need to make more decisive moves, during the work session, when she will not be able to attend the Commission Meeting as it can put two commissioners at odds with one another. She then expressed her opinion that the decision to revisit this item was valid as there was not a full contingent of commissioners during the meeting on December 12th.

Chairman Larson responded that Commissioner Weber could have pulled this item off the agenda, prior to her being out of office, and Commissioner Briggs could have made a motion to table the item during the December 12th Commission Meeting.

Carey Ann Haight ended by sharing that in the ten years she has been here she can not recollect one instance of a split Vote and failed to reach a decision in terms of either passing or failing an agenda item.

Commissioner Briggs articulated that there is nothing in statutes and/or operational procedures that deal with this. The the closest comparison is in regards to the order of business of a legislative body that begins and ends a term in January. The rules in that scenario would be that if the board had begun looking to rehearing this in December, Chairman Larson, as one of the people that voted negative, would have had to vote to reconsider; 2/3 votes would have been required. However, in a legislative setting, once the new session begins all that history is gone and you start over. Commissioner Briggs then expressed that this is where he feels we are with this and that if they can't reconsider items heard in a previous year nothing would ever get changed.

Chairman Larson voiced that all policies/procedures were followed and there were no illegalities in what occurred. He is not going to pull this item off, but he would ask that the vote that was on the table be followed.

Commissioner Weber responded that there is a party asking for reconsideration and that request should be honored.

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Additional Items added to the Regular Agenda: NONE

Public Comment: None

On any public matter that is not on the meeting agenda and that is within the Commissioners' jurisdiction. (MCA 2-3-10). **None**

Adjournment: Chairman Larson closed the work session meeting at 3:00 p.m.