

CASCADE COUNTY COMMISSION MEETING
March 11, 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 May 13, 2014 meeting. All Exhibits can be found at the Clerk and Records Office.

Present: Chairman Bill Salina, Commissioner Jane Weber and Commissioner Joe Briggs.

Staff: Brian Hopkins, Susan Conell, Scott Maunu, Capt. Hitchcock, Kim Thiel-Schaaf, Karl Puckett, Bonnie Fogerty and Marie Johnson.

Public members; Jason Bailey, Neil Taylor, Kathleen Gessaman, Ron Gessaman, Ryan Holt, Trent Clark, Andree Deligdisch, Mike Lewis, Jude Mahlum, Terence J. Giles, Michele Woods, Sandra D. Macro, Michell McGillis, Kevin McGillis, Debra Chapman, Kathy Buckles, David Oien, Jan Cahill, Sheila Rice, Sarah Converse, Brett Doney, and Adam Koslen.

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 02/17/14 #238888 through #239110 totaling \$668,343.116 dated 02/17/2014 through 02/21/2014. Purchase orders and accounts payable checks #239111 through #239237 totaling \$524,578.66 dated 02/24/2014 through 02/28/2014. Purchase orders and accounts payable checks #239296 through #239492 totaling \$663,791.00 dated 03/03/2014 through 03/07/2014. In addition, payroll checks #71320 through #71434 were issued totaling \$38,665.93 and direct deposits were made totaling \$800,818.68 for a payroll total of \$869,484.61 for the month of February 2014. **Motion carries 3-0**

Consent agenda: The consent agenda is made up of routine day-to-day items that require Commission action. Any Commissioner may 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 14-11** Application for tax exemption and reduction for Arvon Block Development Venture LLC
- ❖ **Resolution 14-12** Prosecutorial assistance request in the cases of State v. Jordan Solley
- ❖ **Resolution 14-13** Prosecutorial assistance request in the cases of State v. Rachel McKeag
- ❖ **Resolution 14-14** Prosecutorial assistance request in the cases of State v. Jeffery Hamilton
- ❖ **Resolution 14-15** Budget appropriation for the Burn Permit fund. *(This item was pulled from the agenda for later action)*

- ❖ **Contract 14-18** Contracted services agreement with Securitas Security Services USA , Inc. for the ExpoPark events. Effective February 25, 2014-December 31, 2015 compensation \$25.72 per hour for each armed uniformed security guard \$23.57 per hour for each unarmed uniformed security guard.
- ❖ **Contract 14-21** NorthWestern Energy underground electric easement request
City/County Health Department
- ❖ **Contract 14-27** Lab agreement with the Center for Disease Detection (CDD) effective dates April 1,2014-March 31, 2019

Ron Gessaman gave his public comment on Resolution 14-11 stating that the Commission should not give tax abatements, which takes revenue and makes other tax payers pick up the slack. **Motion carries 3-0**

AGENDA ITEM #1

Motion to approve or disapprove-

CONTRACT 14-26 2014 USDA FOREST SERVICE OPERATING AND FINANCIAL PLAN IN THE AMOUNT OF \$3,500.00

Captain Ray Hitchcock presented this contract, announcing that this will allow the Sheriffs Deputies to patrol USDA Forest Service land for the calendar year.

Commissioner Weber made a **MOTION** to approve Contract 14-26 2014 Annual Operating Plan Agreement #12-LE-11015600-008. **Motion carries 3-0**

AGENDA ITEM #2

Motion to approve or disapprove- RESOLUTION 14-15

REZONE PARCEL #2399900, SECTION 3, TOWNSHIP 20 NORTH, RANGE 2 EAST FROM "C" COMMERCIAL TO "L-1" LIGHT INDUSTRIAL

Susan Connell Planning Director, read the synopsis found in the Agenda Action Report #2 dated March 11, 2014. She also presented maps that indicated the zoning for this area. Additional exhibits were entered into the record to include; map of ownership (see Exhibit A) petitions in support of denial for the zone change (see Exhibit B), email comments and written correspondence (see Exhibit C), and letters of support (see Exhibit D). These exhibits are in a separate binder clearly marked and on file in the Clerk and Records office.

Brian Hopkins Chief Deputy County Attorney read his memo (See Exhibit E) which addressed the Commission allowing public comment during this meeting. He stated that the Commission has exceeded their requirements by holding two public hearings and the public was notified that there would be no more public comments to be taken. He then reminded them that the issue at hand is whether to approve a zone change for the Stuckey Road property from Commercial to Light Industrial using the criteria set forth in statute and by the Cascade County Zoning Regulations.

Commissioner Weber thanked Brian Hopkins for his advice and support for the Commission. She stated she would have liked to have had more public comment, and will pledge in the future to get the information to the media and make the public aware before the public comment period ends.

