

CASCADE COUNTY COMMISSION MEETING
February 6, 2018
COMMISSION CHAMBERS
COURTHOUSE ANNEX, ROOM 111
9:30 A.M.

COMMISSION MINUTES
JOURNAL NUMBER 58

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). These are to be officially approved on February 27, 2018.

Commission: Madam Chair Jane Weber, Commissioner Joe Briggs, and Commissioner Jim Larson.
Staff: Carey Ann Haight – County Attorney’s Office, Alex Dachs – Planning Division, Sandor Hopkins – Planning Division, Dan O’Fallon – Sheriff’s Office, Trista Besich – Community Health Care Center, Bonnie Fogerty – Board of Commissioners, and Frank Warren – Clerk and Recorder’s.
Public: Traci Rosenbaum, Jodi Donnelly, Bill Zucconi, Spencer Woith, Amanda Ferdener, and Jenn Rowell.

Reading of the Commissioners’ calendar: Bonnie Fogerty read the calendar.

Purchase orders and accounts payable checks: Commissioner Briggs made a **MOTION** to approve invoices and accounts payable checks. *See agenda for payment information.*

Motion Carries 3-0

Consent agenda: Routine day-to-day items that require Commission action. Any Commissioner may pull items from the Consent Agenda for separate discussion/vote.

Approval of the Minutes and Consent Agenda Items: Commissioner Larson made a **MOTION** to (A) Approve minute entries for January 23, and January 31, 2018. (B) Approval of Routine Contracts as Follows:

Consent Agenda

Contract 18-16: Agreement between Cascade County Weed & Mosquito Management District (District) and JHS, Inc. (Contractor) Purpose: To provide mosquito abatement services via aerial application and to secure, maintain, and pay for all permits/fees/and licenses. Effective: Upon signing. Costs: \$ 6500.00 towards mobilization costs, due upon signing. \$12.50 per acre, application costs. \$ 645.00 per hour (1-hour minimum) for aerial adulticide. **Not Recorded**

Contract 18-19: Cooperative Law Enforcement Agreement/Annual Operating Plan & Financial Plan, between Cascade County and USDA, Forest Service. (ref: contract 17-26) **Not Recorded**

Contract 18-20: Century Link Private Switch/Automatic Location Identification Service Agreement between Cascade County and Qwest Corporation - Purpose: To allow Cascade County to establish/maintain a record identifying the location associated with the caller(s) to 9-1-1. The term is 36 months from signing. Cost: One-time charge of \$ 532.61 and a monthly charge of \$ 31.40. **Not Recorded**

Contract 18-25: DNRC Grant Agreement #RITP-18-0140 Cottonwood #2 Mine Acid Mine Drainage Collection System. Project Sponsor, Cascade County will conduct engineering design work and bid document preparation to replace the AMD drainage collection system. Effective: Date of signing. Maximum Grant Amount: \$40,036. The project must be completed by December 31, 2018. **Not Recorded**

City-County Health Department

Contract 18-21: Memorandum of Understanding between Cascade City-County Health Department and the Belt Public Schools. Purpose: That the Belt Public School facilities may be used as temporary sites for emergency response activities, including, but not limited to mass immunization and/or prophylaxis clinics for the community. **R0351090**

Contract 18-22: Montana Department of Transportation (MDT) Buckle Up Montana (BUMT) Cascade County FFY18 Highway Traffic Safety Contract, CTS #109582 – Amendment due to CFDA # 20.600 being added. Effective: October 1, 2017 - September 30, 2018. Total Amount not to exceed 35,000. (ref: Contract 17-175) R0351091

Community Health Care Center

Contract 18-18: Employment Agreement between Cascade County for the Community Health Care Center, Inc. and Sally Lydon, APRN, for services as a Family Practice Nurse Practitioner. Effective: August 10, 2017 – September 30, 2019. 1st-year annual compensation: \$ 46.00 per hour. **R0351089**

Contract 18-23: Contract amendment with eClinicalWorks, LLC (eCW), the Community Health Care Center electronic health record, to provide Trizetto Clearinghouse Services for claim submission. Effective upon signing. Cost: \$ 129 per provider, per month. (ref: contract 15-20, R0303320) **Not Recorded**

Motion Carries 3-0

AGENDA ITEM #1

Public Hearing

Abandon that portion of County streets and alleys known as the Eastern 30 feet of right-of-way of 7th Street South and all 60 feet of right-of-way of 8th Street South from 31st Avenue South to 33rd Avenue South, and the alleys of block 21 and block 22 of the

Park View Addition, Section 24, Township 20 North, and range 03 East P.M.M., Cascade County, Montana. Initiated by Michael Potter – Presented by Sandor Hopkins – Cascade County Planner

Recess the Commission Meeting:

Madam Chair Weber recessed the Commission Meeting at 9:43 a.m.

Public Hearing:

Madam Chair Weber opened the public hearing at 9:43 a.m.

Reading of the Public Notice:

The reading of the public notice was waived without objections and made part of the public record (see exhibit “A”).

Staff Presentation: Sandor Hopkins, Cascade County Planner, presented this item by reading the synopsis which can be found within Action Agenda Report # 1 dated February 6, 2018.

Call for Applicant:

Madam Chair Weber called for the Applicant.

