

**CASCADE COUNTY COMMISSIONERS MEETING**  
**August 14, 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:*

\*\*\*\*\***PROCLAMATION -- SACRED HOOP JOURNEY**\*\*\*\*\*

\*\*\*\*\***PROCLAMATION -- GRATITUDE FOR WILDFIRE VOLUNTEERS**\*\*\*\*\*

**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:*

- ◆*Res 07-31A Correcting Clerical Error Of \$89,653 To \$8,000 For Office Supplies w/Clerk & Recorder.*
- ◆*Res 07-33A Correcting Clerical Error Of Department From 435 To 434 w/Aging Services.*
- ◆*Res 07-69A Correcting Clerical Error Of Department From 299 To 497 For Maternal Child Health W/Health Department.*
- ◆*Res 07-47 Discontinue Segment Of Alley In Block 81 In Town Site Of Monarch, Cascade County, Montana.*
- ◆*Res 07-49 Budget Appropriation In The Amt Of \$28,858 For Cascade County Alcohol Rehabilitation Project.*
- ◆*Res 07-50 Budget Modification Of Unanticipated Revenue w/Fair Capital Reserves.*
- ◆*Res 07-51 Budget Appropriation w/DUI Task Force, Elections Polling Place Access Grant, Victim Witness Pgm & Alliance For Youth In The Amt Of \$58,588.*
- ◆*Res 07-52 Establishing Speed Limit Restriction On Siebold Lane For 15 Miles Per Hour.*
- ◆*Res 07-55 Budget Appropriation W/Health For Unanticipated Revenue For Maternal Child Health & Public Health Home Visiting Pgm In The Amt Of \$2,850.*
- ◆*Northwestern Energy Gas Utility Contract For County Shops In The Amt Of \$12,854.*
- ◆*Independent Contractor Agreement w/Bill Nebel For Relocation Of County Fuel Tanks In The Amt Of \$59,840.*
- ◆*Diane Green Amended Contract Changing Payment Schedule & Termination Of Contract To July 30, 2008.*
- ◆*DPHHS Beast & Cervical Contract #08-07-3-01-002-0 w/Health Dept In Amt Of \$24,000, plus \$115 for each Screening Completed, not to Exceed \$88,925.*
- ◆*DPHHS WIC Program #08-07-5-21-003-0 W/Health Dept In The Amt Of \$303,755 For Special Nutrition For Women, Infants & Children.*
- ◆*Policy 007.101 Requires Only Items That Meet The County's Capitalization Policy To Be Inventoried And Tracked.*

1.	APPOINTMENT OF RUTH REEVES AS CLERK OF DISTRICT COURT EFFECTIVE SEPTEMBER 1, 2007, FULFILLING THE REMAINDER OF NANCY MORTON'S TERM.	COMMISSION
2.	<b>PUBLIC HEARING WITH A MOTION TO APPROVE/DISAPPROVE FINAL RESOLUTION 07-53 CREATING HEAVENS VIEW LANE RURAL IMPROVEMENT DISTRICT.</b>	COMMISSION
3.	<b>MOTION TO APPROVE/DISAPPROVE SECOND AND FINAL READING OF AMENDED COMMUNITY DECAY ORDINANCE NO. 06-01B.</b>	CIVIL ATTORNEY
4.	<b>MOTION TO APPROVE/DISAPPROVE SMG MANAGEMENT CONTRACT AMENDMENT FOR FISCAL YEAR 2007.</b>	RANDY HAND
5.	<b>MOTION TO APPROVE/DISAPPROVE SMG MANAGEMENT CONTRACT FOR JULY 1, 2007 – SEPTEMBER 30, 2010.</b>	RANDY HAND
6.	<b>MOTION TO APPROVE/DISAPPROVE RESOLUTION 07-40A TO THE ISSUANCE OF REVENUE BONDS ON BEHALF OF MONTANA MILLING, INC.</b>	RANDY HAND
7.	<b>MOTION TO APPROVE/DISAPPROVE ACCEPTANCE OF DNRC GRANT # RITP-08-0001 FOR CASCADE COUNTY SHOPS SITE ASSESSMENT AND REMEDIAL PLANNING.</b>	RANDY HAND
8.	PUBLIC PARTICIPATION IN DECISIONS OF BOARD AND ALLOWANCE OF PUBLIC COMMENT ON MATTERS THE COMMISSION HAS JURISDICTION.	
9.	<b>ADJOURNMENT.</b>	

