

BELGRADE CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
October 7, 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, Anne Koentopp, John Youngberg and Mark Criner. Others in attendance were Acting City Manager Clark, City Attorney Rick Ramler, Finance Director Wernikowski, City Planner Karp, Jenny Connelley, Tim Kuntz, Lynn Kuntz, Matt Heaney, Kristine Menicucci, Mike Anderson, Jeannie Anderson, and Cole Chipolis.

Council Member Criner made a motion to excuse Council Member Gee from the meeting. Council Member Retterath seconded the motion. All voted aye. Motion carries 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.

PUBLIC HEARING

PUBLIC HEARING AND REQUEST APPROVAL OF CONDITIONAL USE PERMIT FOR MICHAEL ANDERSON FOR A CARETAKER'S RESIDENCE IN THE B-2 HIGHWAY BUSINESS DISTRICT – City Planner Jason Karp stated the request before us is for a conditional use permit to allow the use of a building as a caretakers residence in the B2 highway business district. The location is 206 South Broadway and the property was a residence for most of its history. It was grandfathered in the commercial zone as a residence much later. It was a residence until it became a commercial business. The business moved out, the owner of the property wants to lease the building. The owner would like to lease the building to a person who will use the building for business and as a residence. They want to have a professional business office in the house. There are businesses in the building behind the house. They would like this house to be an owner/caretaker residence. This is allowed under the city's zoning laws in the B2 zoning district if the council if a conditional use permit is approved. The Planning Board reviewed this last week at their public hearing and voted unanimously to recommend the conditional use permit. Condition number three requires that the business and accessory use that is conducted on a property must be in compliance with all applicable federal, state, local statutes, ordinances, resolutions and other laws.

Mayor Nelson asked if there are issues related to condition two that need to be addressed with the structure.

City Planner Karp stated that the building is set up better for a residential use than full on commercial. It is good for an office. There is plenty of parking. There are no problems foreseen with this usage interfering with other business or residences in the area. There is sufficient parking. There are no fire issues.

Council Member Koentopp asked if it has to have a business in it to make a caretakers residence.

City Planner Karp stated that the building is required to have a business in it to comply.

Council Member Koentopp asked how we would know that business is still going.

City Planner Karp stated that they have a business license that must be renewed each year. The business is owned by David Graham. It is David Graham Enterprises. He is a well-known builder and developer in the area. There are business licenses for the businesses in the back of the property. The Andersons are here to explain it to you. We will not have to do a conditional use permit if they change leaseholders as long as the new person is a caretaker as well.

Council Member Criner asked if the residence is empty, is there no one to guard the property and other businesses.

City Planner Karp stated if no one is living in the residence, the property and other businesses are unguarded.

Jeannie Anderson owner of 206 South Broadway stated we bought the property after it had been repossessed. We purchased it from a mortgage holder and it was zoned as a home when we purchased it. The house was in disrepair. It had been brutalized by the people who had left it. They took the heaters and light fixtures. The pipes froze and the ceilings came down. The barn loft was open and it had pigeons living in it. We had looked at it before it was in this state. We restored the house to its former grandeur when it was a home on Broadway, which was more costly than anticipated. We have put in curbs and sidewalks. We fixed the barn loft so it is a functional workspace.

Our daughter, Anna Anderson owns Big Shooter's Espresso in Belgrade. She has supplies and runs her business from the lower part of the barn in the back. We put in parking along the side. There is adequate room for it to be a private residence or for it to be a business. We were looking for a renter and it happened to be a business, Quilts on Broadway. They were there for six years. Now it has been vacant for a year. We then allowed David Graham to move in without realizing that we had this zoning problem. David Graham who is living there is a developer and builder. He owns David Graham Enterprises, which he manages from the house at 206 South Broadway. My appeal to you is that you would recognize or desire to make a landmark. It is a historic building. It was built in 1910. It is 103 years old. We tried to restore it to its original grandeur. I would like it to be a historical statement and attractive building on Broadway.

