

**CASCADE COUNTY COMMISSION MEETING
FEBRUARY 22, 2011
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 Bill Salina, Commissioners Joe Briggs and Jane Weber.

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

Public: Tom Martin, Rodger Fultz, Steve Erwin, Rina Moore, Diana Fultz, Tom Filipowicz, Bob Edwards, John Stevens, Alex Grubb, Jamie Bailey, Rob Rung, Dawn Kingston, Karl Puckett, Jeanne Marie Johnson, Alicia M Thompson, Clayton M. Braden, and media.

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

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

READING OF THE WEEKLY CALENDAR: Bonnie Fogerty read the calendar.

APPROVAL OF PURCHASE ORDERS AND ACCOUNTS PAYABLE

WARRANTS: Commissioner Weber made a **MOTION** to approve purchase orders and accounts payable checks #200930 through #201198 totaling \$633,568.32 dated 1/26/2011 through 1/28/2011. Also purchase orders and accounts payable checks #201199 through #201348 totaling \$261,281.25 dated 02/02/2011 through 02/04/2011. In addition purchase orders and accounts payable checks #201349 through #201657 totaling \$631,447.15 dated 02/09/2011 through 02/11/2011. Also payroll checks #62888 through #63066 were issued totaling \$763,482.35 for a payroll total of \$868,981.52 for the month of January

Motion carries 3-0

CONSENT AGENDA:

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

- ✓ **Resolution 11-14** Budget modification to reallocate expenditures to reflect contracting services with the Montana Bureau of Mines and Geology to perform services per condition of the Madison Aquifer Grant contract #10-62, RIT-10-8714
- ✓ **Resolution 11-15** Budget appropriation within the Aging Dept. to establish budget for MIPPA Medicare Improvements of Patients and Providers Act for fiscal year 2011 in the amount of \$9,722 contract 10-170.

- ✓ **Resolution 11-16** Budget modification within Aging Dept. to reclassify expenses in the Ombudsman Dept. for payment of invoices.
- ✓ **Resolution 11-17** Budget modification within the Aging Dept. to reclassify expenses in RSVP for payment of invoices.
- ✓ **Resolution 11-21** Cascade County Attorney requests prosecutorial assistance in the case of State v. Steven Patrick (CDC-11-044)
- ✓ **Resolution 11-22** Budget appropriation within DES Disaster and Emergency Services to establish budget for FEMA pre-disaster mitigation Planning Grant fiscal year 2011 in the amount of \$15,000 contract 10-169
- ✓ **Contract 11-09** Amendment No. 1 DNRC grant contract RIT- 10-8714 Madison Aquifer Project.
- ✓ **Contract 11-10** Agreement No 07-LE-11011500-002 between the Cascade County Sheriff's Dept and the U.S. Forest Service, Lewis and Clark National Forest. Extended performance period from 09/30/2011 to 12/31/2011 in the amount of \$4,500.

City County Health Department

- ✓ **Resolution 11-18** Budget appropriation to establish budget for HIV prevention program for a new contract period from 01/01/2011 to 12/31/2011 grant in the amount of \$28,163 contract 11-06 ad #11-07-4-51-005-0.
- ✓ **Resolution 11-19** Budget appropriation to establish budget in the Tuberculosis Prevention Program from 01/01/2011 to 12/31/2011 in the amount of \$9, 215 with \$5,215 in reserves contract 11-02 #11-07-4-042-0.
- ✓ **Resolution 11-20** Budget modification to reclassify expenses in the Air Pollution control program to shift budget authority from purchase services 300's to supplies 200's.

No further comments were made.

Motion carries 3-0

AGENDA ITEM #1

MOTION TO APPROVE/DISAPPROVE BOARD APPOINTMENTS FOR CASCADE COUNTY PLANNING BOARD, CASCADE COUNTY ZONING BOARD OF ADJUSTMENTS, AND STATE FAIR ADVISORY BOARD

Chairman Salina announced that they had very qualified candidates and encouraged the ones not chosen; to seek service at another time.

Commissioner Briggs made a **MOTION** to appoint Jim Sergeant to the State Fair Advisory Board.

Commissioner Briggs stated that there were eleven applicants and all three commissioners generated a list of selections in which Jim's name was on each list.

Commissioner Weber stated that there was some misunderstanding about the qualifications to apply on the Cascade County Planning Board, in which you must be a resident of the County and not reside in the city limits. Therefore some applicants were not eligible.

Commissioner Weber made a **MOTION** to appoint Pete Fontana, Leonard Lundby, and Tim Wilkinson to the Cascade County Planning Board.

Commissioner Weber made a **MOTION** to appoint Leonard Lundby, Pete Fontana, and Gregory Rider to the Cascade County Zoning Board of Adjustments.

Motions carried 3-0 on all Board appointments

AGENDA ITEM #2

MOTION TO APPROVE/DISAPPROVE CONTRACT 11-12 WITH COMPUTER SOFTWARE ASSOCIATES, INC. (CSA) AGREEMENT WITH CASCADE COUNTY TREASURER'S OFFICE IN THE AMOUNT OF \$267,110.