**CASCADE COUNTY COMMISSION MEETING**  
**AUGUST 14, 2007; 9:30 AM**  
**COURTHOUSE ANNEX – ROOM 111**  
**AGENDA**

**PRESENT:** Chairman Lance Olson, Commissioner Briggs, Commissioner Beltrone, Rina Fontana Moore, Brian Clifton, Steve Bolstad, Jackie O'Fallon, Clayton M. Braden, Luella Vogel, Milo Halverson, Herb Sobaczek, Sue Conell, Virginia Stevenson, Edward J. Dahy, Nancy Dahy, Joshua DeNulty, R M Bailey, Jerry Kain, Colby McKamey, Eda McKamey, Debbie Dennis, Denise McKamey, Michaela McKamey, Darlene Dennis, Jerry Dennis, David R. Reeves, Jack W. Reeves, Ruthie Reeves, Joel Auers, Troy McClanahan, Amber McClanahan, & Steve Erwin.

**CALL TO ORDER:**

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

**PLEDGE OF ALLEGIANCE:**

**PROCLAMATION – SACRED HOOP JOURNEY.**

Commissioner Beltrone read the proclamation whereas, the Montana Re-Entry Coalition and White Bison, Inc, have come together to promote spiritual wellness and healing for Native Americans.

**PROCLAMATION – GRATITUDE FOR WILDFIRE VOLUNTEERS**

Chairman Olson read the proclamation thanking the members of the Cascade, Dearborn, and Farmer/Rancher volunteer Fire Departments, with additional support from several other Cascade County Rural Fire Departments who were charged with containing the fires, as well as protecting the homes of the citizens of Cascade County.

**READING OF THE WEEKLY CALENDAR.**

**CONSENT AGENDA READING:**

Commissioner Briggs made a motion to approve the consent agenda as below:

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Herb Sobaczek questioned the commission about the relocation of the county fuel tanks.

Brian Clifton elaborated that this was the moving the above ground fuel storage tanks from the current site to the new county shop complex.

**Motion carries 3-0.**

**AGENDA:**

**APPOINTMENT OF CLERK OF DISTRICT COURT EFFECTIVE 09/01/2007**

Ruth Reeves has been chosen by the commission to fulfill the remainder of Nancy Morton's term.

Clayton Braden said that he had been in the community since 1926. He said that he was sad to see Nancy Morton leaving but that he was very pleased that Ruth is the replacement

Chairman Olson thanked Nancy Morton for all of her support. He stated that since the recommendation of Ruth, they had heard nothing but positive comments.

Nancy Morton introduced Ruthie Reeves and said that she had been in the office for 26 years.

Commissioner Briggs thanked Nancy Morton for her years of service.

Motion carries 3-0

**PUBLIC HEARING WITH A MOTION TO APPROVE/DISAPPROVE FINAL RESOLUTION 07-53 CREATING HEAVENS VIEW LANE RURAL IMPROVEMENT DISTRICT.**

Commissioner Beltrone made a motion to approve Resolution 07-53 for Heaven's View Lane Rural Improvement District (RID).

Chairman Olson stated that they had been trying to put this RID together for 1.5 yrs, and at this point was opening a public hearing.

Chairman Olson called for any proponents.

**Proponents**

Mike Bailey of 757 58<sup>th</sup> Street SW explained that this had been quite a project. He explained that this originally started as a private undertaking and that that did not work and so they submitted the project as an RID. He express frustration over the project. He said that the roads had been built to county standards at the time they were built. He said that he was frustrated that now that they apparently do not meet county standards and this was a milestone that they had to include in their costs. They cannot pave all the way because of budget constraints.

