

**BELGRADE CITY COUNCIL MEETING MINUTES  
COUNCIL CHAMBERS  
February 19, 2013  
7:00 P.M.**

Mayor Russell C. Nelson called the meeting to order. Mayor and Council Members in attendance were: Russell C. Nelson, Brad Cooper, Bob Retterath, Mark Criner and Anne Koentopp. Council Members absent were Tudor Gee and John Youngberg. Others in attendance were: City Attorney Rick Ramler, Acting City Manager E.J. Clark, Finance Director Phyllis Wernikowski, City Planner Jason Karp, City Judge Michele Snowberger, Merrilee Glover, Scott Bell, Jenny Connelley, Charlotte Mills and Morgan Scarr.

Council Member Criner motioned to excuse Council Member Gee and Council Member Youngberg. Council Member Cooper seconded the motion. All voted aye, motion carried unanimously.

**APPROVE MINUTES OF FEBRUARY 4, 2013 MEETING** – Council Member Retterath motioned to approve the Minutes of the February 4, 2013 Meeting. Council Member Koentopp seconded the motion. All voted aye, motion carried unanimously.

**PUBLIC FORUM**

Mayor Nelson called three times for any members of the public to speak during the public forum. Hearing none, the public forum was closed.

**REPORTS**

Mayor Nelson had nothing to report.

City Attorney had nothing to report.

Acting City Manager Clark reported the new generator will be fully installed after Saturday. Mayor Nelson asked how often the generator will be tested. Acting City Manager Clark replied he will review those requirements with the installers so we can adhere to the maintenance schedule.

**DISCUSSION AGENDA**

**CHARLOTTE MILLS TO DISCUSS REAPPORTIONMENT OF WARDS** – Charlotte Mills, Gallatin County Clerk and Recorder, also serves as the Election Administrator for Gallatin County. Every 10 years the State of Montana goes through Redistricting and Reapportionment when all the legislative boundaries are redone. Then all the precinct boundaries are reset. She explained to the City Council how the boundaries should be realigned to equalize the number of voters in each ward. The City of Belgrade Charter sets forth the rules to use for reapportionment of wards. The census numbers are to be used for equalization not registered voter figures. The County GIS Department was able to equalize the boundaries by population within the three wards. If the City Council would like

to proceed with boundary reapportionment it would need to be passed by Resolution before April 29, 2013, the opening to file for the Municipal Election. All changes would need to be approved by that date and forwarded to the Clerk and Recorder for recording purposes. The close of the filing period will be June 27, 2013. If a primary is needed it would be done on September 12, 2013. The City also has the option to discuss eliminating wards. The November Election would be the place to put that question to the voters to see if they would like to do that.

Jason Karp, City Planner stated the last Study Commission was voted in place in 2004. The Study Commission completed their work in 2005. There will be another Study Commission vote in the June primary of 2014. The Council may want to hold off on doing anything more drastic with the wards until then. If the voters decide to have another Study Commission that issue could be reviewed. If they do not vote to hold a Study Commission then the Charter can be amended. He said by the Constitution of Montana, every government entity has to put forth to the voters to determine whether there will be a Study Commission. In 2004 Belgrade decided to have a study commission. A committee is then voted in at the General Election and then a time period is set for the board to complete their study and make recommendations. Then those recommendations get put on the next ballot.

Mayor Nelson called three times for any public comment. Hearing none, the public comment was closed.

Mayor Nelson asked the City Council for their opinion on keeping the wards or not having them. Council Member Cooper stated that Belgrade has always had wards and he does not see a reason to make any changes. Council Member Koentopp stated Bozeman does not have ward boundaries and all their elected officials are from the same location in town. She does not know if it helps to have representation from all areas of town. Council Member Retterath stated he would like to do the best to get more people involved in running for the Council. He said there have always been wards and we should probably just leave it as such. Council Member Criner stated as the town grows there will probably be an older population neighborhood, blue collar neighborhood and more of a college type area similar to what has occurred in Bozeman. He would rather have someone from each area then everyone from the same four block area with the exact same mindset.

