

**CASCADE COUNTY COMMISSION MEETING**  
**September 18, 2012**  
**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). These minutes were officially approved at the October 9, 2012 commission meeting. All attachments can be found in the Clerk & Records Office.

**PRESENT:**

**Commission-** Madam Chair Jane Weber, Commissioner Bill Salina, and Commissioner Joe Briggs.

**Staff seated with Commission** – Tristan Riddell Carey Ann Shannon, Kim Thiel-Schaaf, and Marie Sickels.

**Public Seating:** Brian Pond, Donald M. Lilienthal, Butch Weedon, Alan Frohberg, Bob Edwards, John Stevens, Robin Strathy, Steve Erwin, Jack Lyons, Steven Newton, and media.

**CALL TO ORDER:** Madam Chair Weber called the meeting to order.

**PLEDGE OF ALLEGIANCE:** The pledge of allegiance was recited.

**READING OF THE WEEKLY CALENDAR:** Kim Thiel-Schaaf, read the calendar.

**APPROVAL OF PURCHASE ORDERS AND ACCOUNTS PAYABLE WARRANTS:**

Commissioner Briggs made a **MOTION** to approve purchase orders and accounts payable checks #221328 through #221644 totaling \$504,171.52 dated 09/04/2012 through 09/07/2012.

**Motion carries unanimously (3-0)**

**CONSENT AGENDA:** Commissioner Salina made a **MOTION** to approve the consent agenda, minute entries, resolutions and routine contracts as follows.

- ◆ **Resolution 12-62:** Budget appropriation within the Sheriff's Department for the intoximeters 24-7 program in the amount of \$1,000 refers to Contract 12-112.
- ◆ **Contract 12-130:** Interlocal agreement for Adult Detention Services between Cascade County and Lewis and Clark County terms and conditions regarding the detention of adult inmates and establish a fee covering reasonable cost of confinement. Lewis and Clark County will pay \$65.00 per day for each inmate. Contract begins September 18, 2012 for a three year contract.
- ◆ **Contract 12-131:** SECURUS Technologies Master Services to provide telephone services for adult detention. This is a renewal which includes upgrades as a signing bonus and a 2<sup>nd</sup> component that works with the inmate accounts. Effective September 18, 2012 for a five year contract.

**Motion carries unanimously (3-0)**

**AGENDA ITEM #1**

**MOTION TO APPROVE/DISAPPROVE GRANT AWARD FROM THE DEPARTMENT OF DEFENSE OFFICE OF ECONOMIC ADJUSTMENT**

The purpose of this grant is to hire a consultant to prepare a Red/Yellow/Green Map and integrate that map into the Growth Policies as recommended by the Joint Land Use Study that was completed in March of 2012. Total amount of grant is \$199,145.

Kim Thiel-Schaff read the background information found in Agenda Action Item #1 dated September 18, 2012.

Commissioner Briggs stated that this map will be a free standing tool that guides developers to the easiest places for wind energy use. He did state it could become part of the growth policy which is also a guidance document.

Madam Chair Weber questioned Commissioner Briggs asking for clarification that this map will be another tool and not a policy. She also asked Commissioner Briggs whether there will be opportunity for public input during this OEA mapping process.

Commissioner Briggs replied in the affirmative, stating that the Red/Yellow/Green map will provide guidance, not establish policy. He further stated that the public will be invited to comment during the OEA mapping process.

Commissioner Briggs made a **MOTION** to approve Contract 12-132 grant agreement with the Department of Defense Office of Economic Adjustment awarding \$199,145 to provide consultant services and administrative costs related to preparing a Red/Yellow/Green Map and integrating that map into Growth Policies. **Motion carries unanimously (3-0)**

## **AGENDA ITEM #2**

### **MOTION TO APPROVE/DISAPPROVE PRELIMINARY PLAT OF COTTONWOOD GLEN MAJOR SUBDIVISION BY DLBP, LLC**

PUBLIC HEARING- Madam Chair Weber closed the regular meeting and opened the public hearing at 9:48 a.m.

READING OF THE PUBLIC NOTICE- The reading of the Public Notice was waived with no objections and is attached as (exhibit "A").

STAFF PRESENTATION- Tristan Riddell presented this preliminary plat by reading the synopsis and all 19 conditions found in agenda action report #2 dated September 18, 2012.

CALL FOR WRITTEN TESTIMONY- A letter and backup documentation dated September 16, 2012 from Robin Strathy and John (aka Jack) Lyons was entered into the record and is attached as (Exhibit "B").

CALL FOR APPLICANTS- Madam Chair Weber called for applicants in which Developer, Brian Pond of 34 Red Barn Road approached the Commission to state that they began this process three years ago to create big lots so others could enjoy the land. He also stated that they have kept everyone informed although there has been some opposition from parties that do live

in the area. He added that they have worked hard to make the lots suitable, have created good covenants and made sure the fire safety is sufficient.

