

**CASCADE COUNTY COMMISSION MEETING  
MAY 24, 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, Commissioner Joe Briggs and Commissioner Jane Weber.

**Staff seated with Commission** – Carey Ann Shannon, Anita McNamara, Brian Hopkins, Vince Kolar, Susan Conell, Bonnie Fogerty and Marie Sickels.

**Public:** Donald A. West, Jason Lehman, Gary Elmore, Dan O’Fallon, Ron Bestwina, Betty Bestwina, Mike and Nika Ebert, Cheri Steinmentz, Sr. Catherine Cook, Sr. Maryalice Pierce, Sr. Judith Ann Crosby, Sr. Jane Sorenson, Gary Knudson, Rachel Ousley.

**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 #203977 through #204309 totaling \$538,030.80 dated 05/04/2011 through 05/06/2011. Also purchase orders and accounts payable checks #204310 through #204645 totaling \$203,225.79 dated 05/11/2011 through 05/13/2011. Also payroll checks #63405 through #63588 were issued totaling \$111,051.75 and direct deposits were made totaling \$742,625.09 for a payroll total of \$853,676.84 for the month of April.

**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 11-51** Budget Modification within the Cascade County Clerk & Recorder’s office to reclassify expenses to pay for telephone line charges.
- ✓ **Resolution 11-52** Budget Modification within the Radio Communication Department to reclassify expenses to pay F/Y 2011 utilities for the repeater sites.

- ✓ **Contract 11-50** Addendum to Original Contract #04-0853-DIR Amendment #6, Section 5, billing, payment & compensation C. Per Diem 4) a. Retroactive to July 1, 2009, \$59.44 per offender, per day. (*Financial Impact: \$26,604.31 additional revenue*) Department of Corrections and the Adult Detention Center.
- ✓ **Contract 11-51** State of Montana Board of Crime Control Grant Award: Project Safe Neighborhood (PSN) Initiative. Subgrant: 10-001-91035. Effective Dates: July 1, 2011-June 30, 2012 Grant Total: \$20,000

***City County Health Department***

- ✓ **Resolution 11-53:** Budget Appropriation to establish budget for the Ryan White Part B. Contract Dates: April 1, 2010-July 31, 2011. (*Ref: Contract 11-27 DPHHS Amendment #1 Task Order #10-07-4-51-102-0 Ryan White B, RO233436*)
- ✓ **Resolution 11-54:** Budget Modification to reclassify expenses in the Ryan White Part C Contract. Purpose: Early intervention services of HIV positive clients. (*Ref: Contract 10-134: Yellowstone CCHD dba Riverstone Health, R0219746*)
- ✓ **Contract 11-47:** Interagency Agreement with Indian Family Health Center (IFHC) to facilitate case management for children with special health care needs and high risk infants and children. Effective February 25, 2011- updated as needed. Review at least every two (2) years on a continual basis. No financial impact.
- ✓ **Contract 11-48:** Montana State University Subaward Agreement Amendment. Subaward No: G142-11-W3300, Amendment No. 1 Project: Nutritional & Physical Activity. Purpose: An additional \$5,000 in funding for the Nutritional & Physical Activity Program. (*Ref: Contract 10-168: Award #:11-7-3-01-021-0, Effective: 07/10/10-06/30/11*).
- ✓ **Contract 11-49:** *DPHHS* Task Order 12-07-3-01-002-0, Montana Cancer Control Programs, CCHD will serve as the contractor to implement breast, cervical and colorectal cancer screening services and continue accelerating implementation of the Montana Comprehensive Cancer Control Plan in the amount of \$148,180, effective July 1, 2011 to June 30, 2010.

No further comments were made.

**Motion carries 3-0**

**AGENDA ITEM #1**

**MOTION TO APPROVE/DISAPPROVE ORDINANCE 06-01C 1<sup>ST</sup>**

**READING FOR COMMUNITY DECAY**

Carey Ann Shannon gave the background of Ordinance 06-01C stating that the amendment will clarify the Boards intent that the “Agency” is now Cascade County Community Decay Program Director under the Cascade County Public

Works Department and to impose a fine up to \$500 for violations of this Ordinance for each tract of land affected.

Commissioner Weber made a **MOTION** to approve Ordinance 06-01C, an ordinance to control community decay caused by accumulation of rubble, debris, junk or refuse: and establishing procedures for its enforcement.

**Motion carries 3-0**

**AGENDA ITEM #2**

**MOTION TO APPROVE/DISAPPROVE PRELIMINARY PLAT OF PERETTI MINOR SUBDIVISION**

Anita McNamara presented this Plat giving a synopsis and reading all the eight (8) conditions from the Agenda Action Report dated May 24, 2011.

