

CASCADE COUNTY COMMISSION MEETING
July 14, 2009
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:

Commission- Chairman Joe Briggs, Commissioners Peggy Beltrone, and Bill Salina. **Staff seated with Commission** – Brian Hopkins, Carey Ann Shannon, Susan Conell, Joe LaForest, and Marie Sickels.

Many members of the public, media and other departments did not sign in. The list below reflects the entries on the sign in sheet (see attached sheet of sign ins). Alan Frohberg, Robert D. Stubbs, Terry Stevenson, Roy Volk, Diane Volk, Mary Ann Freeman, Rich Liebert, Blue Corneliusen, Brent Doney, Ronda Wiggers and media.

CALL TO ORDER: Chairman Briggs called the meeting to order.

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

READING OF THE WEEKLY CALENDAR: Lisa McGilvra read the calendar, with some additions and corrections.

APPROVAL OF PURCHASE ORDERS AND ACCOUNTS PAYABLE WARRANTS: Commissioner Salina made a **MOTION** to approve purchase orders and accounts payable warrants # 180127 through #180403 totaling \$2,040,350.24 dated 06/12/09 through 06/17/09. In addition payroll warrants #180631 through #180935 was issued totaling \$613,596.38 dated 6/26/09 through 6/30/09.

Motion carries 3-0

CONSENT AGENDA:

Commissioner Salina made a **MOTION** to approve the consent agenda and minute and minute entries, and routine contracts as follows;

Resolution 09-70 Budget App. w/in the JDC for \$5,000 for a grant received for a new dishwasher

Resolution 09-72 Establishing the Constables salary for Fiscal year 09-10

Resolution 09-58A Budget Mod w/in Sheriff's Office to correct a typographical error

Agreement with MDoT for the Smelter Avenue construction project
Agreement for engineering services w/Thomas, Dean & Hoskins, Inc. in the amount of \$19,900

Agreement with OnSite Maintenance Center for annual maintenance on the ballot folding machines for the elections department
Agreement w/Elite Security Services, LLC to provide security and crowd management services

Lease Agreement with Robert & Sandra Klasner for the Stockett Solid Waste Transfer Site in the amount of \$2,580 a year for two years

MOU w/Missoula Aging Services to provide MT SMP services to Conrad

Amendment to Aging Services contract #09-027-21005-0 for the Commodity supplemental Food Program

City-County Health Department

Resolution 09-64 Budget Mod w/in Safe Routes to School in the amount of \$3,400

Resolution 09-65 Budget Mod w/in the Tobacco Fund to maximize budget in the amount of \$6,550

Resolution 09-66 Budget Mod w/in Dental Services in the amount of \$ 33,250

Resolution 09-67 Budget Mod w/in the immunization project in the amount of \$5,000

Resolution 09-68 Budget Mod w/in various funds to maximize budget in the amount of \$17,600

Amendment to Sage Software contract for their Medical Manager Software

Mountain West Pathology Business Associate Contract to adhere to confidentiality standards

DPHHS Task Order #10-07-3-01-007-0 Breast & Cervical Health Program

DPHHS Task Order #09-07-4-31-007-0 Immunization Program Contract

Dex Media Advertising contract in the amount of \$244.90 per month for one year

Motion carries 3-0

AGENDA ITEM #1

PUBLIC HEARING WITH A MOTION TO APPROVE/DISAPPROVE THE DISCONTINUATION OF A PORTION OF 1ST AVEUNE IN ULM BY RESOLUTION 09-73

Chairman Briggs called the Public Hearing to order at 9:37 a.m.

The reading of the public notice was waived with no objections.

A copy of the public notice has been placed in the record (see Exhibit "A").

Susan Conell gave the background of this discontinuation, (See Action agenda report dated July 14, 2009 for detailed information).

Chairman Briggs opened the public hearing to include;
Written Testimony: Ms. Conell stated no written testimony was received.
Proponents: Chairman Briggs called three times in which no one commented.
Opponents: Chairman Briggs called three times in which no one commented.
Informational Witnesses: No one came forward.
Chairman Briggs closed the public hearing at 9:40 a.m.

