

CASCADE COUNTY COMMISSION MEETING

APRIL 22, 2008

**COMMISSION CHAMBERS
COURTHOUSE ANNEX, ROOM 111**

9:30 a.m.

Notice: These minutes are paraphrased and reflect the proceedings of the Board of Commissioners. MCA 7-4-2611 (2) (b)

PRESENT: Chairman Lance Olson, Commissioners Peggy Beltrone and Joe Briggs.

Staff- Brian Clifton, John Nerud, Jackie O'Fallon, and Marie Sickels-Recorder.

Public- John E. Brutosky, Herb Sobeczek, Clayton M. Braden, Jim Stone-Teamsters, Jim Larson, Paul Hummel, David Weissman, Leonard Lundby, Blue Corneliusen, Russell Woith, Chris Huestis, Aart Dolman, Neil J. Taylor, Dewey Goerig, Dave Bertelson, Gregory R. Schwandt, Ronda Wiggers, Bob Langevine, Bill Salina, Kathleen Gessaman, Warren Wenz, Rich Liebert, Spencer Woith, John Harding, Joe Aline, Dan Huestis, John Watts and other public was present that did not sign the sheet.

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

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

PROCLAMATION: Lewis and Clark National Historic Trail Interpretive Center Tenth Anniversary Celebration Chairman Olson read the proclamation and announced that there will be a Ceremony for the 10th Anniversary on May 4, 2008 at the Lewis and Clark Interpretive Center, beginning at 6:30 a.m.

READING OF THE WEEKLY CALENDAR: Jackie O'Fallon read the calendar in which there were no additions of corrections. The Budget hearings were acknowledged.

APPROVAL OF PURCHASE ORDERS AND ACCOUNTS PAYABLE

WARRANTS:

Commissioner Briggs made a **MOTION** to approve purchase orders and accounts payable warrants # 166874 through #167176 totaling \$202,553.36 dated 4/11/2008 through 4/16/2008. And purchase orders and accounts payable warrants #166519 through #166873 totaling \$678,930.85 dated 4/4/2008 through 4/10/2008.

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 08-35 Budget Modification from Zoning Department to County Planning Department to cover salaries and employee contributions in the amount of \$63,367.
- Resolution 08-36 Budget Modification with the Sheriffs Office for information technology in the amount of \$12,000.
- Resolution 08-37 Budget Modification with Sheriffs Office for realignment of budget in the amount of \$40,000.
- Resolution 08-38 Budget Modification with Sheriffs Office for purchase of new kitchen equipment in the amount of \$17,660.
- Thomas W. O'Hara three year reappointment to the Ulm Fire Fee Service Area with appointment concluding in 2011.
- Deb McCracken three year reappointment to the City/County Health Board with her appointment concluding in 2011.

CITY/COUNTY HEALTH DEPARTMENT

- DPHHS 08-07-04-11-042-0 Tuberculosis Master Contract for Control and Prevention in the amount of \$4,000.

Chairman Olson requested public comment at this time, Herb Sobeczek of Black Eagle, approached the Commission and questioned the purchase of the kitchen equipment for the Sheriff's Office, and he wanted to know if they had put it out for bids. Dewey Goerig stated that they did go out for bid in which he saved over \$8,000 by doing so. It was noted that Dewey Goerig, Jim Wilson, and Bill Salina are all running for upcoming Commissioner and were welcomed to the meeting.

Motion carries 3-0 to approve consent agenda.

AGENDA ITEM #1

**PUBLIC HEARING WITH ACTION TO APPROVE/DISAPPROVE
RESOLUTION 08-34 TO DISCONTINUE PROSPECT DRIVE AND GREAT
FALLS STREET IN BELT, CASCADE COUNTY, MONTANA**

John Nerud presented this discontinuation of Prospect Drive and Great Falls Street in Belt. He gave the background and stated staff recommended this discontinuation.

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

Chairman Olson called for proponents three times in which there were no comments.

Chairman Olson called for opponents three times in which there were no comments.

Commissioner Briggs stated he appreciated the Staffs involvement and finding a solution on this matter.

“Commissioner Beltrone made a **MOTION** to discontinue County streets. Said streets being all portions of Prospect Drive and Great Falls Street directly adjacent to, and abutting upon Blocks 3 and 9, Kennedy's Addition to Belt, Cascade County, Montana, subject to the following conditions:

1. The discontinued streets revert to the ownership of the adjacent property owners;
and
2. The petitioners cause to be filed a Certificate of Survey delineating the boundaries of the affected properties following the discontinuation.”