**Opponents**

Joel Auers of 6401 62<sup>th</sup> Street SW spoke out. He lives in Howell Estates and said that they would be part of paying for the RID, but would not see any benefit with the exception of one intersection on 66<sup>th</sup>. He stated that the residents of Heavens View have been using their access because the Heavens View roads are in such bad shape. He said that the Howell Estates road is now in need of repair because of the additional traffic and that they will be essentially double dipping because they will have to repair their own road as well as pay for the RID.

Jerry Kane of 6600 Heavens View Lane. Stated that 58<sup>th</sup> and Heavens View are in very bad shape. Jerry stated that he lives at the end of Heavens View Lane, he said that at some point Heavens View was dropped off the paving part of the RID and that the paving was only going to cover 58<sup>th</sup>. Jerry is requesting that Heavens View is also paved.

Joshua Dinelli – Thanked the Baileys. At first he thought \$75/parcel not \$75 per month. Combined parcels would pay less. Abolish completely would be a good option. Find a cheaper way or access per use.

Briggs questioned if one of the 32 subdivides. Brian told him that the RID must be paid in full prior to the filing of a plat.

Olson questioned when an engineer would have to sign off.

Brian elaborated that it was after the Heavens View issue.

The question is brewing about new lots and the ability to assess them.

Olson would like to table the issue.

Herb wanted to make sure that the grievances were in the minutes.

Joel Auers stated that the homeowners just want everyone to benefit and opposed to doing several different phases.

Joshua S. DeNully thanked the Baileys for all of the effort they put into organizing all of the paperwork. He said at first they thought the charge was going to be \$75/parcel not \$75/month. He questioned why combined parcels would pay less. He said that there were two ways to approach the issue, the first is to abolish the whole process completely and that would be a good option, or find a cheaper way to complete the process.

Commissioner Briggs did raise the question about the possibility of one of the 32 parcels subdividing. He wanted to know if the debt would be re-distributed including the additional parcels.

Brian Clifton told him that in the event of a new subdivision, an RID must be paid in full prior to the filing of a plat.

Chairman Olson asked at what point engineers started signing off on the roads.

Brian Clifton explained that it was after the Heavens View issue.

The question remained about the ability to assess new lots.

Chairman Olson stated that he would like to table the issue and further explore the possibility of potential new lots and the countys' ability to re-distribute the RID..

Herb Sobaczek requested that the written comments pertaining to the RID would be placed in the minutes.

Joel Auers reiterated that the homeowners just want everyone to benefit as opposed to the project in several more expensive phases.

Hearing closed at 10:20

Chairman called for a vote for all those in favor of tabling this issue for two weeks.

Tabled 3-0

**MOTION TO APPROVE/DISAPPROVE SECOND AND FINAL READING OF AMENDED COMMUNITY DECAY ORDINANCE NO. 06-01B.**

Commissioner Beltrone moved to approve community Ordinance No. 06-01B.

Steve Bolstad explained that this was the second reading of this issue and it involved moving solid waste from City-County Health Dept to the Road Department. This is a formality on paper.

Clay Braden of 2708 4<sup>th</sup> Ave NW told the commission that they needed to look at the 14<sup>th</sup> amendment. He said that our decay ordinance exempts agricultural equipment and that that is not treating people equally.

Chairman Olson reminded Clay to stay on track.

Clay responded that he believed that by excluding agricultural properties and violating the 14<sup>th</sup> amendment that what he was saying before the vote was on track.

Chairman Olson called for a vote.

Motion carries 3-0.

**MOTION TO APPROVE/DISAPPROVE SMG MANAGEMENT CONTRACT AMENDMENT FOR FISCAL YEAR 2007.**

Commissioner Briggs made a motion to approve the above stated contract.

Randy Hand told the commission that in the negotiating process of the next agenda item, they asked to bring the fees that the county pays back to 06-07 retroactively back to the beginning which would amount to an approximate \$60,000.00 savings to the county.

Chairman Olson called for a vote.

Motion carries 3-0

**MOTION TO APPROVE/DISAPPROVE SMG MANAGEMENT CONTRACT FOR JULY 1, 2007 TO SEPTEMBER 30, 2010.**

Commissioner Beltrone moved that the county commission approve the above stated contract.