**AUDIT PRESENTATION FOR FISCAL YEAR ENDING JUNE 30, 2012 BY MERRILEE GLOVER, CPA, AND MORGAN SCARR, CPA – JUNKERMIER, CLARK, CAMPANELLA & STEVENS, P.C.** – Merrilee Glover stated we will be reviewing the audit results of fiscal year ending June 30, 2012. The audit opinion was read into record, “In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Belgrade, Montana, as of June 30, 2012, and the respective changes in financial position and cash flows, where applicable, thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.” She said there were no deficiencies to report in internal control that they considered to be material weaknesses. There were two findings of non-compliance this year. The State of Montana makes on-behalf payments for City employees for PERS and MPORS. The City is required

to reflect those in the financial statements. It does not affect the bottom line because a contribution is reflected from the State and then the outgoing contribution to the retirement plan. This item was not being recorded. It amounts to approximately \$200,000. By not reporting the expense the second compliance finding occurred. When the expenditure was booked it had not been budgeted for through appropriations. That just would have taken a budget amendment before the end of the year. There were several funds that had expenditures that exceeded the budgeted appropriations. Revenue was available the budgeted just required an amendment before the end of the fiscal year. In the financial reports there were expenditures over what the appropriations are even though there were funds available to amend the budget it just did not get completed in time. Another finding was a miscalculation when the mill levy was calculated for Rural Planning it was about \$2,400 off. There was a slight over levy on that and it will need to be corrected next year. Director of Finance Phyllis Wernikowski stated she has spoken to Jamie Cain at the Department of Administration and that item will be fixed as soon as possible.

Mayor Nelson called three times for any comments from the public. Hearing none, the public comment was closed.

Council Member Cooper motioned to accept the audit. Council Member Retterath seconded the motion. All voted aye, motion carried unanimously.

**AUTHORIZE ACTING CITY MANAGER CLARK TO ENTER INTO UTILITY AGREEMENT WITH GALLATIN COUNTY REGARDING THE RELOCATION OF WATER MAIN AS REQUIRED BY THE CONSTRUCTION OF THE EAST BELGRADE INTERCHANGE** – Scott Bell, Morrison Maierle stated part of the East Belgrade Interchange requires some of the City water lines located near the Intersection of old Highway 10 and Gallatin Field Road to be modified. The agreement will be between the City and Gallatin County. The City will make the improvements but will be reimbursed the actual cost. The estimated cost at this time is \$17,000. Once this agreement is approved and in place by the County Commissioners; the City would then receive a notice to proceed from the County to get the actual cost and have the work completed. The County has earmarked \$2,000,000 towards the project for making these type of improvements.

Mayor Nelson asked if the City will be required to move any water lines in the future as other roads are developed. Scott Bell replied this is the only water line that needs to be moved for the project. Next week the County Commissioners will be approving this agreement. He explained all the Utility Agreements that are required for the project. The preference is to have as many utilities relocated before construction begins on the Interchange. Unit pricing should be lower because most of the conflicts will be resolved before construction begins.

Mayor Nelson called for any public comment regarding the Utility Agreement. Hearing none, the public comment was closed.

Council Member Cooper motioned to authorize Acting City Manager Clark to enter into Utility Agreement with Gallatin County regarding the relocation of water main as required by the construction of the East Belgrade Interchange. Council Member Retterath seconded the motion. All voted aye, motion carried unanimously.

Mr. Bell discussed the estimated East Belgrade Interchange construction schedule with the City Council. The project should be advertised for bid in June 2013. The Bid opening date would be sometime in July 2013. Construction is estimated to begin sometime in September 2013. He described how the project has been divided into phases for construction so the entire area will not be under construction at the same time. Also discussed were other roads that will be constructed after the Interchange is built.

### **CONSENT AGENDA**

**APPROVE WARRANTS PAYABLE JANUARY 2013** – Council Member Criner motioned to approve Warrants Payable January 2013. Council Member Retterath seconded the motion. All voted aye, motion carried unanimously.

### **EXECUTIVE SESSION**

**DISCUSS LITIGATION STRATEGY** – Mayor Nelson closed the Meeting to the public pursuant to Sect. 2-3-203(4) (a), MCA, finding that the meeting involves a discussion of litigation strategy and an open meeting would have a detrimental effect on the litigation position of the City.

*\*A separate set of Minutes have been prepared for the Executive Session*

### **FOR YOUR INFORMATION**

Council Member Retterath had no new information.

Council Member Koentopp had no new information.

Council Member Cooper had no new information.

Mayor Nelson stated the first meeting in April will be moved to Tuesday, April 2, 2013.