Chairman Salina agreed that public comment is important. He also stated that the company name Monsanto did not need to be mentioned and that the criteria put out there shows that the uses are compatible with existing commercial businesses.

Brian Hopkins stated that the applicants that applied for the zone change could bring in another more aggressive industrial company.

Susan Connell agreed and stated that there would be a requirement to obtain a permit for each use.

Chairman Salina commented that this is a commercial piece of property and that the applicants are requesting Light Industrial regardless of the business.

Commissioner Weber concurred that this is a rezone from Commercial to Light Industrial and it is not about the company Monsanto.

Brian Hopkins suggested that the Commission review the eleven zoning criteria's found on page 2 on Action Agenda Report #3 dated March 11, 2014.

The Commission went through the eleven criteria's with some additional comments made.

Commissioner Weber stated that the Commission has accepted all public comment and that it has been printed and placed in a binder. She noted that 96% of the GMO's (Genetic Modified Organism) related to this business coming to Cascade County and that they did not like the GMO's or Monsanto. She also recognized that other concerns were economic development with Ag viability and health concerns by residents. She stated that this rezone to Light Industrial is compatible with urban residential properties living on commercial properties.

Commissioner Briggs shared four points of concern.

1. GMO's according to MCA 17-2-133 it encourages the development and there is funding in favor of it- therefore it is not illegal.
2. Storage of chemicals- the commercial zoning already allows for this therefore the new zone change does not affect this.
3. Monsanto- I cannot look at the company just zoning.
4. Buffer zone- with the City's involvement changed this.

Commissioner Briggs felt that these were four views of all the comments received.

Brian Hopkins responded by stating the County has to go by the state Montana Code Annotated and County Zoning Regulations, and that the County does not have the ability to outlaw the GMO's. He reminded them that there a number of agencies to patrol Monsanto.

A letter from the Commission giving a timeline of events since the January 28, 2014 Commission meeting was placed into the record (see Exhibit F).

Commissioner Briggs made a **MOTION** that the zone change request of Amos Birky and Lee Janetski to rezone parcel #2399900 located in Section 3, Township 20 North, Range 3 East P.M.M., Cascade County, Montana from “C” Commercial to “L-1” Light Industrial, be approved.

Commissioner Weber announced she was voting against this zone change. She stated she does support commercial and feels this is a buffer to vote against Industrial. This could be a zone creep by chipping away one little piece at a time. Existing property is grandfathered in and this could have been in existing zoning. Monsanto could of done business in commercial zoning Which are two well thought out issues some agree and some do not. She also thanked the staff for their work and addressing the many concerns.

Motion carries 2-1 Chairman Salina and Commissioner Briggs for and Commissioner Weber against.

AGENDA ITEM #3

Public Hearing to hear Cascade County needs for Community Development Block Grant (CDBG)

Chairman Salina recessed the regular meeting to open a Public Hearing @ 10:45 p.m. The reading of the public notice was waived with no objections and placed in the record (See Exhibit G).

Kim Thiel-Schaaf, gave the background for this public hearing which can be found in Agenda Action Report #3 dated March 11, 2014.

Chairman Salina then welcomed public comment.

Sheila Rice Director of Neighborworks stated she would like to provide an opportunity for a non competitive housing project. She suggested the Commission consider the rural areas with removing blight homes and replacing with new homes. She asked them to consider the (CDBG) grant revolving loan funds as deferred mortgage payment.

Commissioner Briggs requested some numerical figures in rural areas to consider. Sheila Rice stated she was only prepared to give oral testimony today but would return with more information at a later time.

Brett Doney of Great Falls Development Authority encouraged the creation of better jobs which supports housing, and will take care of existing County residents. He stated that we are the 12th last in job growth, hourly wages, and lack of benefits. Also not enough work hours with many people working three to four jobs. He also stated that we have not recovered from the recession, which had caused loss of jobs. He has no proposals at this time but will provide a need assessment in the future.

Commissioner Weber wanted to mention the Water & Sewer Districts need for development within Cascade County. Kim Thiel-Schaaf stated funds might not be available for them until 2016 and reminded her of the Sun Prairie Water & Sewer project and the upper lower River road engineering study that are in the works.

Ron Guessaman approached the Commission to point out the city storm drainage from County land to the City with the County residents benefiting from the City tax payers. Kim Thiel-Schaaf stated that (CDBG) does not fund storm waste projects.

Chairman Salina then closed the Public Hearing @ 11:03 and opened the regular meeting to public comment.

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.

Andree Deligdisch questioned who would be responsible for making sure businesses are complying with regulations. She was advised to contact the Planning Department, Health Department or DEQ.

Adjournment: Chairman Salina adjourned this Commission meeting at 11:04 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, February 4, at 2:00 p.m.