

**CASCADE COUNTY COMMISSION MEETING
APRIL 12, 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, and Commissioners Joe Briggs and Jane Weber.

Staff seated with Commission – Brian Hopkins, Brian Clifton, Ryan Arkoudas, Anita McNamara, Connie Stein, and Marie Sickels.

Public: Donald A. West, Tom Houston, Gary Elmore, Ron Bestwina, Betty Bestwina, Art Crudge, Mike and Monica Ebert, Clayton M. Braden, Alex Grubb, Tim Lankfure, Milo Halvorson, Karl Puckett, Mark N. Donahue, John Watts, Steven L. Bolon, Alicia M. Thompson, Catherine Cook, Maryalice Pierce, Judith Ann Crosby, Jane Sorenson, Bob Edwards, Johns Stevens, Doug Stipcich, Cheri Steinmetz, Sarah Converse, others were present but did not sign in.

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

PLEDGE OF ALLEGIANCE: The pledge of allegiance was recited.

READING OF THE WEEKLY CALENDAR: Connie Stein read the calendar.

APPROVAL OF PURCHASE ORDERS AND ACCOUNTS PAYABLE

WARRANTS: Commissioner Briggs made a **MOTION** to approve purchase orders and accounts payable checks #201819 through #203040 totaling \$342,307.23 dated 03/25/2011 through 04/01/2011. Also purchase orders and accounts payable checks #202574 through #202818 totaling \$589,513.47 dated 03/23/2011 through 03/25/2011. In addition purchase orders and accounts payable checks #202445 through #202573 totaling \$172,855.71 dated through 03/18/2011.

Motion carries 3-0

CONSENT AGENDA:

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

Commissioner Weber requested a revision to the minutes of the April 5, 2011 special meeting and read it for the record as follows: *Brian Hopkins stated that this is an agreement which would have Cascade County perform activities associated with preparing an environmental review record of the Trailer Terrace project on behalf of NeighborWorks funding through the HOME grant when it becomes available to NeighborWorks. Mr. Hopkins stated that NeighborWorks had separately agreed to reimburse Cascade County if they*

received this grant and the environmental review record was prepared for NeighborWorks.

- ✓ **Policy 031.1** Cascade County Operations Manual-Tax Revenue
- ✓ **Policy 033.1** Cascade County Operations Manual-Grant Revenue
- ✓ **Policy 034.1** Cascade County Operations Manual-Charges for Service Revenue
- ✓ **Policy 036.1** Cascade County Operations Manual-Contribution Policy
- ✓ **Policy 100.1** Cascade County Operations Manual-Time and Effort Policy
- ✓ **Resolution 11-30** Budget modification within the Sheriff's Department to cover Fiscal Year 2010 audit allocation costs.
- ✓ **Resolution 11-31** Budget appropriation within County Fleet Maintenance to increase cost of goods sold. Line item for purchase of parts for repairs and to adjust revenue account in the amount of \$90,000.00
- ✓ **Contract 11-23** Cultural Trust Montana Arts Council Grant #1440. Agreement between the Montana Arts Council and Cascade County as a sponsor of the CM Russell museum for fiscal year 2010-2011 with funding not to exceed \$13,900 as appropriated by the 61st Legislature.
- ✓ **Resolution 11-32** Budget appropriation within the Grants Dept to give budget authority for a Cultural Trust Montana Arts Council grant #1440, in the amount of \$11,086.00 refers to Contract 11-23.
- ✓ **Contract 11-26** Central Montana Rocky Mountain High Intensity Drug Trafficking Area (HIDTA) award #G11RM00039A for fiscal year 2011. Grant period January 1, 2011 to December 31, 2012 in the amount of \$52,065.00 Sheriff's Department.
- ✓ **Resolution 11-33** Budget appropriation for the HIDTA award referred above. This will be 42% of the award letter with the additional 58% will be with the second grant award letter. Refer to contract above.
- ✓ **Contract 11-24** Cooperative fire control agreement between Cascade County and (DNRC) The Department of Natural Resources and Conservation.
- ✓ **Contract 11-25** Cooperative equipment agreement between Cascade County and (DNRC) The Department of Natural Resources and Conservation.
- ✓ **Contract 11-30** North Central Area Agency on Aging, contract #11-027-A008 modification 1. In the amount of \$6,270, contract period 10/01/2011 – 09/29/2011.
- ✓ **Contract 11-34** KRONOS Inc. software license and service agreement from Human Resources Department.
- ✓ **Resolution 11-38** Budget modification within Planning Department to purchase computers in the amount of \$5,000.
- ✓ **Contract 11-35** Construction agreement between Cascade County and (MDOT) Montana Department of Transportation for Smelter Avenue Black Eagle Project with Public Works.

