

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

**Staff seated with Commission** – Brian Hopkins, Carey Ann Shannon, Mark Donahue, Susan Conell, Connie Stein, and Marie Sickels.

**Public:** Chris Murch, Betty Burkland, G. Heisler, Les Nilson, Linda S. Martin, Rodger Fultz, Don McKamey, Thomas O'Connor, Amy Parsons, Monica Heisler, Milo Halvorson, Steve Erwin, Dana Darko, Lindy Friman, 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:** Connie Stein read the calendar.

**APPROVAL OF PURCHASE ORDERS AND ACCOUNTS PAYABLE**

**WARRANTS:** Commissioner Weber made a **MOTION** to approve purchase orders and accounts payable checks #205548 through #205840 totaling \$733,806.47 dated 06/15/2011 through 06/17/2011. In addition, purchase orders and accounts payable checks #205841 through #205987 totaling \$1,644,290.93 dated 06/22/2011 through 06/24/2011. Also payroll checks #63765 through #63945 were issued totaling \$122,352.03 and direct deposits were made totaling \$766,077.13 for a payroll total of \$888,429.43 for the month of June.

**Motion carries 3-0**

**CONSENT AGENDA:**

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

- ◆ **Contract 11-69: Elite Security Services, LLC to provide security and crowd management services at the ExpoPark** (effective July 12, 2011-December 31, 2012)
- ◆ **Contract 11-70: SubGrant Award State of Montana Board of Crime Control #12-L05-91067 North Central Region Juvenile Detention Grant Award Grantee- Cascade County in the amount of \$418,429.71** (State \$215,148.00, Local match \$203,281.71) effective July 1, 2011 through June 30, 2012.
- ◆ **Contract 11-71: Cascade County DUI Task Force Annual Plan,** (effective July 1, 2011 through June 30, 2012).
- ◆ **Contract 11-72: Corporation for National and Community Services #09SRPMT013 and Retired Senior Volunteer Program in the amount of \$131,591.00** (Federal \$79,221.00, Local match \$52,370.00) effective 7/1/ 2011 -3/31/2012.

- ◆ **Contract 11-73: Corporation for National and Community Services #09SFMT004 and Foster Grandparents Program in the amount of \$288,313.00** (Federal \$209,324.00 local match \$78,989.00) effective July 1, 2011 through June 30, 2012.
- ◆ **Contract 11-75: DPHHS amendment one to contract #11-027-21005-0 Commodity Supplemental Food Program to adjust the price per client served from \$3.00 to \$3.50 per client** (effective October 1, 2010 through September 30, 2011).  
*City-County Health Department*
- ◆ **Contract 11-74: CHC Software Inc. for one year software maintenance agreement and to upgrade the HDIS module for Community and Public Health Services to meet any revisions set forth by the State of Montana for one year in the amount of \$2,213.25** (effective July 6, 2011 through July 5, 2012).

No comments were made on the Consent Agenda.

**Motion carries 3-0**

**AGENDA ITEM #1**

**PUBLIC HEARING TO REZONE Parcels**

**#2148400,2148500,2148600,2148700,2148900,2149000, 2149100, 2147400,2147500, AND 2147600 located in Block 74, Lots 16-20, Section 31, Township 21 North, Range 4 East, P.M.M., Cascade County, Montana from “UR” Urban Residential District to “I-2” Heavy Industrial District for Rodger and Diana Fultz.**

**Public Hearing**

Chairman Salina opened the public hearing at 9:38 a.m.

**Reading of the Public Notice**

The reading of the public notice was waived without objections and made part of the record (see exhibit “A”).

**Staff Presentation**

Mark Donahue read verbatim the Action Agenda Report dated July 12, 2011 which included; Synopsis and Planning Board Recommendation, Procedural History, Zoning Analysis, Staff Recommendation and two Motions for the Commissions consideration.

**Questions, Concerns and Comments from the Commission**

Chairman Salina asked for confirmation that the water/ sewer did not cross Wire Mill Road, in which Mark Donahue affirmed it did not.