Motion carries 3-0

Chairman Olson closed the public hearing at 9:49 a.m.

AGENDA ITEM #2

**PUBLIC HEARING TO ACCEPT COMMENTS FOR MALMSTROM AIR
FORCE BASE CLEAR AND ACCIDENT POTENTIAL ZONES.**

Chairman Olson opened the public hearing at 9:49 a.m. He announced that these zones are not in place at this time, and that they are potentially creating these zones if the runway is ever potentially open. He then called for public comment.

Gary Schwandt of 2706 Evergreen Drive spoke as an individual in favor of protecting the runway and compensating the landowners. He felt it should go to a public vote to ask the citizens.

John Brutosky of 1618 11th Avenue South, stated the landowners have nothing to be compensated for and he felt it if they wanted to build to let them and it would be better to increase the tax base. He felt only the businesses would be the only ones it would benefit. He continued mentioning how the increase in the tax base would help the County fund road improvements.

Chairman Olson stated that this meeting is not being followed as standard in calling for proponents or opponents just open for public comment and thoughts.

Bob Langevin of 40 Prospect Drive questioned the Commission on the Great Falls Airport for a crash zone. Commissioner Briggs confirmed that the Great Falls Airport Authority has the power to establish the crash zone. Mr. Langevin stated that it would be no problem for the Commission to allow others to build at the Malstrom air base since they were already doing that. Commissioner Briggs requested point of order and continued to state that the County has no jurisdiction at the airport which is annexed within the city. State law gives the Airport Authority zoning control for encroachment. The encroachment issues for a commercial civilian aircraft are extremely different than for military. Mr. Langevin questioned who owned the runaway and stated that Bureau of Land Management owns it not Department of Defense.

Aart Dolman of 3016 Central Avenue requested for the Commission to take into consideration that the airbase is located on a national historical landmark. He advised them to consult with various agencies to see if they can proceed, similar issues associated with the coal plant could come up.

Warren Wenz of 1120 22nd Avenue SW stated he was individually urging the Commission to protect these zones. He did state that the airport has acquired the property and a basis for doing this. He stated we need to protect that runway and that it provides 35% of the economy.

Dave Bertelsen 1209 Buena Drive stated he would like to reiterate Mr. Wenz comments speaking purely as a citizens and stated 40% of the economy is provided by defense. He feels land owners need to be fairly compensated. He felt it was imperative to keep options open to protect the runway.

John Brutosky questioned how long do they want to be protected for?

Chairman Olson stated that is the reason for this public meeting to allow the public to speak on this matter. He also stated that the time frame is also a concern for them.

John Watts 204 7th Avenue South stated that this base is a historic landmark that has been there since World War II, he believes if the community can save a worthless traffic bridge next to a stinky refinery they should take action and not let it go to waste.

Herb Sobeczek stated he knows about that runway and was a flight instructor for the Air Force in 1946. He stated he was supportive in keeping this option open and felt it was a viable area to keep in mind.

Dan Huestis 2901 4th Avenue North stated he is a landowner and has had a farm since 1942. He stated those zones do not exist and never have existed, they must be recorded on land to exist. He continued by defining the term encroachment meaning taking without compensation and stated he has sold this property years ago on contract for deed. He then spoke of supporting the development of synthetic fuel to power aircraft. And stated the

subdivision would generate a million dollars a year, and encouraged private and public to work together. He was frustrated that this has been in the making for two and a half years and he has gone through everything and now it is going go on a ballot or through legislature. He felt this was abusive and thought this was over. He stated they rave a potential runway that is sub standard when an aircraft can not take off with a full load of fuel. He reminded them that this land is not for sale and that they have no contract. He pleaded that this not be a bond issue or taken to legislature. He mentioned the Foothills subdivision and what a terrific development it is. Again he pleaded that the Commission to make a decision and one that would allow property owners to move their hopes and dreams go forward not backwards. Its time and you have taken advantage of our patience. Warren Wenz commented on the substandard comment an aircraft can not leave the runway with a full load of fuel when it is 100 degrees outside which does not happen in our area very often and is due to the humidity. He also stated he has publicly supported the coal plant but just not the location. In addition he mentioned the use of the land would not be sterilized it could be used for a golf course, parks, and other uses. I believe the land owners be compensation and there needs to be a decision.

Chairman Olson reminded the public that this is not an debate, but a time for public comment.

John Brutosky stated he was in support for development that Mr. Huestis mentioned and felt if he was willing to make use of it where all the Commission has on their side is a maybe.

