

CASCADE COUNTY COMMISSION MEETING

March 11, 2008

**COMMISSION CHAMBERS
COURTHOUSE ANNEX, ROOM 111
9:30 a.m.**

PRESENT: Chairman Lance Olson, Commissioners Joe Briggs, and Peggy Beltrone. Joe Dirkson, MK Jarzenski, Mary Urquhart, Tim Gregori, Jeff Chaffee, Scott Sweeney, Diana McLean, Jaybe Floyd, John Rinkke, Lalonne Ward, Randy Boysun, Gerhard Helm, Myrna Kantols, Aart Dolman, Rich Liebert, Ronald L. Gessaman, Kathleen Z. Gessaman, R. Michael McCloskey, Pat Halcro, Jim Larson, Rich Ecke, Robert M. Pancich, Clayton M. Braden, Tony Morrison, Brian Clifton, Brian Hopkins, Jess Anderson, Susan Conell, JC Kantorowicz, Luella Vogel, 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 #165328 through #165456 totaling \$340,757.48 dated 2/23/08 through 2/28/08. Also approve purchase orders and accounts payable warrants # 165457 through #1645643 totaling \$102,701.05 dated 2/29/08 through 3/6/2008. Payroll warrants #53991 through #54223 totaling \$162,271.62 and direct deposits totaling \$926,306.22 also issued in the month of February.

Motion carries 3-0

CONSENT AGENDA: Commissioner Briggs made a **MOTION** to approve the consent agenda and minute and minute entries and routine contracts as follows;

- ❖ **Resolution 08-18 Budget Appropriation with Aging in Elder Abuse Find in the amount of \$1,339**
- ❖ **Resolution 08-19 Budget Appropriation with Finance for Cultural Trust Grant of \$13,000 from Montana Arts Council to sponsor Paris Gibson Square Museum of Art.**

CITY-COUNTY HEALTH DEPARTMENT

- ❖ **Resolution 08-20 Budget Modification to Realign Budget Authority with Maternal Child Health from Wages to Operating Supplies**
- ❖ **Resolution 08-21 Budget Appropriation establishing the Comprehensive Cancer Control Program in the amount of \$35,000**
- ❖ **Sun River Valley School District Memorandum of Understanding establishing temporary emergency response site at the school for the purpose of conducting emergency response activities**

Motion carries 3-0

AGENDA ITEM #1

MOTION TO APPROVE/DISAPPROVE FINAL RESOLUTION 08-22 TO REZONE PARCELS #5364100, 5364200, 5364300 AND #5365200 FROM AGRICULTURE TO HEAVY INDUSTRIAL

Commissioner Briggs made a **MOTION** to approve the Final Resolution to rezone parcels #5364100, #5364200, and #5364300 in Section 24, and parcel #5365200 in Section 25, all located in Township 21 North, Range 5 East, from “A-2” Agricultural to “I-2” Heavy Industrial, subject to the 11 conditions offered by Tim Gregori of Southern Montana Electric, representing the applicants, dated January 9th, 2008 and attached hereto. (See Agenda Action Report)

Brian Clifton County Planner corrected Commissioner Briggs in the annunciation of parcel # 5365200. He also gave a synopsis of this Final Resolution.

Commissioner Briggs read his comment concerning this request, (see below).

“After reviewing the material and arguments presented by both sides, the various protest letters received as well as the concerns raised by both sides regarding the planning board hearing, I remain convinced the zoning request should be granted.

This is not to say that I fully support the construction of the plat. I remain very concerned about a number of details regarding the plant’s construction and operation. I do not, however, believe it is appropriate to utilize the power of zoning to address these concerns which in my opinion lie beyond the scope of zoning regulation.”

Commission Beltrone stated she agreed with the statement made by Commissioner Briggs and felt it was a definition of spot zoning.

Chairman Olson read his statement (see below).

“Before voting on the motion, I would like to make several comments. I have listened to all oral comments, reviewed in detail all written comments, reviewed in detail all reports and documents submitted by both sides from various experts. I have reviewed the transcripts and comments from the Planning Board members and public and the protests sent in regarding that process and the fact that one member dealing with a possible conflict and how all this would and could have resulted in a different recommendation. I have read and studied the staff report in detail. The project has a air quality permit from the state; they have a solid waste permit, they have a favorable environmental impact statement from the United States Agricultural Department (underlined was stricken from original copy). Taking into account they have met and received all the required permits for the project, is this the best place for this type of facility in Cascade County? The main site selection requirements of rail, water and transmission lines indicate it is.

I will tell you this a very difficult decision for me, after all the reviews and investigating I have done, regarding all these issues, I have really struggled with the property rights, by the applicants themselves and especially the neighbors, the farmers and the residents within a 3-5 mile radius of the proposed project. If this project does move forward, the neighbor’s rights and issues must be addressed appropriately.

After this review and weighing all the negatives and positives, I will vote today to approve the final resolution to rezone the property in question.

