

TUESDAY, March 13, 2007
9:30 A.M. COMMISSION MEETING
COMMISSION CHAMBERS

PRESENT: Chairman Lance Olson, Commissioner Peggy Beltrone present, and Commissioner Joe Briggs excused. Clayton M. Braden, Milo Halverson, Fredina Johnson, Steven Gonser, James Etheridge, Laretta Isenberg, Theresa Diekhans, Cherry Loney, Susan Conel, David Castle, Steve Erwin, William J. Wahlberg, Nikki S. Wahlberg, John Nerud, Jess Anderson, Rina Moore, Sheriff Castle, Jackie O'Fallon and Marie Sickels.

CALL TO ORDER

Chairman Olson called the meeting to order, the Pledge of Allegiance was recited. Chairman Olson also announced the upcoming Public Hearings during this meeting.

READING OF THE COMMISSIONERS CALENDAR

Jackie O'Fallon read the weekly calendar.

PURCHASE ORDERS AND ACCOUNTS PAYABLE WARRANTS

Commissioner Beltrone made a **MOTION** to approve the purchase orders and accounts payable warrants. accounts payable warrants #154195 through #154370 totaling \$115,208.61 dated 02-23-07 through 03-01-07, and #154026 through #154194 totaling \$772,672.53 dated 02-16-07 through 02-22-07, and Payroll for February of \$665,500.79 (includes #51153- #51338 of \$125,852.46 and direct deposit of \$539,648.33).

Motion carries 2-0

CONSENT AGENDA

MOTION by Commissioner Beltrone to approve the consent agenda; minutes, minute entries, and approval of routine contracts as follows:

- ◆ **First American Title Agreement for Transfer of Images & Data in the Clerk and Records office for the amount of \$100**
- ◆ **Chicago Title Agreement for Transfer of Images & Data in the Clerk and Records office for the amount of \$125**
- ◆ **Stewart Title Agreement for Transfer of Images & Data in the Clerk and Records office for the amount of \$125**
- ◆ **Retainer Agreement with Poore, Roth & Robinson, P.C. with a fee ranging in the amount of \$60 to \$ 170 per hour depending on which member of staff performed the service of assisting with claims pertaining to petroleum releases.**

◆ **Health E-Web Partnership service agreement with Health Department for expansion of services allowing capability to transmit electronic Medicaid claims for an additional \$300 annually this will be increasing the yearly amount to \$600**

◆ **Medicare Electronic Data Interchange Enrollment Agreement with City County Health Department agreeing to the provisions in submitting Electronic Claims for Railroad Medicare**

◆ **Appointment of two applicants to the County Planning Board for two year terms**

◆ **Two appointments to the Sweetgrass Development Corporation with length of time to serve at the pleasure of the board.**

PUBLIC HEARING
AGENDA ITEM NO. 1

INTENT TO ABANDON 27TH AVENUE SOUTH EXTENDING EASTWARD FROM THE EASTERN BOUNDARY OF 19TH STREET SOUTH TO ITS TERMINATION AT THE WESTERN BOUNDARY OF PARCEL #2639500, CASCADE COUNTY, MONTANA

Chairman Olson called the Public Hearing to order at 9:34 a.m.

John Nerud read the Public Notice and gave the background on this abandonment. Commissioner Beltrone stated that Mr. And Mrs. Bush was omitted from the Synopsis.

Chairman Olson called for **Proponents** three times, to which there was no comment from the public.

Chairman Olson called for **Opponents** three times, to which there was no comment from the public.

Chairman Olson adjourned the public hearing at 9:39 a.m.

PUBLIC HEARING
AGENDA ITEM NO. 2

REZONING OF PARCEL #2456100 IN SECTION 24 TOWNSHIP 20 NORTH RANGE 3 EAST, CASCADE COUNTY, MONTANA, FROM R-2 LOW DENSITY RESIDENTIAL DISTRICT TO A-2 AGRICULTURAL DISTRICT

Chairman Olson called the Public Hearing to order at 9:40 a.m.

Reading of the Public Notice was waived.

Susan Conell gave a synopsis/background of this rezoning issue.

Which included the denial from the Planning Board on this zoning change and the reasons for the denial.