City County Health Department

- ✓ **Contract 11-27** DPHHS amendment #1 for task order No.10-07-4-51-102-0 for Ryan White B.
- ✓ **Contract 11-35** Budget modification within City/County Health Department to transfer budget authority from the dental remodel to the Electronic Health Records phase and correct a roll over in the amount of \$93,406.
- ✓ **Resolution 11-36** Budget modification within the City/County Health Department to transfer budget authority from the dental expansion to the Electronic Health Records phase in the amount of \$79,388.

No further comments were made.

Motion carries 3-0

AGENDA ITEM #1

MOTION TO APPROVE/DISAPPROVE RESOLUTION 11-29 TO ESTABLISH A COMPENSATED ABSENCE LIABILITY FUND (CALF)

Randy Hand Finance officer presented this resolution stating that this will allow them to create a debt service fund to help pay out employees for sick leave and vacation time when leaving the County he also stated that this will not cover comp time.

Commissioner Briggs stated that they are required by law to pay out accrued vacation and sick leave and this will allow us to start building reserves to pay this. He thanked Randy Hand for his hard work on this project.

Commissioner Briggs made a **MOTION** to approve Resolution 11-29 establishing a Compensated Absence Liability Fund (CALF).

Motion carries 3-0

AGENDA ITEM #2

MOTION TO APPROVE/DISAPPROVE CONTRACT 11-28 WHICH IS THE CASCADE COUNTY WEED MANAGEMENT PLAN

Ryan Arkoudas, Weed and Mosquito Manager presented this revision of an older plan which outlines their goal and objectives and changed the terms of categories to priorities, (see Clerk and Records office for a copy of this plan).

Commissioner Weber made a **MOTION** to approve Contract 10-28 the proposed county weed management plan as written. **Motion carries 3-0**

AGENDA ITEM #3

**MOTION TO APPROVE/DISAPPROVE CONTRACT 11-29
MOSQUITO CONTROL AERIAL SPRAY CONTRACT WITH JHS,
INC.**

Ryan Arkoudas, Weed and Mosquito Manager presented this contract stating that the mobilization charge includes; fuel, insurance and regular maintenance. He also stated that JHS, Inc. has provided aerial mosquito control services to the County since the summer of 2009 and does a very good job.

Commissioner Briggs made a **MOTION** to approve the aerial spray contract with JHS, Inc. for aerial mosquito control services for 2011.

Motion carries 3-0

AGENDA ITEM #4 (PUBLIC HEARING)

**MOTION TO APPROVE/DISAPPROVE THE PRELIMINARY
SUBDIVISION PLAT OF BESTVIEW ADDITION II. THIS
SUBDIVISION WOULD BE LOCATED IN SECTION 20, TOWNSHIP
20 NORTH, RANGE 4 EAST, P.M.M. CASCADE COUNTY,
MONTANA.**

Chairman Salina asked that if the cistern is installed in Bestview addition II would it be accessible to the others in Bestview addition I. It was confirmed that they would have use of it.

Opening of Public Hearing

Chairman Salina opened the Public Hearing at 9:45 a.m.

Reading of the Public Notice

Chairman Salina requested the reading of the public notice be waived and made part of the record with no objections (See exhibit "A").

Planning Staff Presentation

Anita McNamara Cascade County Planner presented this preliminary subdivision plat. She read the synopsis and the 18 listed conditions, (see Agenda Action Report dated April 12, 2011).

Commission Comments

Commissioner Briggs questioned condition #15 specifying the road requirements. Brian Clifton stated an error in condition #12 concerning the detention pond, in which both subdivisions will share in the maintenance. Chairman Briggs requested they be looked at and possibly revised during this public hearing.