Council Member Criner attended the February Fire Board Meeting. The Central Valley Fire Board approved to move forward with Fire Chief Lindroth's Analysis of the department. The committee recommended to not moving forward with the emergency transport item, which is a huge item. In the realignment of the Fire Department an FTE was removed. The storage area will now have the workout equipment. They will add an extra bedroom and make the living area more comfortable.

**ADJOURN**

Council Member Criner moved to adjourn the meeting. Meeting adjourned at 8:19 p.m.

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Russell C. Nelson, Mayor

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Michelle Clark, Administrative Secretary

**RESOLUTION NO. 2013-3**

**A RESOLUTION OF INTENT OF THE CITY COUNCIL OF THE CITY OF BELGRADE,  
MONTANA, TO REDISTRIBUTE THE WARDS OF THE CITY OF BELGRADE**

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The City Council of Belgrade, Montana, met in regular session in the City Hall in Belgrade, Montana, on March 4, 2013 at 7:00 p.m., and upon motion duly made and approved, adopted the following Resolution:

WHEREAS, the City of Belgrade adopted self-government powers pursuant to its authority under article II, §5 of the Montana Constitution and adopted the City Charter of the City of Belgrade as approved by the electors on November 4, 1986;

WHEREAS, Section 2.01(B) of the City Charter requires the City to be divided into three wards of approximate equal population and Section 5.04 provides that ward boundaries may be changed by resolution;

WHEREAS, the proposed ward boundaries have been established based upon the decennial census, with the City being divided into three wards of approximate equal population;

NOW THEREFORE IT IS HEREBY RESOLVED, that the City Council of the City of Belgrade hereby expresses its intent to adopt a Resolution to redistrict the wards of the City of Belgrade following a public hearing to take public comment on the proposed ward boundary redistricting as delineated and defined by the document attached hereto entitled "Belgrade Wards 2013". The public hearing on redistricting shall be held during a regular session of the City Council of the City of Belgrade, Montana, on April 2, 2013, at 7:00 p.m. in the City Council Chambers, 91 East Central, Belgrade, Montana.

Dated March 4, 2013.

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Russell C. Nelson  
Mayor

ATTEST:

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Phyllis Wernikowski  
Director of Finance and Records



ORDINANCE NO. 2013-

AN ORDINANCE AMENDING SECTION 10-3-1 OF THE CITY CODE OF THE CITY OF BELGRADE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF BELGRADE.

The City Council of Belgrade, Montana met in their regular meeting place in the Belgrade City Council Chambers, 91 E Central Avenue, Belgrade, Montana on \_\_\_\_\_, 2013 at 7:00 p.m.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELGRADE THAT THE OFFICIAL ZONING MAP BE AMENDED AS FOLLOWS:

The property described and shown as Lots 4A and 4B in the S ½ of Block 7 of Belleview Addition on the attached EXHIBIT "A" shall be rezoned from R-4 Apartment District to B-2 Highway Business District.

Passed, adopted and approved by the City of Belgrade, Montana on second reading at public hearing held on \_\_\_\_\_, 2013.

\_\_\_\_\_  
Russell C. Nelson, Mayor

Attest:

\_\_\_\_\_  
Phyllis Wernikowski, Director of Finance and Records

# THE AMENDED SUBDIVISION PLAN OF LOT 4, BLOCK 1 OF THE BELLEVUE ADDITION TO THE TOWN OF BELGRADE A TRACT OF LAND LOCATED IN THE NW1/4 SECTION 12, TOWNSHIP 1 SOUTH, RANGE 4 EAST, P.M.M., CITY OF BELGRADE, GALLATIN COUNTY, MONTANA

DATE: JANUARY, 2013  
BOZEMAN, MONTANA

FOR: RONALD G. BERIANA  
BY: GASTON ENGINEERING & SURVEYING

- FOUND MONUMENT AS NOTED
- SET 5/8" x 24" REBAR W/ TPC
- (R) - RECORD VALUE PER D-17-Q RECORDS OF GALLATIN COUNTY
- (M) - MEASURED VALUE
- TPC - YELLOW PLASTIC CAP

BEARINGS FOR THIS SURVEY ARE BASED UPON GEODETIC NORTH AS DETERMINED BY THE NATIONAL GEODETIC SURVEY SATELLITE OBSERVATIONS TAKE AT 49°49'22.6"N, 111°11'03.8"W (NAD 83).