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

Council Member Youngberg made a motion to approve the conditional use permit for Michael Anderson for the property at 206 South Broadway. Council Member Criner seconded the motion

All voted aye, motion carried unanimously

PUBLIC HEARING AND REQUEST APPROVAL OF RES – 2013-22
RESOLUTION TO RENAME NORTH ALASKA ROAD TO HAWAII STREET - City Planner Karp stated we have Alaska Frontage road, South Alaska road, and North Alaska road. It is confusing for emergency service providers. With the new interchange and changing names, we thought it was a good idea to look at renaming this piece of roadway, which is in the City limits. This is from Northern Pacific Avenue to I-90 going through the Halverson third addition and Las Campanas Subdivision. North Alaska road is to be renamed to Hawaii Street, which is a name that has been a consensus of the Council. All the street names in that area have western state names. We are keeping with theme of western state names. There are no addresses on that street at present. We did advertise this public hearing in the newspaper and posted twice as required by state statute. There has been no protest received on this matter, but if 51% of property owners on that street were to protest that would govern any council decisions, but we have not had any protests, comments or concerns expressed whatsoever.

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

Council Member Criner made a motion to approve Resolution 2013-22 to Rename North Alaska Road to Hawaii Street. Council Member Retterath seconded the motion

All voted aye, motion carried unanimously

PUBLIC HEARING AND REQUEST APPROVAL OF RES – 2013-23
RESOLUTION OF THE CITY OF BELGRADE, MONTANA TO INCREASE THE RATES FOR THE USERS OF THE MUNICIPAL WATER AND SEWER SYSTEM - Finance Director Wernikowski stated as discussed in budget meetings, the water and sewer rates were not producing enough income to pay the debts for the water and sewer programs. We are increasing the water rates by 15% and the sewer rates 25%. For an average rate increase of 20.6%, this works out to \$7.36 for a normal household using 5,000 gallons of water.

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

Council Member Retterath made a motion to approve Resolution 2013-23 to Increase the Rates for the Users of the Municipal Water and Sewer System. Council Member Koentopp seconded the motion.

All voted aye, motion carried unanimously

DISCUSSION AGENDA

REVIEW OF APPLICATION FOR EXOTIC ANIMAL LICENSE AND SET DATE PUBLIC HEARING ON NOVEMBER 4, 2013 - Christie Lewis of 914 Paisley Drive stated that she is requesting an Exotic Animal License to keep her African Serval cat at her recently purchased a home at 914 Paisley Drive in Belgrade. I have had my cat since he was eight weeks old. I have had him for six years. The cat stays in an enclosure. He has never bit or scratched

anyone. My cat lives in a double gate enclosure. If one gate fails, he enters another locked enclosure. I do not take him out into my neighborhood. I only take him far out of city limits under controlled conditions with a leash and harness for exercise. I have signatures from everyone on my street. I sent certified letters to all other neighbors within 200 feet of my property. Neighbors have come to my house to meet the cat and see the enclosure.

The African Serval is a permissible cat in the state of Montana. It is a non-controlled species in Montana. I contacted the Wildlife Commission, and spoke with Tim Feldner. He has been raised with other cats, dogs and children. African Servals have been domesticated since Egyptian times. My African Serval is current on his rabies vaccine. Kathy Quigley, DVM his veterinarian has recently examined him and the enclosure and found my cat to be in good health and safe containment conditions.

Council Member Cooper asked if we already had an African Serval in town.

Acting City Manager Clark stated that there was an African Serval living in Las Campanas but it has passed away.

Council Member Youngberg made a motion to consider the application for Exotic Animal License and set date for Public Hearing on November 4, 2013. Council Member Criner seconded the motion

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

Council Member Retterath stated that he votes nay, until the public hearing.

Motion passes four to one.

REQUEST AUTHORIZATION FOR ACTING CITY MANAGER CLARK TO NEGOTIATE AND SECURE FINANCING FOR SMEAL QUINT FIRE TRUCK – Acting City Manager Clark stated we have investigated going through Valley Bank for the Fire Truck financing. I need a motion giving me permission to negotiate and secure financing.

