

**CASCADE COUNTY COMMISSION MEETING
JANUARY 28, 2014
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 February 25, 2014 meeting.

Present: Chairman Bill Salina, Commissioner Jane Weber and Commissioner Joe Briggs.
Staff and Public members: Carey Ann Shannon, Susan Conell, Rina Fontana Moore, John Watts, Karl Puckett, Bonnie Fogerty and Marie Johnson.

Reading of the Commissioners calendar: Bonnie Fogerty read the weekly calendar.

Purchase orders and accounts payable warrants: Commissioner Weber made a **MOTION** to approve the purchase orders and accounts payable warrants. Below is a listing of all approved checks presented by Clerk & Recorder/Auditor. Checks issued since 1/4/14 #237812 through #237978 totaling \$784,530.88 dated 01/07/2014 through 101/10/2014. In addition, payroll checks #71037 through #71161 were issued totaling \$79,707.26 and direct deposits were made totaling \$790,507.51 for a payroll total of \$870,214.77 for the month of December 2013. Checks issued since 01/11/2014 #237979 through #237141 totaling \$344,335.56 dated 01/13/14 through 01/17/14. Checks issued since 01/18/14 #238142 through #238337 totaling \$668,734.23 dated 01/21/14 through 01/24/14.

Motion carries 3-0

Consent agenda: The consent agenda is made up of routine day-to-day items that require Commission action. Any Commissioner my pull items from the Consent Agenda for further discussion/vote.

Approval of the Minutes and Consent Agenda Items: Commissioner Briggs made a **MOTION** to approve the minute and minute entries found in this Agenda Packet and the approval of routine contracts as follows;

- ❖ **Resolution 14-02** Budget appropriation for unanticipated revenue from Montana Department of Transportation. Funds will be distributed to the County Weed Districts via the Montana Department of Agriculture per MCA 80-7-823. Total increase of \$1,785.72
- ❖ **Contract 14-06** Memorandum of Understanding between the Montana Department of Transportation and the Cascade County for air quality equipment- UPN 6774, CFDA #20.205 Total \$174,533.08
- ❖ **Contract 14-07** The Office Center, Inc. Equipment Service Contract #1512 for two new TASKalfa 450li copiers for the Sheriff's office. Total \$960.00
- ❖ **Contract 14-08** Cascade County GASB Valuation Engagement Letter.
- ❖ **Contract 14-09** Unclaimed checks write off as of June 30, 2012 outstanding warrants one year or older.
- ❖ **Contract 14-10** Application request by Ronald and Debra Laubach for a permit to work on a County road or right of way.

- ❖ **Contract 14-11** MT DPHHS contract 14221020008 with Area VIII on Agency on Aging. Purpose to strengthen our No Wrong Door (NWD) aging and disability resource center ADRC system to service people of all ages income levels and disabilities effective dates January 1, 2014- September 29, 2014.

City/County Health Department

- ❖ **Resolution 14-03** Budget appropriation to establish budget and extend the contract for the Fetal Alcohol Syndrome New Mexico services extended to August 31, 2014 increased amount to \$91,100. **Motion carries 3-0**

AGENDA ITEM #1

Public Hearing with motion to approve or disapprove- BIRKY AND JANETSKI ZONE CHANGE REQUEST

Chairman Salina closed the regular Commission meeting at 9:32 a.m. and opened the Public Hearing.

Chairman Salina requested to waive the reading of the Public Notice with no objections and requested it be entered into the record. (See attachment "A").

Susan Conell read the synopsis, and the two provided motions, which can be found in Action Agenda Report, dated January 28, 2014.

Commissioner Weber asked if there were any written comments or phone calls concerning this zone change request. Susan Conell stated that there was one phone call from the adjacent property of the Chippewa Cree asking if this would affect their future plans to build a museum in the future.

Chairman Salina called for the applicant three times with no response.

Chairman Salina called for proponents three times with no response.

Chairman Salina called for opponents and Michelle McGillis 1507 Stuckey Road approached the podium to state that she and her family live right next door to the proposed zone change and that she was not notified of the planning board hearing until the day of the meeting, long after the meeting was already over. She also mentioned that they tried to get a loan on their property and was told that they were not eligible to construct another home on the property, only a garage or commercial business. They were told their existing home was grandfathered commercial. She also mentioned her concerns about her animals a daughter and her grandchildren who play outdoors. Ms. McGillis expressed concern that the chemicals stored onsite might affect them.

There was discussion about Michelle McGillis trying to rezone her property and that it has been zoned commercial for some time. She stated that they have lived there for 13 years. She stressed the importance of Hill 57, and how it is part of their Chippewa Cree heritage, she also mentioned that her husband grew up there and that it is Native American historical land.

Susan Conell clarified that the applicant had requested the parcel be changed from commercial to light industrial zoning. Light industrial zoning, Ms. Conell stated requires chemicals to be stored inside the building. She also commented that the notice for the

Planning Board meeting was sent on November 13, 2013 and she was unsure why they did not receive it prior to the December 3, 2013 Planning Board meeting.

Michelle McGillis also questioned if they are required to have fences up and that behind the property needs to be fenced off.

Susan Conell stated that landscaping is a requirement but not fencing.

Chairman Salina called for opponents three times in which no one responded.

Chairman Salina called for informational witnesses three times in which no one responded.

Susan Conell wanted to clarify that the operation of this project would consist of the testing of soil samples for farms to aid them in improving their soil, and that everything would be contained in the building. She also read the zoning regulation that required that.

Michelle McGillis asked if this would be a 7-day operation and if there would be additional traffic late at night or early in the morning. She shared with the Commission the need for her daughter to get rest and if deprived of sleep she would suffer from severe seizures.

Susan Conell then read the zoning regulations pertaining to the noise.

Commissioner Briggs questioned how long this property has been zoned commercial and why it is that they have had a residential home there for 13 years.

Kevin McGillis stated that when they purchased the property it was residential commercial then when the property next door sold theirs changed to commercial too.

Susan Conell reiterated that their home predated zoning, which grandfathered them in allowing their residence in commercial zoning. She also reminded them, there is a 30-day protest period, which will start at the publishing of the public notice.

Chairman Salina closed the public hearing at 9:58 and reconvened the regular commission meeting.

Commissioner Weber made a **MOTION** to move that the zone change request submitted by Amos Birky, and Lee Janetski to rezone 1.5 acres located within Section 3, Township 20 North , Range 3 East, P.M.M. , Cascade County, Montana from “C” Commercial to “L-1” Light Industrial be approved. **Motion carries 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 Today’s agenda. None

Adjournment: Chairman Salina adjourned this Commission meeting at 10:00 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 that will be held on Wednesday, January 29 at 2:00 p.m.