Commissioner Briggs made a **MOTION** to adopt the Staff Report and Findings of Fact and conditionally approve the Peretti Minor Subdivision Plat located in the SE ¼ of Section 26, Township 21 N, Range 3E, P.M.M. Cascade County, Montana and the accompanying Findings of Fact, subject to the following eight (8) conditions. **Motion carries 3-0**

**AGENDA ITEM #3**

**MOTION TO APPROVE/DISAPPROVE CASCADE COUNTY 2011 EMERGENCY OPERATIONS PLAN**

Vince Kolar Cascade County Disaster and Emergency Services (DES) Coordinator presented this rewrite of the Original Emergency Operations Plan which has been approved by a committee of emergency response groups and health and medical partners. He also stated that the incorporated cities and towns of Belt, Cascade, and Neihart have approved the revisions, with the City of Great Falls still needing to give final approval. Mr. Kolar also announced that this is a living document that will be revised as exercises take place and that there is a flooding annex in the plan.

Commissioner Weber made a **MOTION** to approve the 2011 Cascade County Emergency Operation Plan.

**Motion carries 3-0**

**AGENDA ITEM #4**

**PUBLIC HEARING**

**PRELIMINARY SUBDIVISION PLAT BEST VIEW ADDITION II LOCATED IN SECTION 20, TOWNSHIP 20N, RANGE 4 E, P.M.M. CASCADE COUNTY, MONTANA**

**CALL TO ORDER-**

Chairman Salina opened the Public Hearing at 9:47 a.m.

**READING OF THE PUBLIC NOTICE-**

Chairman Salina waived the reading of the Public Notice without objections and requested it be made part of the public record (see exhibit "A").

**EXPLANATION FROM PLANNING STAFF-** Anita McNamara, Cascade County Planner read the full Staff Agenda Report and all (20) twenty conditions including the variances. (See Agenda Action Report dated May 24, 2011).

**QUESTIONS/CONCERNS FROM THE COMMISSION-**

There was discussion between the Commissioners and Planning staff concerning the wells, and power line easements.

**APPLICANT-** Applicant did not come forward to speak.

**PROponents-NONE**

Chairman Salina called for proponents three times in which there were none.

**OPponents-**

**Don West 67 Gibson Flats Road-**Approached the Commission to read his statement and present information (see exhibit "B") concerning this preliminary plat. He mentioned the drastic slopes east of the power lines, and gave the proposed site elevations to top of hill; for water to flow to the detention pond elevations on each of the 8 proposed lots. Stating that lot #6 is the only one where the water flows to the detention pond.

He also presented a letter from DEQ stating that the storm drainage plan cannot be approved at his time on this preliminary plat and they were requesting more information from Lou Fontana. Mr. West also had concerns about Cascade County subdivision regulations.

**Jason Lehman Gibson Flats Road-**Stated he had concerns about new construction, and it is his understanding from what Mr. West showed him that this is a lack of engineering. He shared his concerns about the variance for 30<sup>th</sup> Street South, road elevations, 100 year old power lines, and water runoff. He also recommended the Commission deny this subdivision.

**Monica Ebert 2401 29<sup>th</sup> Street S. bordering 24<sup>th</sup> Avenue S.-**Approached the Commission stating that the maintenance of 24<sup>th</sup> Ave. S. was not clear. She also shared concerns that not all of the owners are helping with the maintenance fees, and possible misunderstandings that could occur due to conflicts within the two homeowner associations. She also announced that they object to this approval due to concerns with the power lines, water runoff, and mixing zones in relation to the location of homes and septic/drain fields (See exhibit "C").

**Cheri Steinmetz 2601 29<sup>th</sup> Street South-**Raised her concerns about the homeowners association having to continue to maintain the roads for eight new homeowners who will be able to use it. She also had concerns about drainage with snow melt and felt that it will get worse with planting and irrigating. She also requested the new roads in this subdivision be paved roads and was surprised at the variances given.

**Sister Catherine Cook 3020 18<sup>th</sup> Avenue South-** approached the Commission to state she was in opposition to the development and that her reasons were not the same of her neighbors but she understood and sympathized with them. She stated that much of their income is gained by having people come to them for

retreats which now is a place of silence and solitude. She also mentioned if the road was to be built they would lose an additional privacy which is close to the chapel. In closing she said that they were told; that there would not be any additional buildings next to them built in the future. She requested that the Commission please take these items into consideration.

**INFORMATIONAL WITNESSES-**

Lou Fontana approached the Commission and stated that this subdivision could be built to meet construction drainage requirements and was available for questions.

Commissioner Weber had issues with this being in such an early stage that the drainage issues are not addressed or defined.

Commissioner Briggs stated that at this point they have the means to address the conditions, and will be unable to do that at a later date.

Chairman Salina stated he would like to address Mr. West's concerns with DEQ.

There was further roundtable discussion concerning the approval of the preliminary plat and DEQs role in approving all the drainage issues.

The Commission decided to proceed with the preliminary plat approval and see if all the conditions could be met for final plat approval.

The Commission thanked everyone involved.

**ADJOURNMENT OF THE PUBLIC HEARING-**

Chairman Salina closed the public hearing at 11:15 a.m.

Commissioner Briggs made a **MOTION** to approve the Preliminary Subdivision Plat of Best View Addition II located in Section 20, Township 20 North, Range 4 East, P.M.M., Cascade County, and adopt said Staff Report and the accompanying Findings of Fact, subject to the following twenty (20) conditions.

**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:**

The meeting was adjourned at 11:20 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, June 8, 2011 at 2:00 p.m.