GROSS AREA = 0.658 ACRES

WATER AND SEWER MAINS AND FEATURES SHOWN PER CITY OF BELGRADE RECORD DRAWINGS

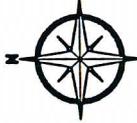
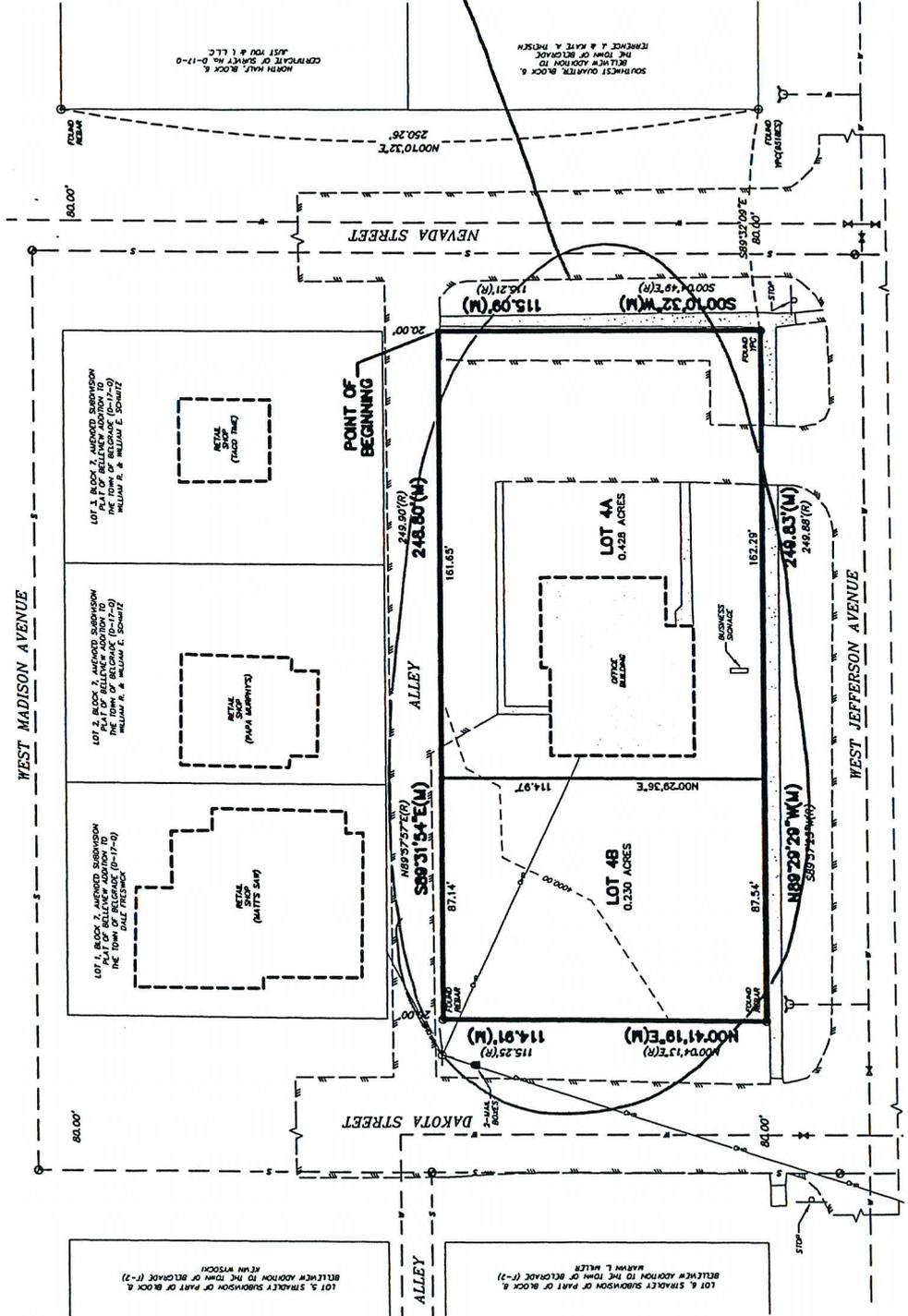


EXHIBIT A





## BELGRADE CITY-COUNTY PLANNING DEPARTMENT

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### **DERIANA MINOR SUBDIVISION AND ZONE CHANGE (first reading)**

**DATE:** February 27, 2013

**TO:** Belgrade City Council

**FROM:** Belgrade City-County Planning Board

**DATE OF MEETING:** March 4, 2013

**APPLICANT:** Roger Craft on behalf of Ronald Deriana

**DESCRIPTION OF PROPERTY:** Amended plat of Lot 4, Block 7 of Belleview Addition, located in the NW ¼ of Section 12, T1S, R4E, P.M.M., City of Belgrade, Gallatin County, Montana

**TYPE OF APPLICATION:** Review of a minor subdivision (2 lots) a request to rezone the property from R-4 Apartment District to B-2 Highway Business District as per 76-2-305 MCA.