Commissioner Salina made a **MOTION** to approve the discontinuation of a portion of 1st Avenue in Ulm with the conditions presented in the staff report.
Motion carries 3-0

AGENDA ITEM #2

MOTION TO APPROVE/DISAPPROVE THE PREVIOUSLY TABLED ITEM OF THE PRELIMINARY PLAT FOR THE MISSOURI RIVER BIG BEND II MAJOR SUBDIVISION BY SUNLIGHT PARTNERS,LLC

Commissioner Beltrone made a **MOTION** to bring the previous motion of the June 23rd meeting off the table. (see previous minutes for details)
Motion carries 3-0

There was discussion concerning the core motion and reference to an alternative email (see exhibit "A1"). Which states
25. Prior to filing final plat of the 17th through 33rd lots sold (not to be confused with lot numbers), Developer agrees to work with adjacent property owner(s) to construct Emergency Fire Access as defined in condition 23. Final plat for the 1st through 16th lots sold can be submitted and filed prior to Emergency Fire Access being completed.

Commissioner Beltrone amended the **MOTION** to include condition #25.
Motion was seconded by Commissioner Salina

Chairman Briggs opened the meeting to public comment on this item:
Joe Murphy of Big Sky Environmental approached the Commission requested the removal of conditions #23 and #25.

AGENDA ITEM #3

PUBLIC HEARING WITH A MOTION TO APPROVE/DISAPPROVE THE CHANGES TO THE ZONING REGULATIONS

Chairman Briggs called the Public Hearing to order at 9:341 a.m.
The reading of the public notice was waived with no objections.
A copy of the public notice has been placed in the record (see Exhibit "B").

Joe LaForest previewed over the draft of zoning regulation gave the background of this Resolution of Intent, (See Exhibit "C" and Action agenda report dated July 14, 2009 for detailed information).

Chairman Briggs opened the public hearing to include;

Written Testimony: Joe LaForest stated no written testimony was received.

Proponents:

Ronda Wiggers approached the Commission representing the Great Falls Association of Realtors, and other interest groups. She began by thanking the staff and commending them on their openness, availability of information and rising to support changes. She did state she had a few concerns about the verbiage in 7-2-18 concerning multi- houses on agland, and horse arena usages which was 7-2-1-7. There was further discussion concerning these items.

Richard Liebert stated he is a future wind farmer and concurs with Ms. Wiggers. He commended the County on their improvements and appreciates all their work. He also requested placing the regulations on line.

Brent Doney with the Great Falls Development Authority, commended all and stated he appreciated the recognition of the need to set aside land for heavy industrial use of this zoning.

Opponents: Chairman Briggs called three times in which no one commented.

Informational Witnesses: No one came forward.

Chairman Briggs closed the public hearing at 10:12 a.m.

There was further discussion concerning these items.

It was decided to make a motion to table these regulations for some time to call for a special meeting to act upon it.

Commissioner Beltrone amended the **MOTION** to table the changes to the zoning regulations for a special meeting.

Motion carries 3-0

AGENDA ITEM #4

MOTION TO APPROVE/DISAPPROVE THE AMENDMENT TO THE OFFICE OF ECONOMIC ADJUSTMENT DIVERSIFICATION STUDY

Chairman Briggs gave the background for this amendment which can be found in the Action Agenda Report dated July 14, 2009.

Commissioner Beltrone made a **MOTION** to approve the amendment to the Office of Economic Adjustment Diversification Study.

Motion carries 3-0

AGENDA ITEM #5

MOTION TO APPROVE/DISAPPROVE THE CANCELATION FOR THE BOARD OF DIRECTORS OF THE SAND COULEE WATER AND SEWER DISTRICT

Commissioner Beltrone made a **MOTION** to approve the cancellation of the election for the Board of Directors of the Sand Coulee Water and Sewer District.

Brian Hopkins stated that there still will be an election to determine whether to create the water sewer district.

Motion carries 3-0

AGENDA ITEM #6

MOTION TO APPROVE/DISAPPROVE RESOLUTION 09-71 ESTABLISHING ELECTED OFFICIAL SALARIES FOR THE FISCAL YEAR 09-10

Commissioner Beltrone made a **MOTION** to approve Resolution 09-71 establishing Elected Official Salaries for the fiscal year 09-10.

Chairman Briggs stated this was the Compensation Boards recommendation. Clayton M. Braden question if the 3.8% was the consumer price index, Chairman Briggs affirmed it was.