**Motion carries 2-1 Chairman Olson For , Commissioner Briggs For,
Commissioner Beltrone Against**

AGENDA ITEM #2

MOTION TO APPROVE/DISAPPROVE THE AMENDED PLAT OF LOT 2 OF THE MISSOURI RIVER BREAKS SUBDIVISION

Commissioner Beltrone made a **MOTION** to conditionally approve the Amended Plat of Lot #2 of the Missouri River Breaks Subdivision located in the North ½ of Section 7, Township 19 North, Range 2 East, P.M.M., Cascade County, Montana and the accompanying Findings of Fact subject to 13 conditions.

Susan Conell gave a synopsis of this amended plat. Chairman Olson questioned the fire plan and was advised that only 3 lots are required to have one and this is a 2 lot subdivision.

No further questions or comments.

Motion carries 3-0

AGENDA ITEM #3

MOTION TO APPROVE/DISAPPROVE WELLS FARGO CORPORATE CARD REQUSET AND COUNTY CREDIT CARD POLICY.

Commissioner Briggs made a **MOTION** to approve the revised Cascade County Credit Card Policy and the issuance of a corporate card.

Randy Hand-Finance stated that Brian Hopkins-Civil Attorney has reviewed this policy. Chairman Olson announced that this policy has been amended and he still has concerns about the \$500 limit. Mr. Hand stated it was a minimum limit and could be decided by the Elected Official or Department Head of each department.

Commissioner Briggs thanked that staff for the effort involved in making this a policy. No further questions or comments.

Motion carries 3-0

AGENDA ITEM #4

MOTION TO APPROVE/DISAPPROVE RESOLUTION 08-23 PLACING SEARCH AND RESCUE LEVY ON THE PRIMARY ELECTION BALLOT OF JUNE 3, 2008.

Commissioner Beltrone made a **MOTION** to approve the Search and Rescue Levy of a 3/10th Mill raising approximately \$36,000 per year be on the ballot for the Primary Election held on Tuesday June 3, 2008.

Mike McCloskey from Cascade County Search and Rescue thanked the Commission for this opportunity to bring their financial needs and stating they were trying to budget a ten year acquisition plan.

Commissioner Briggs publically thanked Mr. McCloskey and his unit. He commended them for this being the first time to come forward for funds.

Commissioner Beltrone stated she felt the Public will support this by recognizing the need for emergency services. She also commented on how times are changing and there is no time for fundraisers.

Chairman Olson stated that the annual taxes on a home valued at \$100,000 would be \$.90 which he feels is cheap.

Jess Anderson-Treasurer announced it is a good move and he supports this, and feels the numbers are frugal.

Chairman Olson questioned if training was included in this resolution, and was confirmed that it is.

Motion carries 3-0

AGENDA ITEM #5

MOTION TO APPROVE/DISAPPROVE RESOLUTION 08-24 ADOPTION OF THE CASCADE COUNTY TOURNAMENT ATTRACTION POLICY.

Commissioner Briggs made a **MOTION** to adopt Resolution 08-24 titled Cascade County Tournament Attraction Policy.

Commissioner Briggs gave the background for this Resolution which will allow the Commission to provide sponsorships in the name of the citizens of Cascade County as they deem necessary to continue to host tournaments in our facilities. He continued by stating this is intended to create a procedure without interrupting SMG's bookkeeping procedures.

Motion carries 3-0

AGENDA ITEM #6

MOTION TO APPROVE/DISAPPROVE FUNDING THE EMPLOYEE ASSISTANCE PROGRAM (EAP) AND SHAPE UP MONTANA.

Commissioner Beltrone made a **MOTION** to approve the Employee Assistance Program and Montana Wellness Program of Shape-Up Montana for County employees for the yearly amount of \$6,065.

Tony Morrison- Human Resource Director presented this item by giving the background (see Agenda Action Report).

Chairman Olson complimented Mr. Morrison on his hard work in implementing this program.

Rich Liebert-public stated this is a good moral booster for the employee and a good thing.

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 Olson opened the meeting for public comment.

Brian Hopkins- Civil Attorney requested Point of Order from Chairman Olson stating public comment on this time would include items not already addressed.

Clayton M. Braden approached the Commission with his concerns; regarding the 2005 Decay Ordinance, County debris, employees not reporting on visible debris, employees leaving the County and County support for the elderly and poor.

Chairman Olson requested specific addresses from Mr. Braden where the County debris is located in order to investigate the matter.

Rich Liebert a member of the Montana Farmers Union 25 by 25 Renewable Energy Committee commended the Commission on the efforts of providing the wind turbine at the County shops. He also requested that the windfall from the PPL settlement be used to complete the County shops and applied to retrofit one school in our County. In addition he presented a book pertaining to Solar Energy, and donated it to the Planning Board. Mr. Liebert continued with questioning Chairman Olson on how he was going to restore the integrity of the Planning Board. Chairman Olson responded by stating he was not sure their integrity needed to be restored. The conversation continued with Chairman Olson stating he did not know how long it would take to investigate the matter but would report on the outcome. End of discussion.

ADJOURNMENT:

Chairman Olson adjourned the meeting at 10:09 a.m.

NEXT MEETING DATE:

The regular meeting will be a work session held on March 19, 2008 at 2 p.m.