Commission Weber deferred her question to legal, as to whether this rezone would set precedence for future rezones. Brian Hopkins responded by saying, with the facts of the unique big picture he did not foresee that it would set precedence. Commissioner Weber also questioned if the County would have to be responsible for water/sewer in the future due to this rezone, Mark Donahue stated that the Commission could choose the option of not doing that.

**Call for Applicant**

Rodger W. Fultz- 2219 Washington Avenue, Fort Benton approached the Commission to request this rezone and clarify a few items. He felt he should address a few of the concerns that were mentioned in the Action Agenda Report.

He stated that this proposed rezone would house a small maintenance shop and provide truck parking, and with the small size of this rezone( by not including all their lots) there is no room for a huge expansion of business.

He announced that they would be primarily using 32<sup>nd</sup> Street (which their trucks primarily weigh the same as a truck with a water tank on) as the primary access. As far as the dust concerns, he mentioned that the winds predominately come from the west and that the residents are all upwind from the dust. He reminded the Commission that all the residents signed in favor of this zone change.

Chairman Salina reviewed his previous request to rezone and thanked him for revising this rezone and making it match the area. He also questioned 32<sup>nd</sup> Street and asked if they would use it much in the spring. Mr. Fultz responded, by stating- they know it gets bad in the spring and would not use it if it got too bad and would just park their trucks somewhere else.

Commissioner Weber reaffirmed that Mr. Fultz's trucking business was spread and they haul fertilizer to retail outlets in Canada and Central Montana, and also provide fuel to farms.

#### **Call for Proponents**

Chairman Salina called for Proponents in which Bruce Vasser approached the Commission stating he was the owner of the Auto Farm in Black Eagle. He stated he was in favor of this rezone because it does benefit his business being heavy industrial and will possibly help in the future. Mr. Vasser also commented on how beneficial it has been to have the area cleaned up, and even though there has been an increase in heavy truck traffic there has been no large affect.

Chairman Salina called for Proponents in which there no further comments.

#### **Call for Opponents**

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

#### **Informational Witnesses**

Chairman Salina called for Informational Witnesses in which there were none.

#### **Close of the Public Hearing**

Chairman Salina closed the Public Hearing at 10:23 a.m.

Commissioner Briggs stated he was here during the zoning process of this area when the City/County Planning Department split. It was a difficult area to decide without a crystal ball to see what happens. He now believes this area is not residential and he is comfortable with Mr. Fultz plan and usage.

Commissioner Weber announced she had a hard time with this original change and spoke with the residents recently whom were fine with the rezone. She stated this is a dividing line for industrial use although it was not an easy decision.

Chairman Salina stated he has lost sleep over this one and appreciates Brian Hopkins opinion that this is not spot zoning and does not set precedence due to the unique configuration of the land. He also weighed the Planning Boards vote of 5-0 passing unanimously. He thanked Mr. Fultz for the work he has done in cleaning up the property, and also thanked Staff for the work done on this.

### **Call for a Motion**

Commissioner Briggs made a **MOTION** to approve the said Staff Report and recommendation from the Planning Board (5-0) and approve Resolution of Intention to rezoned Parcels

#148400 ,#2148500, #2148600, #2148700, #2148900, #2149000, #2149100, #2147400, #2147500, AND #2147600 located in Block 74, Lots 16-20, Section 31, Township 21 North, Range 4 East, P.M.M., Cascade County, Montana from “UR” Urban Residential District to “I-2” Heavy Industrial District requested by Rodger and Diana Fultz.

**Motion carries 3-0**

### **AGENDA ITEM #2**

#### **PUBLIC HEARING**

**MOTION TO APPROVE/DISAPPROVE A REZONE FOR FARM IN THE DELL WHICH IS A PORTION OF PARCEL #2328850 LOCATED IN THE S1/2 OF SECTION 2, TOWNSHIP 20 NORTH, RANGE 2 EAST, P.M.M., CASCADE COUNTY, MT**

#### **Public Hearing**

Chairman Salina opened the public hearing at 10:32 a.m.

#### **Reading of the Public Notice**

The reading of the public notice was waived without objections and made part of the record (see exhibit “B”& “B-1”).