Motion carries 3-0

AGENDA ITEM #7

MOTION TO APPROVE/DISAPPROVE 09-69 BUDGET MODIFCATION WITHIN THE SHERIFFS OFFICE IN THE AMOUNT OF \$18,413

Commissioner Salina made a **MOTION** to approve the budget modification Resolution 09-69 within the Sheriff's Department in the amount of \$18,413.

Undersheriff Blue Corneliusen presented this item stating it is need to cover the costs of a phone system upgrade and that the full amount of the upgrade was \$36,000.

Motion carries 3-0

AGENDA ITEM #8

MOTION TO APPROVE/DISAPPROVE A REQUEST FOR BUDGET MODIFICATION, BUDGET TO PAY OUTSTANDING BILLS, AND ENCUMBERED REVENUE FOR THE SHERIFFS OFFICE

There was discussion concerning the bills that need to be paid, it was decided that there was not enough information to proceed and to table this until more clarification.

Commissioner Salina made a **MOTION** to table this motion until further information is provided.

Motion carried 2-0 Briggs for, Salina for, Beltrone against

AGENDA ITEM #9

PUBLIC PARTICIPATION IN DECISIONS OF BOARD AND ALLOWANCE OF PUBLIC COMMENT ON MATTERS THE COMMISSION HAS JURISDICTION, ON ITEMS NOT COVERED BY TODAY'S AGENDA.

Chairman Briggs opened the meeting to public comment.

Bob Stubbs approached the Commission stating he was no longer on the Neighborhood Council. He stated that there are still problems with the weeds at the Home Place and that this is County property in the City limits.

Chairman Briggs stated he understands their concerns but this is public property and they cannot just go spray weeds.

Brian Hopkins suggested that he go to the Weed and Mosquito Board to report this.

Bob Stubbs stated that owner does not care and that Neighborhood Council is concerned. He also stated it is a fire hazard and there could be problems with the city.

Richard Liebert requested the Commission place their Board vacancies and agendas on the website, and also mentioned them considering evening town hall meetings for other members of the public to attend.

AGENDA ITEM #10

ADJOURNMENT:

The meeting was adjourned at 10:25 a.m.

NEXT MEETING DATE:

All meetings are held in the Commission Chambers at the Courthouse Annex. The next meeting will be a work session meeting that will be held on Wednesday July 21, 2009 at 2:00 p.m.

Exhibit "A"

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that the Cascade County Commission will hold a Public Hearing in the Commission Chambers, Courthouse Annex, 325 2nd Avenue North, Great Falls, MT, on Tuesday, July 14, 2008 at 9:30 a.m. to consider a Petition to Discontinue a portion of a county road. Said road is 1st Avenue, beginning at east boundary within Ulm Townsite, West 150 ft (even with west boundary of Block 6), South to BNSF right of way (140 ft), in Section 5, Township 19 North, Range 2 East, Cascade County Montana.

Copies of the Petition and supplementary material are on file in the County Planning Department Office at 415 3rd Street NW, Great Falls, MT. Any interested person may appear and speak for or against the Petition at the Public Hearing or submit in writing any comments regarding said Petition.

Cascade County Planning Department

(s) Susan Conell, Senior Planner

Publication date: Sunday, July 5, 2009 and Sunday, July 12, 2009

Sickels, Marie

Exhibit "A1"

From: Briggs, Joe
Sent: Thursday, July 16, 2009 10:04 AM
To: Sickels, Marie
Subject: FW: Big Bend II

From: Clifton, Brian
Sent: Tuesday, July 07, 2009 6:43 AM
To: Briggs, Joe; Salina, Bill; Beltrone, Peggy
Cc: Hopkins, Brian; Conell, Susan
Subject: Big Bend II

Commissioners,

Here is an alternative condition that Joe Murphy has brought forward from Roy and Diane Volk to clarify condition #25 should you choose to put condition #25 back in the preliminary plat approval at Tuesday's meeting. Joe has worked with Roy and Diane to alter condition #25 so it would be acceptable to them for condition #25. Susan and I met with Joe yesterday and discussed alternatives to condition #25 and agree that this seems to be worded well and would work in solving the fire access issue if the board chooses to put it back in as a condition.