Commissioner Salina affirmed that he counts on the scrutiny of the public to give him input on the specifics of the property affected.

CALL FOR APPLICANTS- Madam Chair Weber called for applicants in which Engineer; Alan Frohberg from CTA approached the Commission stating that what he has heard about mining on the property has confused him. He said that on the lots that were tested he found no evidence of mining there. He stated that this has been the location of the United Material gravel pit and that they did find evidence of mined gravel material.

Commissioner Briggs stated that if the physical test pits do not show mining, that he would like a statement from United Materials to back this up.

Mr. Frohberg stated that they did not test the entire parcel and rescinded his last statement. He stated that there were two ponds with low depression areas with leaky ponds that was mined area.

Madam Chair Weber asked whether the places where testing septic systems are planned were never tested.

Mr. Frohberg stated that test pits were dug on each of the proposed parcels.

CALL FOR APPLICANTS- Madam Chair Weber called for applicants three times in which there were no more.

CALL FOR PROPONENTS- Madam Chair Weber called for applicants three times in which there were none.

CALL FOR OPPONENTS- Madam Chair Weber called for opponents in which Robin Strathy of 441 Flood Road approached the Commission. She stated she appreciated their comments and identified herself as a neighboring resident to the proposed development. She said that in her August 17<sup>th</sup> letter she explained that the waste and septic systems were mined in the 1970s as documented in the map from United Materials. She stated that the lots are superimposed on the map as well. She requested that the Commission consider this new information. She also discussed the details of the open cut mining permit issued to United materials and the subsequent reclamation plan submitted by United Materials added that DEQ and United Materials identified by prelaw a mined area where stuff was stockpiled and five inches of material was claimed on the surface in 1990-2000.

She said lots 9 and 10 were not mined by United Materials and that there is shale/bedrock area underlying the gravel material, with water leaking into the floodplain area. With septic flowing along that area and channels built to have water go into the floodplain area. These channels do exist with surface water draining into the Missouri River and raises concerns about the waste waters.

There was further discussion with the Commission and Tristan Riddell about DEQ, completing the review and that the preliminary plat approval requires the County to gather public comments related to the sanitation information submitted by the applicant and provide these comments to DEQ.

CALL FOR OPPONENTS- Madam Chair Weber called for opponents in which; Jack Lyons of 369 Flood Road approached the Commission and identified on the preliminary plat the location of the sediment ponds and the mining operation. He also stated that the area has been mined and that United Materials had a 30 year lease which was broken due to the amount of gravel. mentioning the areas of high ground and sediment in ponds. He also stated that the area has been mined and that United Materials had a 30 year lease which was broken due to the removal of gravel.

CALL FOR OPPONENTS- Madam Chair Weber called for opponents three times in which no additional opponents came forward.

CALL FOR INFORMATIONAL WITNESSES - Madam Chair Weber called for Informational witnesses in which Butch Weedon of the Gore Hill Fire Department approached the Commission. He stated that in the winter access to open water in Woodland Estates freezes and Mr. Lilienthal was willing to help with a dry hydrant however their proposal would not meet the needs of the Fire Department. Although they could not get the paper work, so they decided on a pressurized fire hydrant and he has been glad since it's a huge improvement.

CALL FOR INFORMATIONAL WITNESSES - Madam Chair Weber called for Informational witnesses three times in which no additional witnesses came forward.

Commissioner Salina reminded the group that the Commissioners are not able to be experts in many fields therefore have to rely on all departments involved to help them make decisions. He stated that it was up to DEQ to approve the projects proposed water and wastewater system design.

There was further discussion on the DEQ approval process and if they DEQ would do an onsite visit.

Commissioner Briggs stated that this decision is frustrating due to because there are so many technical factors that require DEQ input and review. He said the County Commissioners have no expertise in this area and the main role of the County is to collect the information to give to the public.

CLOSE OF THE PUBLIC HEARING-

Madam Chair Weber thanked both the opponents and proponents for their great information and closed the public hearing at 10:35 a.m.

OPENING OF THE REGULAR MEETING- Madam Chair Weber opened the regular meeting at 10:36 a.m.

CALL FOR MOTION- Madam Chair Weber called for a motion.

Commissioner Salina made a **MOTION** to conditionally approve the Preliminary Plat of the Cottonwood Glen Major Subdivision, based on the findings of fact and conclusions of law within the staff report, subject to (19) nineteen conditions. **Motion carries unanimously (3-0)**

**PUBLIC PARTICIPATION IN DECISIONS OF THE BOARD AND ALLOWANCE OF PUBLIC COMMENT ON MATTERS THE COMMISSION HAS JURISDICTION, ON ITEMS NOT COVERED BY TODAYS AGENDA: NONE**

**ADJOURNMENT:** This meeting was adjourned at 10:37 a.m.

**NEXT MEETING DATE:** The next meeting will be a Commission meeting held in the Commission Chambers at 9:30 a.m. on October 9, 2012.