### **PROJECT STATUS/PLANNING BOARD RECOMMENDATIONS:**

1. The lots are zoned R-4 Apartment District by the Belgrade Zoning Ordinance. The applicant has submitted a request to rezone the property to B-2 Highway Business District. The zoned change is being done along with a minor subdivision proposal that will split Lot 4, which is the entire south ½ of Block 7, into two lots. The City Council will review the Minor Subdivision at the same meeting as the public hearing for the proposed zone change (staff recommended hearing date is April 2, 2013).
2. There is an existing professional and medical office building on the property that is a permitted conditional use in the R-4 District. The B-2 zoning allows for

professional and business offices as well, but the change would also allow retail uses. There are B-2 zoning and commercial uses around the property.

3. One of the tasks listed in the Belgrade Area Growth Policy is to increase the B-2 and B-3 zones. This is a small expansion of the B-2 zone in an area that has seen commercial growth in the last 20 years, including the McDonalds Restaurant and Town Pump and Thrift Way convenience stores. The immediate area has a mixture of retail, office, and service businesses as well as some residential uses. The growth policy is favorable towards diversifying the local economy. The Planning Board found that the proposed zone change is in compliance with the Belgrade Area Growth Policy.
4. The Belgrade City-County Planning Board reviewed the proposed minor subdivision and zone change request at their February 25, 2013 public hearings. The Planning Board voted unanimously to recommend conditional preliminary plat approval for the subdivision and voted unanimously to recommend that the zoning be changed from R-4 to B-2 as requested by the applicant.
5. If the City Council passes the first reading of this zone change, staff recommends that a public hearing and second reading be scheduled for April 2, 2013.

# PRELIMINARY PLAT OF THE AMENDED SUBDIVISION PLAT OF LOT 4, BLOCK 7 OF THE BELLEVIEW ADDITION TO THE TOWN OF BELGRADE A TRACT OF LAND LOCATED IN THE NW1/4 SECTION 12, TOWNSHIP 1 SOUTH, RANGE 4 EAST, P.M.M., CITY OF BELGRADE, GALLATIN COUNTY, MONTANA