Chairman Olson stated that was not a decision that the Board was going to make. It is a decision that needs to be made by the taxpayers. He stated this public process takes time but it allows all to have their say. We are addressing this situation as best as possible. There was discussion about this property being annexed into the city; Commissioner Briggs reminded them at this time it is not, so it is the Counties jurisdiction and responsibility.

Richard Liebert Lt. Col. US Army retired stated he agrees with Chairman Olson and believes it needs to go on the ballot as many have a strong passion for this. He stated he did look into the synthetic fuel and found it was not going to be a quick thing. He agreed with a ballot the will of the people will speak.

“Commissioner Briggs made a **MOTION** to direct staff to proceed with developing a plan to consider using public funds to acquire land located within the clear and accident potential zones and establish a public hearing for the proposal to accept public comments and desired action by the Cascade County Commission.”

Chairman Olson did state he did not like prolonging this process, but feels the public process needs to continue.

Chairman Olson closed the public hearing at 10:30 a.m.

Motion carries 3-0

AGENDA ITEM #3

CASCADE COUNTY SOLID WASTE DISTRICT LETTERS OF INTEREST

Randy Hand gave a brief synopsis of possibly privatizing solid waste. He stated that during the public notice only one letter of interest has been received from Montana Waste Systems. Mr. Hand requested permission to meet with Dave Sutton and the Civil Attorneys to contact Montana Waste Systems to work on negotiations for the cost of privatization and finalizing our ability or keeping it in house and assessment rates should be set.

Commissioner Beltrone made a **MOTION** to consider the letters of interest for Cascade County Solid Waste District.

Commissioner Beltrone stated she had problems with receiving one proposal from just Montana Waste Systems as she has indications that Staff has a counter proposal. There was further discussion and it was decided that the Commission will identify what is needed to run this program efficiently and outline a comparable proposal. Chairman Olson requested that Randy Hand, and Dave Sutton will work out presenting a proposal for staff. Chairman Olson stated that this is a time sensitive issue that needs to be done quickly.

Chairman Olson requested public comment.

Jim Stone of 128 14th Avenue South Teamsters, a county resident also representing county road and bridge announced that four people may lose their jobs which would have huge effects. He stated his frustration in hearing about this while they were in negotiations, and they not being approached on the matter. He also stated they would like to have a chance to see if they could provide the service without privatizing. Chairman Olson stated they did not keep this a secret and has taken staff into account, and will be looking at this further.

Jim Larson 162 McCoy Road Belt stated he encouraged the solid waste site in Belt which is not manned at all, and several other areas using it. He encouraged the Commission to privatize it our come to a better solution.

Chairman Olson responded by stating that they are trying to find a better solution and identify the problems.

Motion carries 3-0

AGENDA ITEM #4

MOTION TO APPROVE/DISAPPROVE BID AWARD FOR HEAVEN'S VIEW RURAL SPECIAL IMPROVEMENT DISTRICT

“Commissioner Beltrone made a **MOTION** to award the bid for The Heaven’s View Lane Rural Special Improvement District to United Materials in the amount of \$223,600.

Chairman Olson stated he had questions about the bid award amount being constant and is unable to visit with Dave Sutton since he is ill. There were also concerns about footage, and drainage ditches.

Commissioner Beltrone had mentioned conditioning her motion, then with Civil's direction she pulled her **MOTION**.

Commissioner Briggs made a **MOTION** to table this item.
Motion carries 3-0

Chairman Olson announced a separate meeting to be held on Friday April 25, 2008 @ 9:30 a.m. in the Commission Chambers. This announcement will serve as public notice of a public meeting to address the Rural Special Improvement District for Heavens View.

AGENDA ITEM #5

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.

Leonard Lundby from the County Fire Council, gave the Commission an update on their last meeting. He stated they would like to request assistance from the Civil Department to help collect fees billed to individuals. He stated they will try to collect themselves but sometimes it is more effective to have County Letterhead. He also updated the Commission on their upcoming Bosses night appreciation dinner which will include some of the business that supports them as well. And he thanked Blue Corneliusen for his support in securing a grant for \$43,000 to educate the public on fire prevention. Commissioner Olson requested that he keep the Commission informed of the upcoming appreciation dinner so they can attend.

ADJOURNMENT:

The meeting was adjourned at 10:58 a.m.

NEXT MEETING DATE:

The special meeting for Rural Special Improvement District for Heavens View will be Friday April 25, 2008 @ 9:30 a.m. in the Commission Chambers.

The next meeting will be a work session held on May 7, 2008 at 2 p.m.