Call for Proponents

Chairman Salina called for Proponents three times in which there was none.

Applicant Presentation

Chairman Salina requested the applicant speak on behalf, in which no one came forward.

Written Comments

Chairman Salina called for written comments, in which Don West submitted a statement, (see exhibit "B").

Call for Opponents

Chairman Salina called for Opponents;

Cheri Steinmetz- 2601 29th Street South, owner of lot 3 in Best View Addition

She stated that this proposed subdivision would be a separate subdivision not a phase of the existing subdivision. She had concerns about the new subdivision using the roads that have been maintained by their homeowners association. She continued by giving examples of how they have maintained 24th Avenue South and 29th Street South in which they have accomplished a lot with the improvements. She also stated that the use of vehicles from these additional lots would increase by eighty trips per day.

She felt uniformed about any new development and stated that there was no reference was made about additional lots being sold in the future. In closing, she stated that the covenants say nothing about the drainage pond.

Steve Bolon - 2501 29th Street South owner of lot 23 in Best View Addition

He approached the Commission to state that the North half of 24th Avenue South is abandon due to the power station. He also stated if road is to be built to County specs than it needs to be. He announced he was not in favor of this subdivision and is requesting that they protect our road.

Sister Jane Sorenson

She stated that as property owners to the North they should have been notified. She objected to the effect this new subdivision would have on the wildlife, and also stated that when they built the monastery they were assured there would be no construction because of the power lines. She stressed the importance of having a quiet place to find peace and balance to ones hectic life, and that many come to the monastery for that reason. In closing she stated that this would affect part of our livelihood and solitude as individuals.

Monica Ebert-2401 29th Street South owner of lot 1 in Best View Addition

She stated that 29th Street was not improved and had lots of ruts and mud. She said she agreed with Ms. Steinmetz and felt they were not notified and object to the new development. She also shared her concerns about the roads and maintenance of them as well.

Doug Stipach-2401 26th Street South located at the west end of Best View Addition

He approached the Commission to state that he agrees with Cheri and Monica's comments. He also said that 24th Avenue South does not meet specs and standards for a new addition and wondered if they would help with the maintenance. In closing he questioned the pond since it was not in their homeowner association's covenants.

Chairman Salina called for further Opponents, three times in which there were no further opponents.

Further Discussion and Comments

Milo Halvorson -5101 5th Avenue South

He stated that SB379 was in its 3rd reading concerning subdivision and zoning regulations. He also announced that Benefis owns 50 parcels and pays no taxes because they are non profit and he did that think that this is right.

Lou Fontana Engineer

He announced that the 60 foot easement to the towers is included in the subdivision that met specs, and that the roads are county spec roads. He reminded them that in 1986 the Power Company stated if there were any problems they would move the power lines. He also stated that an easement is a road that belongs to the people not the County.

Sister Judith Ann Crosby

She questioned that if the entire 40 acres were bought would roads need to be built. She was informed that property could stay as is.

Staff and Commission

Brian Clifton Public Works Director

He reminded them that this is in the preliminary plat stage and often all requirements can't be fulfilled before going to final plat approval. He said someone could buy the property with no final plat or improvements or if they can't meet the requirements. There was further discussion concerning roads being built near the monastery. Mr. Clifton stated in light of the new information regarding the maintenance and ownership of the existing drainage system was brought to attention, with that information, along with the procedural concerns and the variance of the road requires the commission to revert it back to the Planning Board for reconsideration of the additional information.

There was further discussion amongst the public members, Commission and staff, concerning utility right of ways, tower easement, water drainage, and waste.

Closing of the Public Hearing

Chairman Salina closed the Public Hearing @ 10:49 a.m. and referred this back to the Planning Board for a new hearing.

Commissioner Briggs made a **MOTION** to refer this back to the Planning Board due to technical issues.

Motion carries 3-0

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.

None

ADJOURNMENT:

Chairman Salina stated this preliminary plat will be revisited and thanked everyone for attending.

The meeting was adjourned at 10:03 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, April 20, 2010 at 2:00 p.m.