Council Member Criner asked if Acting City Manager Clark had put out for a bid on the financing of the fire truck.

Acting City Manager Clark stated we did not go out for a bid. We went to Valley Bank, where we conduct all of banking business. The have agreed if we can get 1% financing next year from the state we can do that without extra fees or charges.

Council Member Koentopp asked if the Council are supposed determine 7 or 10 years or will Acting City Manager Clark determine that when you go into the bank.

Finance Director Wernikowski stated we had expressed that we wanted to do the 10 years to reduce the cost to the general fund initially.

Acting City Manager Clark stated going through Valley Bank at the 10 years financing would reduce the loan payment coming out of the general fund by \$14,000 as opposed to what we were going to pay the state this year.

Mayor Nelson asked why the City is not financing the fire truck through the state.

Acting City Manager Clark stated we are not financing through the state because of the reserves that are required and the time needed to complete all steps in the application process. The fire truck is ready and needs to be paid for now.

Council Member Koentopp asked when the payments on the truck were due.

Finance Director Wernikowski stated that payments are scheduled semiannually.

Council Member Youngberg made a motion to authorize Acting City Manager Clark to negotiate and secure financing at 10 years for the new Quint Fire Truck. Council Member Cooper seconded the motion.

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

All voted aye, motion carried unanimously

REAPPOINTMENT OF KATHY GALLAGHER TO THE GALLATIN LOCAL WATER QUALITY DISTRICT – TERM EXPIRES SEPTEMBER 2013 – Mayor Nelson stated he recommends the reappointment of Kathy Gallagher to the Gallatin Local Water Quality District.

Council Member Criner stated that Board Member Kathy Gallagher does a great job on the Board. She is very educated in what she does. She helps the entire County. Tammy Crone is now the Gallatin Local Water Quality District Manager.

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

Council Member Cooper made a motion to reappoint Kathy Gallagher to the Gallatin Local Water Quality District. Council Member Youngberg seconded the motion.

All voted aye, motion carried unanimously

REVIEW AND APPROVE MICHAEL R. MASON'S APPLICATION FOR BOARD OF ADJUSTMENT AND IMPACT ADVISORY COMMITTEE - Mayor Nelson stated that Acting City Manager Clark and the City staff had done some checking. Mr. Mason has a clean record and the Mayor recommends Mr. Mason to both the Board of the Adjustment and the Impact Advisory Committee.

Council Member Cooper asked if the City was still short members on these boards.

Acting City Manager Clark stated that with Mr. Mason being added to the Boards we have a vacancy on the Board of Adjustment and a vacancy for a CPA on the Impact Advisory Committee.

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

Council Member Cooper made a motion to approve Michael R. Mason's application and appoint him to the Board of Adjustment and Impact Advisory Committee. Council member Koentopp seconded the motion.

All voted aye, motion carried unanimously

REVIEW AND APPROVE DEB NEIDIMEYER'S APPLICATION FOR THE SOLID WASTE MANAGEMENT BOARD – Mayor Nelson asked if this was a random application or if Ms. Neidimeyer had been recommended.

Finance Director Wernikowski stated that this is a random application. Ms. Neidimeyer is new to the area. She moved here from Williamsburg, Virginia where she was a very active in her community and desired to be active here. She is the CFO of Steak and Shake for the Montana and Idaho areas. I discussed the position with her and she thought it would be interesting.

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

Council Member Retterath made a motion to approve Deb Neidimeyer's application and appoint her to the Solid Waste Management Board. Council Member Cooper seconded the motion.

All voted aye, motion carried unanimously

SET AGENDA FOR NOVEMBER 18, 2013 CENTRAL VALLEY FIRE BOARD AND CITY COUNCIL JOINT MEETING – Acting City Manager Clark stated that the staff came up with some ideas for the Council to consider putting on the agenda, not to necessarily set the agenda tonight.