FOR: RONALD G. DERIANA  
BY: GASTON ENGINEERING & SURVEYING

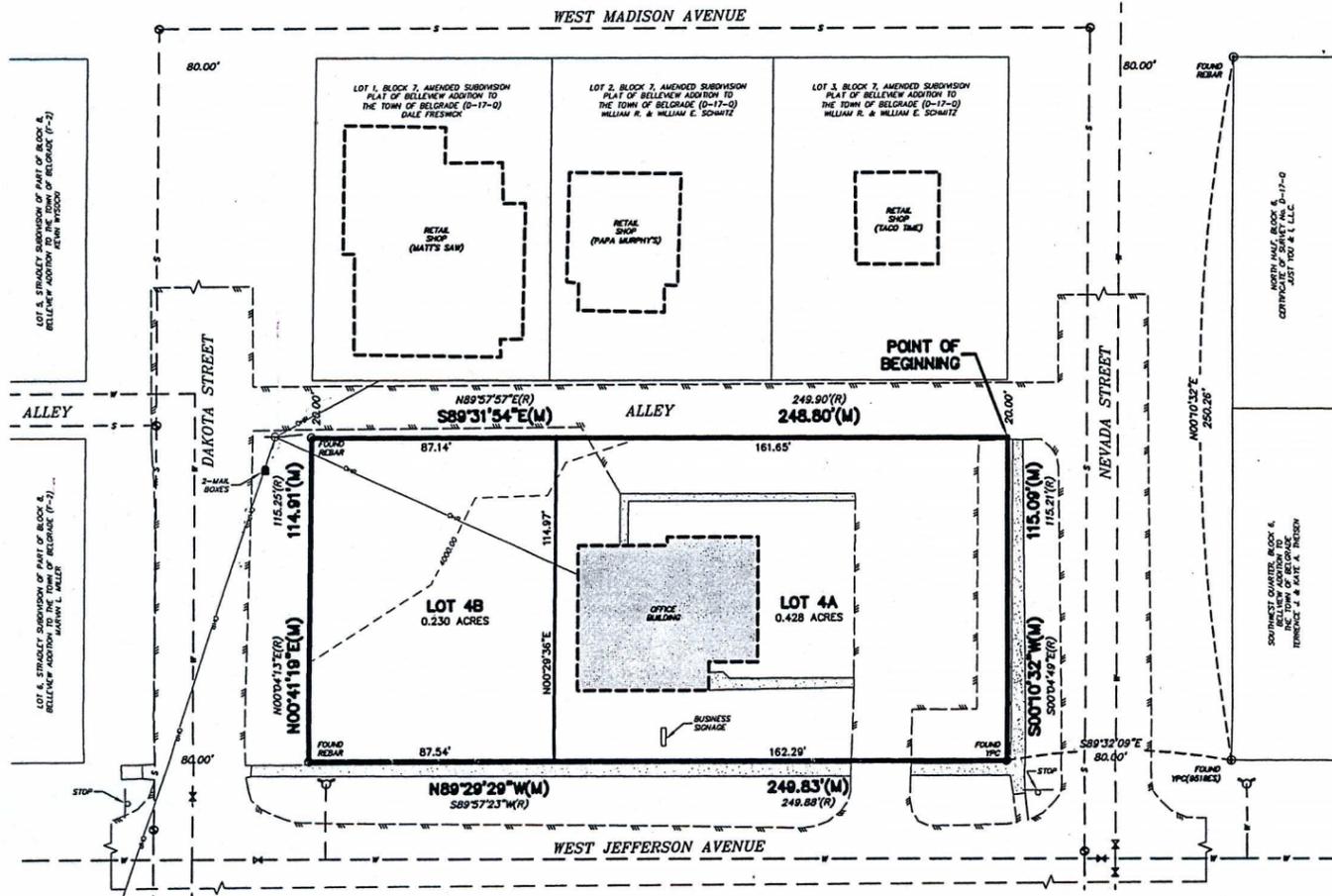
DATE: JANUARY, 2013  
BOZEMAN, MONTANA

**NOTES**  
= FOUND MONUMENT AS NOTED  
= SET 5/8" x 24" REBAR W/ YPC  
(R) = RECORD VALUE PER D-17-0 RECORDS OF GALLATIN COUNTY  
(M) = MEASURED VALUE  
YPC = YELLOW PLASTIC CAP

**BASE OF BEARING**  
BEARINGS FOR THIS SURVEY ARE BASED UPON GEODETIC NORTH AS DETERMINED BY GLOBAL POSITIONING SYSTEM SATELLITE OBSERVATIONS TAKE AT 45°46'22.9"N, 111°11'03.8"W (WGS 84).

**AREAS**  
GROSS AREA = 0.658 ACRES

**WATER AND SEWER**  
WATER AND SEWER MAINS AND FEATURES SHOWN PER CITY OF BELGRADE RECORD DRAWINGS



LEGEND	
	EXISTING GROUND CONTOUR
	EXISTING WATER MAIN
	EXISTING SEWER MAIN
	EXISTING SIGN (AS NOTED)
	EXISTING OVERHEAD POWER POLE
	EXISTING FIRE HYDRANT
	EXISTING WATER VALVE
	EXISTING SEWER MANHOLE
	EXISTING OVERHEAD POWER
	EXISTING PAVEMENT
	EXISTING CONCRETE

**CERTIFICATE OF CONSENT**

I, the undersigned property owner, do hereby certify that I caused to be surveyed, subdivided and platted into lots, parcels, blocks, streets, and alleys, and other divisions and dedications, as shown by this plat herunto included, the following described tract of land, to wit:

**DESCRIPTION**

A tract of land being Lot 4, Block 7 of the Belleview Addition to the Town of Belgrade and located in the Northwest Quarter Section 12, Township 1 South, Range 4 East, P.M.M., City of Belgrade, Gallatin County, Montana and being further described as follows:

Beginning at a point on the Northeast corner of said Lot 4, said point being on the West Right-of-Way line of Nevada Street; thence along said West Right-of-Way line S00°10'32"W a distance of 115.09 feet to the Southeast corner of said Lot 4, said point being on the North Right-of-Way line of West Jefferson Avenue; thence along said North Right-of-Way line N89°29'29"W a distance of 248.83 feet to the Southwest corner of said Lot 4, said point being on the East Right-of-Way line of Dakota Street; thence along said East Right-of-Way line N00°41'19"E a distance of 114.91 feet to the Northwest corner of said Lot 4, said point being on the South Right-of-Way line of the Alley for said Block 7; thence along said South Right-of-Way line S89°31'54"E a distance of 248.80 feet to the Point of Beginning. Said Tract being 0.658 acres, along with and subject to any existing easements.

The above described tract of land is to be known and designated as The Amended Subdivision Plat of Lot 4, Block 7 of the Belleview Addition, City of Belgrade, Gallatin County, Montana.

The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, electric power, gas, internet, cable television or other similar utility or service, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Ronald G. Deriana

STATE OF \_\_\_\_\_ }  
County of \_\_\_\_\_ } SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 2013, before me, a Notary Public in and for the State of \_\_\_\_\_, personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to in the above instrument, and who acknowledged to me that he executed the same.

WITNESS my hand and seal, the day and year above first written.

Notary Public for the State of \_\_\_\_\_  
Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

**CONSENT OF MORTGAGEE(S)**

We, the undersigned mortgagee, do hereby join in and consent to the described plat, releasing our respective liens, claims or encumbrances as to any portion of said lands now being platted into streets, avenues, parks or other public areas which are dedicated to the Town of Belgrade for the public use and enjoyment.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

CORPORATION

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

STATE OF \_\_\_\_\_ }  
County of \_\_\_\_\_ } SS

On this \_\_\_\_\_ day of \_\_\_\_\_, 2013, before me, a Notary Public in and for the State of \_\_\_\_\_, personally appeared \_\_\_\_\_, known to me to be the \_\_\_\_\_ of the corporation that executed the foregoing, and who acknowledged to me that (he)(she) executed the same for and on behalf of said corporation.

WITNESS my hand and seal, the day and year above first written.

Notary Public for the State of \_\_\_\_\_  
Residing at \_\_\_\_\_  
My Commission expires \_\_\_\_\_

**CERTIFICATE OF SURVEYOR**

I, Dennis L. Foreman, Registered Land Surveyor, do hereby certify that during January, 2013, I surveyed Amended Subdivision Plat and platted the same as shown on the accompanying Amended Subdivision Plat and as described in accordance with the provisions of the Montana Subdivision and Platting Act, Section 76-3-101 through 76-3-625, M.C.A. and the City of Belgrade Subdivision Regulations.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Dennis L. Foreman  
Registration # 56065

**CERTIFICATE OF COUNTY TREASURER**

I, Kimberly Buchanan, Treasurer of Gallatin County, Montana, do hereby certify that the accompanying plat or Certificate of Survey has been duly examined and that all real property taxes and special assessments assessed and levied on the land to be subdivided have been paid.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Treasurer of Gallatin County

**CERTIFICATE OF GOVERNING BODY**

This Subdivision known as Amended Subdivision Plat of Lot 4, Block 7, Belleview Addition to the City of Belgrade, Gallatin County, Montana, is within the City of Belgrade's Master Plan Area and can be provided with municipal facilities for the supply of water and disposal of sewer and solid wastes. Therefore, under provisions of Section 76-4-125(2)(d), this subdivision is not subject to sanitary restriction clearance.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Director of Public Services - City of Belgrade

**CERTIFICATE OF MAYOR**

I, Mayor of the City of Belgrade, Gallatin County, Montana, do hereby certify that the accompanying plat has been duly examined and has found the same to conform to law, approves it, and hereby accepts the dedication to public use of any and all lands shown on this plat as being dedicated to such use.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Mayor, City of Belgrade

**CERTIFICATE OF CLERK & RECORDER**

I, Charlotte Mills, Clerk & Recorder of Gallatin County, Montana, do hereby certify that the foregoing instrument was filed in my office at \_\_\_\_\_ o'clock, (a.m. or p.m.), this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2013, and assigned Certificate of Survey No. \_\_\_\_\_, Records of the Clerk & Recorder, Gallatin County, Montana.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Clerk & Recorder