#### **Staff Presentation**

Mark Donahue read verbatim the Action Agenda Report dated July 12, 2011 which included; Synopsis and Planning Board Recommendation, Procedural History, Zoning Analysis, Staff Recommendation and two Motions for the Commissions consideration.

#### **Call for Applicant**

Dana Darko of 525 McIver Road thanked the Commission for their time. He stated that this is a great project with will provide purposeful jobs in the surrounding area. He announced that the rezone will help with the bird life and allow them watch and enjoy the land. He again thanked the Commission for making this project a reality.

Commissioner Weber questioned if they were in communication with the neighbors about this project. Mr. Darko stated that they had a garbage pick-up and visited about the pros and cons, and some residents were concerned about the placement of the residential building. He felt his hands were tied and he wasn't able to place the one level residential building just anywhere on the property. Commissioner Weber suggested they stay connected with the neighbors and encourage feedback.

#### **Call for Opponents**

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

#### **Call for Proponents**

Chairman Salina called for Proponents in which Lindey Friman of 3405 7<sup>th</sup> Ave. N approached the Commission. She spoke in favor of this Open Space

zone change and stated that the residents will have the best neighbors to live around.

Chairman Salina called for Proponents three times in which there were no further comments.

**Informational Witnesses**

Chairman Salina called for Informational Witnesses in which Monica Heisler approached the Commission. She questioned that fact that they were not contacted about this and stated it they recently knew about it because they inquired about it. She stated he parents have owned their property for 45 years just to the west, and that this development will be blocking their view. She did not understand why they decided to build where they did.

Commissioner Weber stated that the subdivision approval will be up next and that more specifics could be discussed then. Mark Donahue stated that this rezone will not be approved unless the subdivision is approved.

Chairman Salina called for Informational Witnesses in which there were no further comments.

**Close of the Public Hearing**

Chairman Salina closed the Public Hearing at 10:58 a.m.

**Call for a Motion**

Commissioner Weber made a **MOTION** to approve the Resolution of Intention to rezone Parcel #2328850 located in the S1/2 of Section 2, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana from “RR-5” Rural Residential (5 acres) District to “OS” Open Space District.

**Motion carries 3-0**

**AGENDA ITEM #2**

**PUBLIC HEARING**

**MOTION TO APPROVE/DISAPPROVE THE PRELIMINARY PLAT OF FOOTHILLS RANCH LOCATED IN THE EAST ½ SOUTHWEST ½, SOUTH ½ SOUTH EAST ¼, OF SECTION 13, EAST ½ NORTHEAST ¼ OF SECTION 24, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA**

**Public Hearing**

Chairman Salina opened the public hearing at 10:58 a.m.

**Reading of the Public Notice**

The reading of the public notice was waived without objections and made part of the record (see exhibit “C”).

**Staff Presentation**

Mark Donahue read verbatim the Action Agenda Report dated July 12, 2011 which included; Synopsis and Planning Board Recommendation, Procedural History, Zoning Analysis, Staff Recommendation and two Motions for the Commissions consideration.

**Call for Applicant**

Chairman Salina called for the Applicant with no comment.

**Call for Opponents**

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

**Call for Proponents**

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

**Informational Witnesses**

Chairman Salina called for Informational Witnesses in which there were none.

**Close of the Public Hearing**

Chairman Salina closed the Public Hearing at 11:10 a.m.

**Call for a Motion**

Commissioner Briggs made a **MOTION** to approve said Staff Report and Findings of Facts and conditionally approve the Preliminary Plat of the Foothills Ranch, Commercial Major Subdivision in the E1/2 SW1/4, S1/2 SE1/4 of Section 13, and the E1/2 NE1/4 of Section 24, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana subject to stated 18 conditions.

**Motion carries 3-0**

Commissioner Briggs commented on his regret that the applicants were not present so he could thank them on the improvements of this project and the great effort of everyone working together.

**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.**

There were no public comments given.

**ADJOURNMENT:**

The meeting was adjourned at 11:12 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 3, 2010 at 2:00 p.m.