

**CASCADE COUNTY COMMISSION MEETING
JULY 27, 2010
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 Bill Salina, and Peggy Beltrone excused.

Staff seated with Commission – Brian Hopkins, and Susan Conell, Bonnie Fogerty, and Marie Sickels.

Public: Aart Dolman, Milo Halverson, Ronald L. Gessaman, Kathleen Gessaman, Mike Henen, Joshua Schultz, Francis Robel.

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)

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

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

READING OF THE WEEKLY CALENDAR: Bonnie Fogerty read the calendar, with corrections and additions.

APPROVAL OF PURCHASE ORDERS AND ACCOUNTS PAYABLE

WARRANTS: Commissioner Salina made a **MOTION** to approve purchase orders and accounts payable warrants # 193326 through #193831 totaling \$621,563.29 dated 06/30/2010. In addition, payroll checks #61121 through #61315 were issued totaling \$128,116.51 and direct deposits were made totaling \$753,234.23 for a payroll total of \$881,350.74 for the month of June. Also purchase orders and accounts payable checks #193832 through #193989 totaling \$947,384.96 dated June 30, 2010 through July 16, 2010. **Motion carries 2-0**

CONSENT AGENDA:

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

- Policy 116-1 Capital Assets (Fixed Assets)
- Contract 10-124 North Central Area Agency on Aging contract for professional services (11-027-A008) between North Central Area on Aging and Cascade County RSVP, effective dates contract execution date of September 30, 2011. This will provide commodity supplement food program (CSFP) distribution and program assistance.

City/County Health Department

- Contract 10-117 Task order #11-07-5-01-007-0 Maternal and Child Health contract between DPHHS and CCHD.

Effective July 1, 2010 through June 30, 2011. Base amount \$102,000 with match Cascade County agrees to expend \$3 for every \$4 of the MCH block grant funds received. No more than 10% of the funds may be used for administration of the contract. Cascade County match in the amount of \$75,000

- Contract 10-126 Contract #10-07-1-01-007-0 amendment #1HB173 Public Health Accreditation. DPHHS provides funding for the CCHD to participate in the pilot project to help public health agencies meet national guidelines in preparation for national voluntary accreditation. Effective dates July 1, 2010 to June 30, 2011 total reimbursement not to exceed \$25,000
- Contract 10-127 CCHD with CLI (Certified Languages International) agreement for interpretation services. Telephone interpretation billing at the rate of \$1.45 per minute @ one minute increments. Month to month agreement with 30 day cancellation written notice by either party

No comments were made on the Consent Agenda. **Motion carries 2-0**

AGENDA ITEM #1

MOTION TO APPROVE/DISAPPROVE RESOLUTION 10-78 FOR FINANCING THE BLEACHER REPLACEMENTS AT EXPOPARK

Commissioner Salina made a **MOTION** to approve Resolution 10-78 financing for the bleacher replacements at the fairgrounds.

Randy Hand Finance Officer presented this Resolution stating that this is a ten year loan for replacing the bleachers. Chairman Briggs stated that by financing this loan from Budget Fund 6050 the ExpoPark will save money in interest and the County will earn more interest. **Motion carries 2-0**

AGENDA ITEM #2

MOTION TO APPROVE/DISAPPROVE CONTRACT 10-125 FOR MARKIN CONSULTING TO CONDUCT A MARKET DEMAND, FINANCIAL FEASIBILITY AND ECONOMIC IMPACT ANALYSIS FOR THE MONTANA EXPOPARK

Commissioner Salina made a **MOTION** to approve Contract 10-125 contract between Cascade County and Markin Consulting for the conduct of a market demand, financial feasibility and economic impact analysis for the Montana ExpoPark.

Lisa Bracco General Manager for ExpoPark stated that out of the two bids they felt this company was the best. She emphasized the fact that this company will also provide and economic impact analysis. **Motion carries 2-0**

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.

Joshua Schultz whom identified himself as a caregiver, stated he had questions concerning his appeal for his medical marijuana caregiver business which was denied. He voiced his frustration of having to jump through hoops to find real estate in the heavy industrial zoning area. He made the Commission aware of his concerns and also presented letters from concerned patients (see exhibits "A-K"). He requested a zone change to allow the medical marijuana clinics in business zones. He also stated that at this time caregivers have to meet in parking lots, and gravel roads to dispense the medical marijuana which is unsafe and risky.

Interim Planning Director Susan Conell stated that they could propose amendments in the county's zoning regulations by presenting a written request which would begin the process. There was further discussion on the process of amending zoning regulations.

Julie Knight also a caregiver, requested the zone change stating she has tried to find property in heavy industrial which the cost is catastrophic. She said they want to be discrete but everyone knows what you are doing and it's like the old days only the cops don't arrest. She said she does not meet anyone after dark and stated that they need to be professional. She said that the County is more acceptable than the city, and admitted some caregivers are less honest. She closed by thanking the Commission for their time, and presented them with a written request (see exhibit "L").

Ron Leeson approached the Commission stating his is a patient, whom has had to meet his caregiver on dirt roads which becomes an easy target for criminal elements. He requested that the zone change be acted upon quickly before the weather gets too bad.

Chairman Briggs reminded him that there are requirements that call for public hearings and a process to follow, which takes time.

There was discussion amongst the Commission and Public regarding the safety of having a store front operation and security measures that would be taken.

Mike Henen stated he was not a patient but that he knows the zoning laws and questioned why the medical marijuana clinics would not fall under a health care facility. Chairman Briggs answered that the Board of Adjustments states these facilities do not fall under that category.

Kathleen Guessaman approached the Commission to speak on behalf of the supreme court's ruling that the Highwood Generating plant was illegal spot zoning. She stated despite this decision construction is not slowing down and questioned how the Commission was going to stop them. Chief Deputy County Attorney Brian Hopkins announced that the work being done is site preparation and that nothing could be done unless a wall goes up. There was discussion regarding the zoning regulations and the possibility of tightening up the definitions.

Aart Dohlman stated he was puzzled and encouraged zoning changes to strike a balance between private property rights and community rights.

Ron Guessaman stated that he had received reports that there was a frenzy of activity this past week with no intentions of stopping; he also made the Commission aware of the fact that carpenters are being called in to begin building.

Chairman Briggs requested that Susan Conell do a site visit to investigate this concern.

Milo Halvorson thanked the Commission for the reports Randy Hand presented to him and questioned the figures that did not match (see exhibit "M").

He said that it was \$190,811.13 short and asked where the money went.

Chairman Briggs responded by stating they would have to confirm with Randy Hand and would let him know.

Milo Halvorson also requested that the Commission check out why six other counties have no option tax.

There was no further public comment.

ADJOURNMENT:

The meeting was adjourned at 10:32 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 August 4, 2010 at 2:00 p.m.