Chairman Olson called for **Proponents**

Parcel Owner Fredina Johnson approached the Commission stating she felt she was being discriminated against because she has 22 acres of land that she cannot do anything with. She is just requesting a zone change so she can place a single garage on her land. She is unable to develop this acreage due to the high cost of the water system that needs to be put in. She also voiced concerns about the house that has been on blocks across the street for some time now.

Chairman Olson called for **Proponents** three times, to which there were no more comments from the public.

Chairman Olson called for **Opponents**

Steve Gosner approached the Commission with his concerns, which included; no bathroom facilities for the handy man garage, and progressing backwards by not requiring the same zoning and covenants for all.

Bill Walberg, stated he did not want to see a pole barn garage placed on the property next to his. He stated he did not have a problem with the owner, but feels that a zone change would allow more stuff to be hauled in. He requested it remain residential since it is surrounded by custom homes.

Jim Ethridge stated this proposed garage would be in his backyard and that he is not happy about it. He requested that this property be not zoned Ag because it would allow for chicken coops and other structures. His concerns were not so much with the current owner but new owners if she was to sell the property. He felt by zoning Ag they would be going back in time. He ended by stating he opposed this zoning change.

Laretta Isenberg also stated she was not against the property owner but it has taken 13 years to get the property values up to where they need to be and felt the Commission should leave the zoning at Residential.

Chairman Olson stated that he was committed to maintaining the integrity of the area with considering the rights of the property owner.

There was further discussion between the Commission, Department Heads and the public concerning city annexation, septic systems, costs involved, and possible variance for use of this property.

Chairman Olson called for any more **Opponents**

Nikki Wahlberg commented on how she has fought the County for thirty years concerning her property rights, she felt that once something is built it does not go away. And No one will enforce the laws. Her fear is that if this is changed to Ag no one will enforce what structures placed on the property.

Bill Wahlberg stated he thought that they could hook up septic within two blocks, which would be expensive but feasible, and if someone wants the property they could afford the costs.

There was further discussion concerning septic systems.

Fredina Johnson property owner stated that the school district was still zoned Ag and has had no good development in 30 years. She was offended by the remarks made by the other property owners and stated she was not intending to do anything to her property that would degrade it, and that she has taken good care of her property all her life. She just wanted a garage for her son to do his woodworking in.

Commissioner Beltrone stated that this zoning issue is a personal issue with individuals involved and that no one is thinking that today, anyone is making a mistake in land use. Unfortunately, the Commission has to make a decision could affect 10 years from now. As of today the owner is requesting simple use of the property but that might not be the case but down the road it is hard to foresee what might happen. She stated that she trusts the professionals that serve on the Boards and supports their opinions and expertise in this case.

Chairman Olson agreed with Commissioner Beltrone comments and stated he appreciated that time and process the Planning Board goes through to make fair decisions. And stated that he felt the property owner has had been heard as well as the other property owners involved.

Fredina Johnson requested to speak. She said she did not want to bring up the fact that her son Scott, was told by John Nerud that they could put up the garage on this land and that it was already zoned Ag. She already bought an \$8, 000.00 garage to put on the property.

Chairman Olson closed the Public Hearing at 10:12 a.m.

Commissioner Beltrone made a **MOTION** to **deny** the Resolution of Intention to rezone parcel #2456100, in Section 24, Township 20 North, Range 3 East, Cascade County, Montana from “R-2” Low Density Residential District to “A-2” Agricultural District.

Motion carries 2-0

COMMISSION COMMENT

Commissioner Beltrone complimented Dave Sutton for coming up with a great solution for the concerns about Wilson Butte Hill. Which is a steep bus route that was in need of some guardrail, which could become difficult to plow in the winter.

Commissioner Beltrone also announced the Montana Alberta Tie LTD (MATL) with more information is available on the mt.gov website. She also announced that public comment would be taken until April 9th with a Public Hearing on March 29th at 6:30 p.m. at the Civic Center.

DEPARTMENT HEADS AND ELECTED OFFICIALS

John Nerud discussed Mid-Cannon contact with the Commission.

PUBLIC COMMENT

Milo Halverson had some questions for Sheriff Castle regarding the Harden Jail.

Clayton M. Braden had some concerns about the County Decay Ordinance, and whether the County Employees were enforcing it. Theresa Diekhans and Cherry Loney informed Mr. Braden that they would be happy to provide him with information regarding the enforcement of the Ordinance. There was further discussion.

Meeting adjourned at 10:30 a.m.