



Understanding the Rural Solid Waste District Issue in Cascade County

A Timeline of Events, Decisions, and Court Proceedings

By Rae Grulkowski

Over the past two years, decisions involving the Cascade County Rural Solid Waste District have generated significant discussion among residents, county officials, and the courts. Many citizens have asked how the issue developed and what the courts have, thus far, said about it. Let's summarize key events to help residents better understand what has occurred.

Background

The Cascade County Rural Solid Waste District is a Special Improvement District (SID) for refuse disposal. In 1971, the Cascade County Commission created this SID, which excluded incorporated cities and towns of Belt, Cascade, Great Falls and Neihart. The 1971 Resolution of Creation established the Board of Directors of the City-County Health Department as the governing body of this SID.

Funding for this special district comes from an assessment charged to property owners within the district. These assessments pay for services such as transfer station operations contracts, waste disposal transport, landfill dump expenses and all other operational costs. Because the district is funded through a tax assessment, any increase in fees directly affect property owners within the district.

The rural solid waste district initially operated as a county-run operation under county administration. The county later privatized the service and now contracts with a private waste hauler (Montana Waste Systems, Inc., doing business as Republic Services). The county continued to maintain contracted land leases for the container sites throughout the county.

On November 27, 2007, the Cascade County Commission assumed the duties as the governing body of the Cascade County Rural Solid Waste District from the City-County Board of Health.

It is the duty of the County Commission to estimate, as near as practicable, the cost of each established special district annually during the budgeting session. Annually, a resolution must be adopted, during the annual budget adoption, which specifies the levy with an amount equal to the annual cost of the program and improvements. In summary, the assessments for special districts must be deliberatively reviewed to ensure proper taxation is applied to the program for which the tax is levied.

Along with the annual passing of a resolution to levy the special district assessment, Montana law requires a list be provided, which describes the parcel or lot of land assessed, with the owners (or entities) name and the amount to be assessed upon each.

For rural property owners, the solid waste district assessment is not optional. It is a mandatory property assessment tied to land ownership within the district.

The Process Used for the Fee Increase That Sparked Debate

In 2024, Cascade County Commissioners knew special district assessments had to be addressed and most likely increased, since the rural solid waste district assessment had not been increased since 2012. The fund had previously fallen into the 'red' in June of 2020 and again in June of 2024.

On September 5, 2024, the Cascade County Commissioners adopted the County FY25 budget by Resolution 24-37 with a vote of 2 to 1. After public scrutiny, the Commission held a meeting on September 19, 2024 for action on Resolution 24-39 to increase the solid waste district assessment by 45%. No public hearing was listed and supporting documents were not provided to the public in accordance with law.

Residents raised several concerns during meetings and public discussions, including the size of the increase and the lack of financial justification for the change and claims of unlawful meeting and public hearing processes.

Legal Challenge Filed



New vs Old Transfer Site

A petition requesting the court to halt the increase, review the county's actions and to determine whether the process used to approve the assessment was proper and lawful, was filed on November 3, 2024 in the Eighth Judicial District Court in Great Falls. Judge Elizabeth Best presided over the decision.

A motion for an expedited hearing was filed the same day in an effort to stop the increase before the tax bills were mailed out. Tax bills had already been delayed by a month, awaiting meetings regarding decisions on the Rural Solid Waste Assessment increase. In less than 4 hours Judge Best pretentiously reviewed the submission and denied the request for an injunction, concluding the claims did not merit the relief requested. Because of that ruling the assessment increase was allowed to proceed and the legal challenge was closed at the district court level.

Appeal to the Montana Supreme Court

On February 26, 2025, the case was then appealed to the Montana Supreme Court under Case #DA-25-0163. The appeal asked the Supreme Court to review the district court's decision regarding the challenge to the solid waste assessment increase. The Supreme Court reviewed the appeal following the lower court's denial of the claims, and on December 16, 2025 ruled to 'reverse and remand' the case back to the Eighth Judicial District Court in Great Falls where a hearing is yet to be set.

Two years after the debate began, many Cascade County residents say the central issues remain unresolved. Did the public receive a clear and complete explanation of the solid waste district's finances before the assessment increase was approved?

What began as a proposal to increase rural solid waste assessments has evolved into a broader controversy involving public trust, financial transparency, and litigation that reached the Montana Supreme Court.

Citizens Speak Out

Many residents voiced concerns. One Cascade County citizen made comment at a meeting stating, "I wish they would listen to us."

Another resident warned of unintended consequences; "Increasing the cost for dumping will cause some illegal dumping. We're already seeing it."

Commissioner Grulkowski was quoted during the September 19 meeting stating; "I would rather keep the rates the same while we address concerns that have been brought forward — the Republic charges, the dumping of non-household waste, operations at the dump sites, and questions about the punch-card system."

The Belt Dumpsite Crisis

At the same time, rural residents were dealing with the sudden closure of the Belt/Armington dumpsite after lease negotiations broke down. In December 2024, County Commissioners issued a press release falsely accusing the landowner for the breakdown stating, "The Board of Cascade County Commissioners strongly condemns Rimrock Valley Preserve, LLC for blocking community access to the Belt/Armington dumpsite."

Residents reported arriving to find the site closed after several warnings from the

landowner to the county about the closure as the contract was in arrears. There was no response to the landowner's attempts to negotiate by county officials.

Loans, Construction, and Ongoing Questions

After months of hauling waste to distant disposal sites following the 2024 closure of the Belt-area container location, Cascade County officials moved in March 2025 to establish a new waste transfer site. County commissioners approved a lease agreement for property adjacent to the former Belt facility, where a replacement container site would be constructed, directly across the fence from the vacated facility.

Initial construction estimates presented at the time, to develop a ramp for container access, ranged from approximately \$100,000 to \$190,000. During the same meeting, commissioners also approved a resolution authorizing the pursuit of a loan of up to \$300,000 to support ongoing solid waste operations.

The decision prompted questions from some taxpayers. In 2024, the Rural Solid Waste District had already implemented an assessment increase expected to generate additional revenue. Critics questioned why additional borrowing was necessary so soon after that increase, raising concerns about long-term financial planning and transparency.

Subsequent cost estimates appear to have escalated. According to a May 16, 2025 Action Report from the county Public Works Department, sealed bids for construction of the new facility ranged from \$169,888 to \$239,996. These figures did not include engineering, testing, or certain materials such as concrete blocks, which would be supplied separately by the county. Factoring in those additional costs, the total project estimate quickly approached \$300,000.

The report also noted a potential long-term concern; the proposed structure would be built on leased land, placing the county in a position where it could be required to relocate the facility in the future.

As an alternative, Public Works Director Les Payne reported that purchasing the former Belt container site—previously vacated in 2024—could provide a more cost-effective solution. According to public comment made in meetings between 2024 and 2025, the public, at that time, agreed. Two years later, it would seem improbable there is any gain in taxpayer funding savings or taxpayer trust in leadership decision-making processes.

The 2025 Commercial Rate Increase and Notice Concerns

In September, 2025, the issue of solid waste funding resurfaced with a proposed increase to commercial rates, and an effort to establish a process for protesting solid waste assessments.

Resolution of Intent #25-59, reverted back to repealed law and referenced an obscure statute passed in 1919. County Commissioners, referring to repealed law 7-13-208 (2007), failed to list the complete statute in Resolution of Intent #25-59 and failed to actually put it into practice. Missing from the document was MCA 7-13-208, part 3, which reads, "A copy of the notice must be mailed as