Brain Hopkins gave the background on this contract as listed in the Agenda Action Report dated February 22, 2011. He stated that the previous Treasurer Jess Anderson had been researching a new system for some years and that this one web based not in house like the previous one.

Commissioner Briggs made a **MOTION** to approve Contract 11-12 with Computer Software Associates, Inc. (CSA) Software and Service Agreement.

Motion carries 3-0

AGENDA ITEM #3

PUBLIC HEARING WITH A MOTION TO APPROVE/DISAPPROVE A REZONE FROM UR URBAN RESIDENTIAL TO L-1 LIGHT INDUSTRIAL DISTRICT.

PUBLIC HEARING- All exhibits are available for preview at the Clerk & Records Office.

Chairman Salina opened the Public Hearing at 9:50 a.m.

Chairman Salina requested the reading of the public notice be waived in which there was no objections and is made part of the record as Exhibit "A".

Susan Conell Cascade County Planning Director gave the synopsis found in the Agenda Action Report dated February 22, 2011. She noted that the Planning Board did not pass this rezone with 5 members against and 2 members for.

Chairman Salina requested written comments in which letters were presented to the Commission as Exhibits "B 1-7".

Chairman Salina then asked if the applicant would like to speak, in which Rodger Fultz approached the Commission. He presented some photos as Exhibits "C 1-14".

Mr. Fultz also commented that they currently have a shop on Smelter Avenue and felt it would be better to move further out of town. He stated that Carey Ann Shannon and Jess Anderson upon sale led them to believe that this rezone would be easy. He continued to inform the Commission of his goals for wanting the rezone. See Exhibit "D". In conclusion he stated he would like to build a shop and that everyone in the subdivision was in favor of it.

Chairman Salina called for Proponents;

Dawn Kingston approached the Commission unsure if this was when she needed to be speaking, not sure if she was a proponent or opponent. She stated that she lived in one of the cabins for five years with the previous owner's permission, and stated that she thought the property was an Indian colony years ago. She requested that the cabin on the property be preserved.

Brian Hopkins stated he spoke with Carey Ann Shannon whom had a strong exception to the fact that she said that the zoning will be no problem. She stated that she and the Public Administrator sold the property as is.

There was some discussion concerning the property sale and violations due to the condition of the property. It was decided the property was sold as is. There was also discussion on the comment during sale that they could rezone. Diana Fultz stated that the comment was made when they received the check for the property.

Commissioner Briggs questioned when the property was surveyed in which he was informed 1897. He and Mr. Fultz went over the map previewing all the lots. The term prevailing land use came up and Commissioner Briggs questioned if that would be the non conforming use of the land that is grandfathered in for most people in the area. Brian Hopkins pointed out that it the opinion he was reading states both the prevailing uses and the uses allowed by current zoning. See Exhibit "E".

Tom Martin from the Black Eagle Fire Department spoke in favor of this rezone and reminded the Commission of the fire in 1996 that forced them to create a task force to clean up the property. He felt we need to keep working with the new owners to get the property cleaned up.

Don Filipowicz announced that he has had his scrap metal business for over 30 years, and this property has been an eyesore and a burden. He declared that Rodger Fultz is doing the County a favor by buying and cleaning up the

property. Commissioner Salina question how his property was zoned and Mr. Filipowicz stated it was Heavy Industrial.

Chairman Salina called for Proponents three times.

There was further discussion on zoning regulations and possible solutions for this rezone.

Commissioner Weber thanked the Fultz's for their hard work in cleaning up the lot. She announced that she would not be able to be in favor of this zone change due to the impact to the area. She stated she drove by the property and noted a child playing. She also stated she was concerned that this was spot zoning and that was unsure of the future use of the lot if it was resold.

Chairman Salina mentioned that the County might be opening the Zoning Regulations and maybe they could revisit this later. Brian Clifton mentioned that they probably would keep it the same, and he thanked Mr. Fultz for cleaning up the property.

Commissioner Weber made a **MOTION** to deny the rezoning request for Parcels #2147400, 2147500, 2147600 in the North Great Falls Subdivision, Block 74, Lots 16-19, Section 31, Township 31 North, Range 4 East, Cascade County, Montana, from "UR" Urban Residential District, to "L-1" Light Industrial District.

Motion carries 2-1 Salina and Weber for, Briggs against.

The Public Hearing was closed at 11:00 a.m.

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.

Jean Johnson of Vaughn, Montana shared her concerns about lack of internet service in her area. Commissioner Briggs suggested some providers and solutions for her.

John Watts approached the Commission about the speed zone change and asked why they didn't put out the radar speed sign like he requested. His wife got a ticket the other day and people were being pulled over. He also questioned why the public was not informed better of the change. The Commission stated the City took over and they were not aware of the new signs going up and when it occurred, they apologized.

ADJOURNMENT:

The meeting was adjourned at 10:10 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, March 2, 2010 at 2:00 p.m.