Spencer Woith – 1725 41st Street S, of Woith Engineering, representing Michael Potter. Mr. Woith voiced his agreement with the staff report and feels there are some advantages here as the area was platted in 1912 and times have changed. For example, county lots are much larger today. The way the area has been developed leads him to believe this change would work well. The advantage to Cascade County is that people are already using the county property for free, and with this change the county would receive the taxes from the landowners. Mr. Woith wished to clarify item #2, of the staff report as it did indicate a certificate of survey was to be filed and instead it will be an amended plat.

Call for Proponents:

Madam Chair Weber called for Proponents three times in which there were none.

Call for Opponents:

Madam Chair Weber called for Opponents three times in which there were none.

Informational Witnesses:

Madam Chair Weber called for informational witnesses three times in which there were no further comments.

Call for Written Testimony:

Madam Chair Weber called for written testimony in which there were no further comments.

Close to Public Hearing:

Madam Chair Weber closed the Public Hearing at 9:52 a.m.

Reopen the Commission Meeting:

Madam Chair Weber opened the Commission Meeting at 9:52 a.m.

Motion to Approve or Disapprove:

Resolution 18-08: Abandon that portion of County streets and alleys known as the Eastern 30 feet of right-of-way of 7th Street South and all 60 feet of right-of-way of 8th Street South from 31st Avenue South to 33rd Avenue South, and the alleys of block 21 and block 22 of the Park View Addition, Section 24, Township 20 North, and range 03 East P.M.M., Cascade County, Montana. **R0351087**

Commissioner Briggs made a **MOTION** to approve Resolution 18-08 to Abandon that portion of County streets and alleys known as the Eastern 30 feet of right-of-way of 7th Street South and all 60 feet of right-of-way of 8th Street South from 31st Avenue South to 33rd Avenue South, and the alleys of block 21 and block 22 of the Park View Addition, Section 24, Township 20 North, and range 03 East P.M.M., Cascade County, Montana.

Comments:

Commissioner Larson shared that during his visit, to the abandonment site, he noticed that in the past the county had abandoned the lots that are directly east of this property, and those lots are not fenced. It is simply open-grass land that is plotted. He then expressed his opinion that those lots are not of much use to anyone, so he feels this abandonment would be a great addition to the community.

Madam Chair Weber said on her field visit, landowners are clearing using this county right-of-way so for the tax base, it will be beneficial for the County in the future to have some additional income coming in via property taxes.

Motion carries 3-0

AGENDA ITEM #2

Motion to Approve or Disapprove:

Contract 18-24: Sell and Purchase Agreement between Carl and Ronda Banik (Sellers) and Cascade County (Buyer), regarding Unit 1B-2(including the mezzanine area of Unit 1B-2) of the Tribune Plaza. Effective January 25, 2018. Property purchase price is \$ 357,800.00. Presented by Carey Ann Haight –

Cascade County Deputy Attorney and Brian Clifton – Public Works Director.
Not Recorded

Comments:

Carey Ann Haight shared that Carl and Ronda Banik have communicated with county staff their willingness to sell their condominium unit and the associated common elements and parking spaces, within the Executive Plaza Building, to Cascade County. Cascade County has recently been able to acquire other available condominium units, within Executive Plaza, and with the purchase of the Banik property, Cascade County will thereafter virtually own all of the Executive Plaza Building with the exception of unit 2-D and the percentage of common areas/parking spaces associated with unit 2-D.

Acquisition of the Banik space is significant in terms of providing the county with much needed but extremely limited, downtown campus space. This will allow for county operations to be better organized and more efficiently operated. The buy/sell agreement for condominium unit 1B-2 has been signed by Banik. Should the County Commissioners elect to purchase unit 1B-2 the total purchase price would be \$ 357,800.00 which is consistent with the appraisals conducted.

Madam Chair Weber requested that counsel specify how we arrived at \$ 357,800.00 purchase price, as this was questioned during the work session on January 31, 2018.

Carey Ann Haight began by indicating that the following information was provided by Brian Clifton, who was closely involved in these negotiations. Phillip Rowen had provided an appraisal that came to \$ 335,000.00 equaling approximately \$ 84.25 per square foot. A second appraisal was done by Joe B. Moore which came in at \$ 357,800.00 equaling approximately \$ 89.99 per square foot. The space has been calculated to be 3,976 square feet in total. The figure involves some monies that have been paid by Banik into capital improvement funds which are part of the condominium association requirements in regard to condominium ownership in the Executive Plaza. The Banik's had paid \$ 34,414.80 into the improvement fund, which had not yet been utilized. Therefore, it was negotiated that Cascade County would purchase the units at the \$ 335,000.00 appraisal value and refund \$ 22,800.00, back to the Banik's, from the capital improvement fund, and the county would retain \$ 11,614.80 of the capital improvement fund. The result being that Cascade County paid a total of \$ 357,800.00.

Madam Chair Weber reiterated that the final amount, paid by Cascade County, matches up to 2nd higher appraisal amount.

Commissioner Larson made a **MOTION** to approve Contract 18-24 Sell and Purchase Agreement between Carl and Ronda Banik (Sellers) and Cascade County (Buyer), regarding Unit 1B-2(including the mezzanine area of Unit 1B-2) of the Tribune Plaza. Effective January 25, 2018. Property purchase price is \$ 357,800.00.

Motion carries 3-0

Madam Chair Weber commented consolidation of Executive Plaza units is very beneficial to the downtown campus. The one remaining unit that is not currently owned by Cascade County and is not foreseen to be an imminent purchase by the county, will not cause any problems as far as remodeling.

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)

Adjournment: Madam Chair Weber adjourned this Commission Meeting at 10:02 a.m.