

**CASCADE COUNTY COMMISSION MEETING
NOVEMBER 13, 2007
COMMISSION CHAMBERS
COURTHOUSE ANNEX, ROOM 111
9:30 a.m.**

PRESENT: Chairman Lance Olson, Commissioners Peggy Beltrone and Joe Briggs. Milo Halverson, Clayton M. Braden, Edna Wohlgemuth, Dorothy Cobb, Monte R.Cobb, Dan Kencza, Nathan Hoines, Joe Murphy, Jim Vogeles, Rina Ft Moore, Jess Anderson, Brian Clifton, Luella Vogel, John Nerud, Brian Hopkins, Jackie O'Fallon, Media, and Marie Sickels-Recorder.

CALL TO ORDER: Chairman Lance Olson called the meeting to order.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

READING OF THE WEEKLY CALENDAR: Jackie O'Fallon read the calendar.

**APPROVAL OF PURCHASE ORDERS AND ACCOUNTS PAYABLE
WARRANTS:**

Commissioner Briggs made a **MOTION** to approve purchase orders and accounts payable warrants # 161075 through #161282 totaling \$1,003,344.04 dated 10/11/07 through 10/17/07, #161283 through #161497 totaling \$689,419.79 dated 10/19/07 through 10/24/07, and #161498 through #161640 totaling \$214,908.63 dated 10/26/07 through 10/31/07.

Motion carries 3-0

CONSENT AGENDA:

Commissioner Briggs made a **MOTION** to approve the consent agenda and minute and minute entries.

- Resolution 07-72 Budget Appropriation with District Court for closed circuit television security system in the Amount of \$28,487
- Resolution 07-73 Budget Appropriation with CCHD for public health emergency preparedness and response program in the amount of \$177,499
- Resolution 07-74 Budget Appropriation with public works for acquisition of air quality equipment in the amount of \$287,478
- Resolution 07-75 Budget Appropriation with Sheriffs Office for additional funding from the HIDTA grant in the amount of \$3,465
- Resolution 07-76 Budget Modification with CCHD and WIC to realign budget authority
- Resolution 07-77 reconstruction of "S" curves on Stockett Road Secondary 227
- DPHHS 2007tran0001 contract extension for transporting youths with Juvenile Detention center at the rate of \$14.48 per hour plus mileage and per diem expenses

- CSC Software Inc. one year maintenance contract with City/County Health Department for Health Department Information System Community and Public Health Services in the amount of \$1230
- First Data application/agreement to give City/County Health Department the ability to accept Visa, Master Card, and Discover credit cards for payment of services
- City/County Health Department Safe Kids/Safe Communities contract with Healthy Babies Healthy Mothers which addresses car seat usage in the amount of \$30,000
- Great Falls Tribune advertising one-year level 3 rate bracket contract with City/County Health Department
- Ultra-Med transcription service with City/County Health Department to provide four digital voice recorders
- Innovative Postal Services Inc.(IPS) two year contract with County for regular postage rates and \$0.05 per piece handling
- Rick's delivery two year contract with County for mail pick up and delivery to IPS at the rate of \$140 per month
- DPHHS agreement for funding Medicaid match funds for mental health services in the amount of \$79,385
- Board of Crime Control sub award agreement with Alliance for Youth for parenting wisely in the amount of \$51,541.53
- Joint letter with City of Great Falls Commissioners to Airport Authority concerning confidentiality agreement
- HIPPA business associate agreement with Community Health Care and publication and graphics

Motion carries 3-0

AGENDA ITEM #1

**PUBLIC HEARING WITH MOTION TO APPROVE/DISAPPROVE
RESOLUTION 07-78 TO DISCONTINUE AN ALLEY IN BLOCK 67 NORTH
GREAT FALLS ADDITION**

Chairman Olson opened the Public Hearing at 9:40 a.m.

The reading of the public notice was waived.

John Nerud presented this item. Commissioner Beltrone clarified the agenda action report referred to the name of Timothy Spencer and in fact Debra J. Eve is applying for the discontinuation of her alleys in Block 67.

Chairman Olson called for Proponents three times in which there were none.

He then called for Opponents three times in which there were none.

The Public Hearing was closed at 9:43 a.m.

Commissioner Beltrone made a **MOTION** to discontinue all alleys in Block 67, North Great Falls, Cascade County, Montana, subject to two conditions.

Motion carries 3-0

AGENDA ITEM #2

MOTION TO APPROVE/DISAPPROVE 310 PERMIT FROM MITCHELL DEVELOPMENT AND INVESTMENTS

Commissioner Briggs made a **MOTION** to approve SB310 permit for the property owned by the City of Great Falls in West Bank Park, legally described as Mark O, in Lot 2, Section 11, Township 20 North, Range 3 East, Cascade County, Montana subject to 7 conditions.

John Nerud presented this item stating that he compiled an inspection team comprised of Tonya Merryman of the Cascade County Conservation District, Grant Grisak of the Montana Fish, Wildlife and Parks, and Lance Olson, Rina Ft Moore, and himself. They did inspect the site on October 30, 2007 and recommend the approval of this SB310 permit for the Mitchell Development and Investments to construct a drainage culvert leading through their property located at 125 Central Avenue West through West Bank Park owned by the City of Great Falls to the Missouri River.

There was further discussion concerning the jurisdiction of issuing this permit. Mr. Nerud mentioned he had sent the application to John Lawton for preview. Chairman Lance Olson had concerns about the rivers edge trail and who will inspect it after repairs. Mr. Nerud stated he would inspect it.