25. Prior to filing final plat of the 17th through 33rd lots sold (not to be confused with lot numbers), Developer agrees to work with adjacent property owner(s) to construct Emergency Fire Access as defined in condition 23. Final plat for the 1st through 16th lots sold can be submitted and filed prior to Emergency Fire Access being completed.

Brian K. Clifton M.S., R.S., C.F.M.
Cascade County Planning Department Director
415 3rd Street NW
Great Falls, MT 59404
Ph: (406) 454-6905
Fax: (406) 454-6903
Email: bclifton@co.cascade.mt.us

Exhibit "B"

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that pursuant to Montana Code Annotated Title 76, Chapter 2, Part 2, the Cascade County Commissioners will hold a public hearing on Tuesday, July 14, 2009 at 9:30 a.m. at the Cascade County Courthouse Annex, 325 2nd Avenue North, Room 105, Great Falls, MT, for the purpose of amending all Sections of the Cascade County Zoning Regulations for the entirety of Cascade County excepting those areas within the boundaries of incorporated cities (Great Falls) and towns (Belt, Neihart, Cascade). The purpose of the proposed amendments is as follows: to add certain application requirements, to alter zoning districts and boundaries, to alter allowed uses in the various zoning districts, to remove antiquated language, and to update the regulations with current standard zoning practices. The proposed zoning regulations and proposed Zoning Map Book are on file for public inspection at the office of the Cascade County Clerk and Recorder located at 121 4th Street North Suite 1B-1 Great Falls, the Cascade County Commissioners Office located at 325 2nd Ave North Great Falls, and the Cascade County Planning Department, 415 3rd Street NW, Great Falls, MT 59404. They can also be found on the Cascade County Planning Department Website at www.co.cascade.mt.us.

Brian K. Clifton, Director
Cascade County Planning Department

Publication Date: Sunday May 24, Sunday May 31, Sunday June 7, Sunday June 14, Sunday June 21, Sunday June 28, Sunday July 5, and Sunday July 12, 2009.

Posted: Friday May 22, 2009 at the Cascade County Clerk and Records Office, Cascade County Courthouse, Cascade County Courthouse Annex, Cascade County Planning Department, Cascade County Treasurers/Superintendent of Schools Office, and the Great Falls Public Library.

ADDENDUM

CHANGES MADE JULY 13, 2009

TO DRAFT ZONING REGULATIONS

<u>SECTION</u>	<u>ACTION</u>
1.8	Changed to read, "To fix reasonable <u>zoning</u> standards to which buildings and structures should conform;"
2	Definition – AGRICULTURAL USE – Changed to read, "The use of land for <u>periodic livestock sales and the like</u> , tree farming or growing or producing field crops, livestock, and livestock products for the production of income, excluding feedlots. Field crops include, among others, barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers. Livestock includes, among others, dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, and other animals including dogs, ponies, deer, rabbits, and mink. Livestock products include, among others, milk, butter, cheese, eggs, meat, fur, and honey."
2	Definition – DOG KENNEL – Deleted
2	New Definition – LARGE HOOFED GRAZING LIVESTOCK ANIMAL – Animals such as, but not limited to, horses, cows, emus, llamas, ostriches, and the like.
2	New Definition – SMALL HOOFED GRAZING LIVESTOCK ANIMAL – Animals such as, but not limited to, goats, pigs, sheep, fowl, and the like.
2	Definition – RUNWAY – Changed to read, "The paved, <u>graveled, or dirt</u> surface of an airport landing strip."
2	Definition – SPOT ZONING – Deleted
2	Definition – WALL OR FENCE – Deleted "OR FENCE".
7.1.1.2(4)	Lead paragraph changed to read, "Amateur Radio Station and/or Antenna (<u>conditions (g), (h), and (i) below do not apply to an amateur radio station and/or antenna</u>), Meteorological Towers, Residential Wind Turbine and/or small wind energy system not to exceed 50 kW providing they meet the following conditions:"
7.1.1.2(4) a)	Changed to read, "setback to property boundaries <u>for wind turbines must be the height of the tower, plus the blade length, plus twenty (20) feet</u> ; the setback to property boundaries for an amateur radio station and/or antenna must be the height of the tower plus twenty (20) feet;"
7.1.1.2(4)g)	Changed to read, "must be located at least 1000 feet from any use listed in section 7.1.1.1(2)."
7.2.1.15.6.	Changed to read, "must be located at least 1000 feet from any use listed in section 7.1.1.1(2)."

