

CASCADE COUNTY COMMISSIONERS MEETING
July 24, 2007; 9:30 AM
COURTHOUSE ANNEX - ROOM 111
AGENDA

AGENDA TOPICS:

CALL TO ORDER:

CHAIRMAN LANCE OLSON

PLEDGE OF ALLEGIANCE:

Please note the Agenda order is tentative and subject to change by the Board without prior notice. Therefore, members of the public are encouraged to be in attendance promptly at the time the meeting is scheduled to begin:

Read Weekly Calendar And Report Of Approved Purchase Orders And Accounts Payable Warrants.

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 separate discussion/vote.*

(a) Approval of Minutes and Minute Entries

(b) Approval of Routine Contracts as Follows:

◆Resolution 07-45A Amending elected Official County Sheriff Salary for FY 07-08.

◆DPHHS Master Contract w/Health Dept For Immunization In The Amt Of \$32,782.

◆DPHHS Master Contract w/Health Dept for Tuberculosis In The Amt Of \$4,000.

◆Contract #20063LEGL0001 w/County Attorney Paralegal for Youth in Need of Care in the Amt of \$34,041.97

◆Continued Education Employment Contract for Kelsey Michaelson in the Amt of \$10,041.9

◆Road Advisory Board Re-Appointment Of Jim Larson To A Three Year Term Expiring In 2010.

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| 1. | MOTION TO APPROVE/DISAPPROVE AMENDED PLAT OF LOT 2 PLAT OF J & H TRACTS MINOR SUBDIVISION | BRIAN
CLIFTON |
| 2. | MOTION TO APPROVE/DISAPPROVE RECOMMENDATION TO ACCEPT CONTRACT AWARD FOR SHOP COMPLEX UTILITY EXTENSIONS BID TO ED BOLAND CONSTRUCTION IN THE AMOUNT OF \$489,501. | BRIAN
CLIFTON |
| 3. | PUBLIC HEARING WITH PETITION TO DISCONTINUE SEGMENT OF ALLEY IN BLOCK 81, TOWN SITE OF MONARCH, CASCADE COUNTRY, MONTANA. | JOHN NERUD |
| 4. | MOTION TO APPROVE/DISAPPROVE ADOPTION OF RESOLUTION OF INTENTION 07-36 AMENDING SECTIONS 11 & 14 OF RESOLUTION 05-18 COUNTY ZONING REGULATIONS. | THERESA
DIEKHANS |
| 5. | MOTION TO APPROVE/DISAPPROVE FIRST READING OF THE COMMUNITY DECAY ORDINANCE 06-01B | THERESA
DIEKHANS |
| 6. | PUBLIC HEARING WITH A MOTION TO APPROVE/DISAPPROVE RESOLUTION TO THE ISSUANCE OF REVENUE BONDS ON BEHALF OF MONTANA MILLING, INC. | RANDY HAND |
| 7. | PUBLIC PARTICIPATION IN DECISIONS OF BOARD AND ALLOWANCE OF PUBLIC COMMENT ON MATTERS THE COMMISSION HAS JURISDICTION | |
| 8. | ADJOURNMENT | |

**CASCADE COUNTY COMMISSION MEETING
JULY 24, 2007; 9:30 AM
COURTHOUSE ANNEX – ROOM 111
AGENDA**

PRESENT: Chairman Lance Olson, Commissioner Briggs, Commissioner Beltrone, Rina Fontana Moore, Marie Sickels, Brian Clifton, Theresa Diekhans, Jackie O’Fallon, Clayton M. Braden, John Nerud, Joe Murphy, Luella Vogel, Rodney C. Thompson, Ken Morrow, Net Jaraczski, Neil Ugrin, Allen Neumann, Ed McKnight, Gary Squalar, Michael M. Witsoe, Stuart Lewin and Joe Tropilla.

CALL TO ORDER:

Chairman Olson called the meeting to order at 9:30 am.

PLEDGE OF ALLEGIANCE:

APPROVAL OF PURCHASE ORDERS AND ACCOUNTS PAYABLE.

A motion was made to approve the purchase orders and accounts payable.

Motion carries 3-0.

CONSENT AGENDA READING:

*Resolution 07-45A – Amend Sheriff FY07-0/8 Salary.

*DPHHS Master Contract w/ Health Department for Immunization in the amount of \$32,782.00.

*DPHHS Master Contract w/ Health Department for Tuberculosis in the amount of \$4,000.00.

*Contract #20063LEG1001 w/ County Attorney Paralegal for Youth in Need of Care in the amount of \$34,041.97.

*Continued Education Employment Contract for Kelsey Michaelson in the Amount of \$10,041.90.

*Road Advisory Board Re-Appointment of Jim Larson to a Three-Year Term, Expiring in 2010.