Randy Hand explained that they had changed the contract end date to 9/30/2010 to assure that in the event of a contract break it would not affect the fair. Negotiation took place and SMG can earn an incentive revenue up to \$2.5 million. SMG will have to work harder. The food and beverage rate was reduced as well.

Commissioner Beltrone complimented everyones work. She said that this is the first privatization like this in the country. She said that the operation of this facility has been entrusted to the county and she thought that the county had done a very good job. She expressed that the contract has been managed very well by Randy.

Chairman Olson said that there had been some differences in management styles and there is now a good contract thanks to Randy and the legal staff. Commission is very comfortable. SMG is not used to managing a government run facility and that is why the contract has been re-opened on two separate occasions. Olson thanked the staff for a job well done.

Commissioner Briggs thanked Randy for his work on the contract but that he had a little different take on the issue. Briggs stated that he does not believe that the contract rises to the level of a mutually beneficial agreement for the taxpayers of Cascade County and that the contract lacks the fiscal control that is necessary and therefore he cannot vote to approve the contract.

Chairman Olson responded by saying that he respected Commissioner Briggs comments and that this has been quite a process. He explained that the commissions duties were to protect the taxpayers of Cascade County. He then called for a vote.

Motion Carries 2-1

Commissioner Briggs voted against.

**MOTION TO APPROVE/DISAPPROVE RESOLUTION 07-40A TO THE ISSUANCE OF REVENUE BONDS ON BEHALF OF MONTANA MILLING, INC.**

Commissioner Briggs moved to approve the above stated resolution.

Randy Hand informed the commission that the original resolution was for \$2.5 million and this amendment was taking the amount up to \$3.5 million. This is not in any way a county debt. The company is just borrowing the county's name.

Chairman Olson complimented Commissioner Briggs for his hard work on the project.

Commissioner Briggs said that the cost was running a little higher than anticipated.

Milo Halverson wanted to know if the exemption was over a five year period or longer.

Randy told him that that was up to the different people that buy the bonds.

Chairman Olson called for a vote on the motion.

Commissioner Beltrone stated that she would be abstaining from the vote.

Motion Carries 2-1  
w/ Beltrone abstaining.

**MOTION TO APPROVE/DISAPPROVE ACCEPTANCE OF DNRC GRANT #RITP-08-0001 FOR CASCADE COUNTY SHOPS SITE ASSESSMENT AND REMEDIAL PLANNING.**

Commissioner Beltrone moved that the commission approve the above stated grant.

Randy Hand stated that this was a grant that was applied for by Neil Consultants concerning the county shop clean-up project. This grant helps the county deal with the Pantia. Pantia is not allowed for cleanup by the Petra board.

Brian Nerud stated that Joe Murphy took it upon himself to apply for this grant and did it on his own for the county. Brian said that it was great for the firm to help the county like they did.

Chairman Olson called for a vote.

Motion carries 3-0

**PUBLIC COMMENT**

Herb Sobaczek said that he had asked that the weeds be sprayed in the borrow pit on 11<sup>th</sup> Street and they sprayed a week ago Monday. He told the commission that the seeds will probably come back next year. He also questioned the handicap signs at the alley entrances in that area because the handicapped person that once resided there no longer does.

Commissioner Briggs asked Dave Sutton to make sure the signs were removed.

Clayton Braden brought up the decay. He said that it doesn't stop the decay, only the appearance of decay. If agricultural is exempt the way this is written, a human would not be able to stand in their own yard because they are decaying. He stated that he would not be able to stand in his own front yard because of the way the ordinance reads. He thinks that humans should have an exemption.

Milo Halverson of 5105 5<sup>th</sup> Ave South wanted to speak to Jess Anderson, but said that he would take care of it at the next meeting. He asked that Peggy get a copy of Resolution 94-58 because he will be addressing her with the questions as she was the only one on the board that was there in 1995.

Joshua DeNully asked if the table process of the Heavens View RID was to look at new parcels or to refigure the entire project.

Chairman Olson stated that they were just looking at the assessment of new parcels.

Commissioner Beltrone stated that this would be discussed at the next commission and that the commission had the right to table it again.

**MEETING ADJOURNED AT 10:45 AM**