- 7.2.1.16.6. Changed to read, "must be located at least 1000 feet from any use listed in section 7.1.1.1(2)."
- 7.2.3.13.5. Changed to read, "must be located at least 1000 feet from any use listed in section 7.1.1.1(2)."
- 7.2.1.15 Lead paragraph changed to read, "Tower and studio facility related to radio, television broadcasting stations, telecommunications, amateur radio station and/or antenna (conditions 6, 7, and 8 below do not apply to an amateur radio station and/or antenna), Meteorological Towers, Residential Wind Turbine and/or small wind energy system not to exceed 50 kW providing they meet the following conditions:"
- 7.2.1.15 1. Changed to read, "setback to property boundaries for wind turbines must be the height of the tower, plus the blade length, plus twenty (20) feet; the setback to property boundaries for all other tower / antenna structures must be the height of the tower plus twenty (20) feet;"
- 7.2.3.2 Changed to read, "Commercial building for raising, breeding and boarding dogs or other small animals provided that such building, including dog runs, shall be at least one hundred (100) feet from all property lines and shall comply with the standards listed in section 9.2."
- 7.3.1.2(4) New subparagraph (4) which reads, "The permitted accessory uses set forth under section 7.1.1.2 (4) (Amateur Radio Station and/or Antenna (conditions (g), (h), and (i) below do not apply to an amateur radio station and/or antenna), Meteorological Towers, Residential Wind Turbine and/or small wind energy system not to exceed 50 kW) may be used in the B District if the listed conditions are met.
- 7.4.1.2 Changed to read, "Permitted accessory uses located on the same lot with the permitted principal use include:
- (1) Living quarters that are required by and incidental to the operation of the industrial enterprise
 - (2) "The permitted accessory uses set forth under section 7.1.1.2 (4) (Amateur Radio Station and/or Antenna, Meteorological Towers, Residential Wind Turbine and/or small wind energy system not to exceed 50 kW) may be used in the I-1 District if the listed conditions are met."
- 7.8.2(4) New subparagraph (4) which reads, "The permitted accessory uses set forth under section 7.1.1.2 (4) (Amateur Radio Station and/or Antenna, Meteorological Towers, Residential Wind Turbine and/or small wind energy system not to exceed 50 kW) may be used in the MU District if the listed conditions are met.
- 9.2 Changed to read, "KENNEL BUSINESSES AND FACILITIES"
- 9.3.5 Changed to read, "No fence in any residential district may exceed eight (8) feet in height measured from the natural grade (natural grade does not include landscaped berms). Any ornamental projections on a fence are not included in the height measurement. A variance may be allowed by the Board of Adjustment

where a higher fence is necessary to protect the health, safety, and welfare of the public upon approval by the Board of Adjustment. No fence of a barbed or electrically charged type shall be erected in any residential district. Razor wire shall be located in only an Industrial Zoned District, must be signed, and must be at least eight (8) feet off of the ground measured from the midpoint of the difference of the ground elevation immediately adjoining on either side of it. A location conformance permit is not required for fences that are eight (8) feet or less in height but shall meet all other state regulations.”

9.5.1 Changed to read, “At least one (1) off-street parking space for each dwelling unit within the building or buildings.

9.5.4 Changed to read, “A minimum of ten (10) stalls plus one (1) stall per one-hundred (100) square feet over one-thousand (1,000) square feet of gross usable building area.”

9.9.4.1 Changed to read, “The dimensions of an off-street parking space shall be nine (9) feet in width by eighteen (18) feet in depth.

10.2 Natural Disaster

A non-conforming building or use destroyed or substantially damaged (see the criteria listed in “Substantial Improvement” definition) by a natural disaster such as flood, fire, etc; shall not be restored to a non-conforming use unless a variance is issued by the Zoning Board of Adjustment or unless the restoration occurs within 12 months of the damage and the resulting structure occupies the same physical footprint and use as the original non-conforming structure.

11.6 Paragraph reading, “Home Occupations shall not be interpreted to include such businesses as the following:

- Restaurants;
- Commercial stables and kennels; and / or
- Auto repairing.”

Changed to read, “Home Occupations shall not be interpreted to include such businesses as the following:

- Restaurants;
- Commercial stables and commercial kennels; and / or
- Auto repairing.”