Chairman Olson asked for any comment.

Clay Braden 2708 4th Ave NW inquired as to what the Sheriffs’ salary was.

Chairman Olson responded \$51,358.23

A motion was made to approve the items in the consent agenda.

Motion carries 3-0.

AGENDA:

MOTION TO APPROVE/DISAPPROVE AMENDED PLAT OF LOT 2 PLAT OF J & H TRACTS MINOR SUBDIVISION.

Commissioner Beltrone moved to conditionally approve as read and subject to the five conditions, the Amended Plat of Lot 2, J & H Tracts.

BRIAN CLIFTON introduced the Amended Plat to the commission. He explained that the American Legion was proposing to create a 1.565 acre tract of land for fire purposes within the un-incorporated community of Vaughn.

Chairman Olson stated that this project has been in the making for several years.

Alan Neuman, the President of Vaughn Fire requested that he be able to make a comment. He told the commission that the existing fire station was inadequate and would barely hold two trucks. There is a big need within the district for this project. Mr. Neuman respectfully requested that the commission approve this amended plat so that the district can better themselves.

A motion was made to approve the Amended Plat of Lot 2, J & H Tracts.

Motion carries 3-0.

MOTION TO APPROVE/DISAPPROVE RECOMMENDATION TO ACCEPT CONTRACT AWARD FOR SHOP COMPLEX UTILITY EXTENSIONS BID TO ED BOLAND CONSTRUCTION IN THE AMOUNT OF \$489,501.00.

Commissioner Briggs moved to approve and accept the contract award to Ed Boland Construction in the amount of \$489,501.00.

BRIAN CLIFTON expressed to the commission and the public that this project started about 18-20 months with the relocation of the road & bridge departments. They had been working with Neil Consultants. The building of the shop complex was awarded to Dick Anderson Construction at last meeting. The award of the contract for the extension of the utilities from Sun Prairie is what we are now presenting.

Chairman Olson asked for any public comment.

Clay Braden stated that the land was west of Cattleman's Cut Restaurant and involved approx 100 acres. Clay asked if the natural gas lines going to be included in this bid? He also wanted to know if the improvements were going to be available in the other 60 acres to the west of the shop. Clay inquired if they would have to pay to utilize the services.

Chairman Olson said that there is a vehicle in place to get some of the cost back upon future utility extension.

A motion was made to approve and accept the contract award to Ed Boland Construction.

Motion carries 3-0.

PUBLIC HEARING WITH PETITION TO DISCONTINUE SEGMENT OF ALLEY IN BLOCK 81, TOWNSITE OF MONARCH, CASCADE COUNTY, MONTANA.

JOHN NERUD presented the discontinuation of the segment of the alley in Block 81 of the Townsite of Monarch. He said that the owners were seasonal and that they had requested the vacation of the road. A legal notice was posted on July 8, 2007, and John stated that he has viewed the property along with one of the commissioners. The planning board is recommending that the commission approve the discontinuation of the portion of the alley.

Chairman Olson asked for any proponents and then any opponents. There were none.

Commissioner Beltrone made a motion to approve discontinuing the alley as stated and subject to the two conditions in the staff report.

Motion carries 3-0.

MOTION TO APPROVE/DISAPPROVE ADOPTION OF RESOLUTION OF INTENTION 07-36 AMENDING SECTIONS 11 & 14 OF RESOLUTION 05-18 COUNTY ZONING REGULATIONS.

Commissioner Briggs moved that the commission not adopt the regulations and send the amendment of the zoning regulations back to staff for more work.

THERESA DIEKHANS presented the information to the commission, stating that the current regulations had been adopted on April 26. She said that the regulations had come under fire after the Erkhards' had applied for the industrial zoning on their property just east of Great Falls. There was an impending lawsuit. The zoning regulations were revoked and staff began to rewrite Sections 11 & 14 for clarification. There was a public hearing 05/29/2007, and that began the beginning of a 30-day written comment period on the changes. There was a public hearing on June 11. During the 30-day comment period there were approximately 100 comments between written and email. Within the comments, it was discovered that perhaps Sections 11 & 14 were not written clearly enough. It was also determined that Sections 1 & 8 needed some fine tuning.

Alan McCormick, Theresa Diekhans & Brian Clifton decided that there was enough confusion to go back to the drawing board. Staff is now recommending that the commission **DISAPPROVE** the Resolution of Intention 07-36 and send it back to the planning board for clarification.

Commissioner Briggs thanked the public and the staff for their hard work.

Theresa Diekhans informed Chairman Olson that there was no need for public comment and that this issue either needed to be approved or not.

Commissioner Olson expressed his concerns over the fact that the developers across the county were being put on hold because of this issue.