Motion carries 3-0

AGENDA ITEM #3

MOTION TO APPROVE/DISAPPROVE FINAL PLAT OF PHASE III FOOTHILLS RANCH SUBDIVISION

Commissioner Beltrone made a **MOTION** to conditionally approve the Final Subdivision Plat of Phase III, Ranch Subdivision located in Sections 13 and 24, Township 20 North, Range 4 East, and P.M.M. Cascade County, Montana and accompanying finding of fact, subject to the 8 conditions.

Brian Clifton presented this final plat, giving a synopsis of these 164.22 acres of land to create sixty-eight (68) tracts.

Chairman Olson requested public comment in which there was none.

He stated he read several letters of concern regarding runoff and drain fields.

Motion carries 3-0

AGENDA ITEM #4

MOTION TO APPROVE/DISAPPROVE FINAL PLAT OF RISING PLAINS SUBDIVISION

Commissioner Briggs made a **MOTION** to conditionally approve the Final Subdivision Plat of Rising Plains Subdivision located in Section 27, Township 19 North, Range 2 East, P.M.M. Cascade County, Montana, and the accompanying Findings of Fact subject to eight conditions.

Brian Clifton presented this final plat by stating Duane Braaten is requesting this final plat approval for Rising Plains Subdivision that will create eleven (11) tracts and encompasses 169.264 acres of land.

Chairman Lance Olson opened this item up for public comment in which there was none.
Motion carries 3-0

AGENDA ITEM #5

MOTION TO APPROVE/DISAPPROVE PRELIMINARY PLAT OF BIG SPRINGS MINOR SUBDIVISION

Commissioner Beltrone made a **MOTION** to conditionally approve the Big Springs Minor Subdivision Plat located in the East ½ of Section 35, Township 20 North, Range 3 East, P.M.M. Cascade County, Montana, and the accompanying Finding of Facts subject to twelve conditions.

Brian Clifton presented this preliminary plat stating the concerns regarding road access issues, in which are addressed in condition 12.

Motion carries 3-0

AGENDA ITEM #6

MOTION TO APPROVE/DISAPPROVE PRELIMINARY PLAT OF SUN VALLEY MINOR SUBDIVISION

Commissioner Briggs made a **MOTION** to conditionally approve the Sun Valley Minor Subdivision Plat located in the South ½ of the South ½ of Section 11, Township 21 North, Range 1 West, P.M.M. Cascade County, Montana and the accompanying Findings of Fact subject to 10 conditions.

Substitute Motion Below

Brian Clifton presented this preliminary plat stating that are concerns due to this being 94% farmland of statewide importance by the Department of Natural Resource Conservation, and that the original tract has an Ag covenant designed for Ag use only. Mr. Clifton stated that the removal of the Ag covenant can be done if the County Commission and Developers agree.

Commissioner Beltrone questioned when the Ag covenant was placed on the property. She was informed that it was placed on September 9, 2000. The previous owner were Edna Carney Estate whom sold the property to developers Amos and Ed Birky. Chairman Olson called for comments on this Sun Valley Minor Subdivision;

Monte R Cobb approached the Commission to state he had an argument against this due to this being prime agricultural land has been very productive in the past and also had concerns about the drain fields leaking into the spring below.

Dorothy Cobb stated her dad homesteaded this place and that the spring has been running for years. She stated she has a fish pond at the base of this springs and has concerns about contamination.

Edna Wohlgemuth stated she was executor of this estate and has been trying to satisfy the family. She also had concerns about the spring and stated they have had a nitrate problem to start with. She stated when they went through the Realtor it would be sold with the understanding this would remain Ag land.

Jim Hodges whom is the Surveyor and Engineer stated that 70% of this land could still be irrigated and used, and it would be better for the springs if it was used.

There was some discussion between the Commission and Brian Clifton concerning the nitrates and irrigation. Mr. Clifton stated the DEQ would decide if nitrates are a problem.

Jim Dawson whom is a board member from the Cascade County Planning Board stated he was unable to attend the meeting but would have not voted for it if he was present. He has concerns about septic, springs, irrigation obligation fees to Greenfield irrigation. He felt the land was to be sold as Ag.

Commissioner Beltrone voiced her concerns about this a high percentage of prime Ag land.

There was further discussion involving Brian Hopkins Civil Attorney, whom clarified that the statement on the Certificate of Survey states it is revocable by agreement of the Commissioners and the Owners.

The Commission continued to discuss this matter with several concerns.

Ed Birky approached the Commission stating they bought the property with the knowledge that they could remove the Ag exception.

There was further discussion about Subdivision Regulations, Ag covenants, DEQ and springs.

Commissioner Beltrone made a **SUBSTITUTE MOTION** to deny the Sun Valley Minor Subdivision Plat located in the South ½ of the South ½ of Section 11, Township 21 North, Range 1 West, P.M.M. Cascade County, Montana and the accompanying Findings of Fact subject to 10 conditions.

Motion Carries 3-0

AGENDA ITEM #7

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

Chairman Lance Olson welcomed public comment at this time.

Clayton M. Braden approached the Commission with his concerns regarding; 14th Amendment, unsafe hazardous shoulder on 27th and 4th Ave. NW, exception for Ag material, dumping of debris in ditch, and a helicopter that doesn't fly.

Milo Halverson approached the Commission with some tax questions concerning vehicle registration fees. There was some discussion about the increase of mills for the City and County. He also thanked Jess Anderson, Rina Ft Moore, Marie Sickels, Chairman Olson and Commissioner Briggs. In ending he made a statement concerning the previous Commissioner Stelling being as productive as a pimple on a ducks ass. (This was placed in the record per Mr. Halverson's request).

Dave Sutton Road Department stated they are unable to do anything with the shoulder Mr. Braden mentioned due to the corner restrictions and the drainage system.

ADJOURNMENT:

The meeting was adjourned at 11:00 a.m.

NEXT MEETING DATE:

The next meeting will be a work session held on November 21, 2007 at 2 p.m.