Chairman Olson called for a vote.

Vote to disapprove.

Motion Carries 3-0.

MOTION TO APPROVE/DISAPPROVE FIRST READING OF THE COMMUNITY DECAY ORDINANCE 06-01B.

Commissioner Beltrone moved to approve the first reading of the Community Decay Ordinance 06-01B.

THERESA DIEKHANS requested that we waive the reading of the ordinance.

Michael Whitsoe asked if there were copies of the ordinance available to the public.

Theresa Diekhans said that the community decay ordinance was adopted in 1985. Originally it was under the City-County Health Dept along with solid waste. As of July, solid waste has moved to the Road and Bridge Department. It is a natural move to accompany solid waste with community decay and this is the reasoning behind this ordinance.

Chairman Olson asked if there were any questions or comments from the public.

Clay Braden stated that they had been working on community decay for years and that nothing had been done and really, what could one do.

Chairman Olson stated that this was just a transfer of control from one department to another.

Chairman Olson told Clay that he could provide him with a list of the places that had been complained about and the progress that the county was making in looking into the complaints.

A motion was made to approve the first reading of the decay ordinance.

Motion carries 3-0.

PUBLIC HEARING WITH A MOTION TO APPROVE/DISAPPROVE RESOLUTION TO THE ISSUANCE OF REVENUE BONDS ON BEHALF OF MONTANA MILLING, INC.

The public hearing was opened.

RANDY HAND told the attendees that the county is not liable for any of the debt. The county is basically lending out the use of their name in order for the company to get tax free interest bonds.

Commissioner Briggs said that he was happy that we were at this final step.

The commission called for any opponents.

Clay Braden just wanted to clarify that the county was allowing a company to borrow money on a tax free interest rate. Clay exclaimed that this is done all over the US. Try to give a benefit for coming into a community. What is the length of time that the interest will be tax free? The rest of Cascade County is paying for what they are not.

Commissioner Briggs said that the company is allowed to use the county's name, but that the county is not obligated in any way.

Clay Braden expressed what a great benefit this was.

Chairman Olson seconded with saying it was a benefit without the liability.

Commissioner Briggs moves to approve the resolution to the issuance of the revenue bonds.

Motion carries 2-0.

Beltrone abstains.

PUBLIC PARTICIPATION IN DECISIONS OF BOARD AND ALLOWANCE OF PUBLIC COMMENT ON MATTERS THE COMMISSION HAS JURISDICTION.

Herb Sobaczek – 121 11th Street. ? on 4. When is re-write taking place for the zoning?

Brian Clifton said that he is working with all interested parties and trying to cover everything. The new draft will be available at the Clerk & Records Office as well as the Planning Department. There will be a public hearing with the planning board on August 7.

Herb Sobaczek asked if there were any other meetings.

Brian Clifton said that the work session was concerning subdivision regulations.

Clay Braden told the commission that this has been a hectic year and wants to thank the people working for this county. He said that there are about 79,000 people residing in this county. Thank you for all of your work in the community and with helping him and his family.

Milo Halverson brought up the option tax Resolution 80 in 1996. He wanted to know how much money was in the building fund since the option tax moved into a building fund in 1996. Milo asked Commissioner Beltrone whether she knew how much was in the fund as long as she was the one that signed the resolution.

Chairman Olson said that they could get the dollar figure from Hand. He told Milo that that money had been used to fix the courthouse.

Milo said that the building fund should be around 13m. The funds now go into the general fund.

Gloria Smith – 8 Cheyenne Drive – think carefully about zoning. Look at zoning and all that goes with it. I come from England with all of the villages. It is all the zoning. You have the opportunity to make this a beautiful community. Take the future into account

and why they are coming here. Clean air and the look of things. Go to England and look at the beautiful cottages and realize that the look of the village has been replaced.

Michael Whitsoe – 2612 1st Ave South – Asked when the new period for comment about zoning regulations would take place.

Brian Clifton said the public hearing with planning board would be held on August 7 and the next meeting could be within 2 weeks of that, around September 21.

Theresa Diekhans said if passed by planning then the meeting will open up the protest period.

Whitsoe wanted to know if SMG had given the county an application for zoning yet.

Chairman Olson told him that there was no record of anything yet.

Briggs says there is an expectation that the Erkharts will come forward but, there has been no paper work yet.

Brian Clifton said that in their subdivision meeting, they addressed the industrial fire requirements, but were not referring to SMG.

Commissioner Briggs thank the members of the fire dept. He reminded everyone to look at the smoke. Every fire company in the county has not been working in the last couple of weeks. We would be in deep trouble without them. Please thank them when you see them.

ADJOURNMENT:

Meeting adjourned 10:19 am