Mayor Nelson stated that the Council should think about the options the City has with regard to Fire services depending upon the size of our City and what class we are. One of those options is to continue the contract we have with Central Valley Fire District, or join the Central Valley Fire District in the same way as County residents. In discussions with Chief Lindroth, he would like to revisit the City becoming part of Central Valley at some point. There is a price difference between the price City residents pay and what the County residents pay. Some people on the side of the fence and say the price ought to be equal. There are some saying they should not be equal.

Council Member Youngberg stated that one thing that needs to be determined and the statute is clear if we are a class-one city, we must have our own fire department.

City Attorney Ramler stated we should find out if we can continue contracting with Central Valley Fire Department before we turn into a class-one city.

Council Member Cooper stated we must to have a contract now as a class-two city for the agreement we have now.

Finance Director Wernikowski stated the statute says class-three cities can contract with fire service. It is silent about class-two, which we will be in by the next census. In the statute regarding class-one, it states directly that a class-one city must have a fully paid fire department. One of the things that we need to discuss is if we ask the legislature to give us an exception at the time we become a class-one city.

Mayor Nelson stated that it would be a while before we become a class-one city.

Council Member Criner stated that would only take an increase to 10,000 in population to become a class-one city.

Finance Director Wernikowski stated she thought it was a reasonable discussion. Gallatin County is predicted to increase by over 30% within the next ten years. At an increase of 30%, our population would grow between 9,100 and 10,400 people. We are very likely to be a class-one city by 2020.

City Attorney Ramler stated he would look at it. We are a Charter form of government, which gives us a little leeway. I will look at the issue and report to the Council.

Council Member Criner stated an option to changing state law is to be a city fire department that contracts with the district. In Laurel and Miles City, those cities cover the County.

Council Member Cooper asked where we are in the contract with Central Valley Fire.

Finance Director Wernikowski stated the contract expires June 30, 2014. It might be a good idea with the new city manager likely just starting in January, for the Council to consider extending the contract one year in order to give enough time to explore all the different options because.

Mayor Nelson asked if the contract was for five years.

Finance Director Wernikowski stated the contract is for five years.

Council Member Cooper stated that Central Valley Fire and Belgrade City could negotiate every year.

City Attorney Ramler stated that you could have whatever term is agreed to.

Mayor Nelson stated that money for the contract comes out of the general fund. We do know the status of the general fund. Are we at the maximum mills allowed by statute by the City of Belgrade?

Acting City Manager Clark stated the City is at the maximum mills allowed.

Mayor Nelson stated that until the City is able to increase general fund money we could not afford to pay more to Central Valley Fire.

REPORTS

Mayor Nelson read a Proclamation that November 2, 2013 would be Extra Mile Day. In acknowledgement of those who go the extra mile.

City Attorney Ramler had nothing to report.

Acting City Manager Clark gave out maps of the by-pass roads and information packets to the Council. He asked that the Council review the information in preparation for the presentation by Scott Bell engineer of Morrison and Maierle and Brian Springer of the airport at the next Council meeting.

CONSENT AGENDA

REQUEST MOTION FOR APPROVAL OF CTEP APPLICATION – Acting City Manager Clark stated this request follows up from the last meeting regarding the CTEP projects for sidewalks. There needs to be a motion from the City Council in support of the project and CTEP application.

Council Member Youngberg made a motion to approve the CTEP application. Council Member Retterath seconded the motion.

All voted aye, motion carried unanimously

APPROVE PLEDGED SECURITIES FOR VALLEY BANK OF BELGRADE QUARTER ENDING SEPTEMBER 30, 2013 – Council Member Cooper made a motion to approve the pledged securities for Valley Bank of Belgrade Quarter Ending September 30, 2013. Council Member Youngberg seconded the motion.

All voted aye, motion carried unanimously

APPROVE SEPTEMBER PAYROLL – Council Member Koentopp made a motion to approve the September Payroll. Council Member Retterath seconded the motion.

All voted aye, motion carried unanimously

FOR YOUR INFORMATION –

Park Board Meeting is October 8, 2013 at 7:00 PM

Central Valley Fire Board Meeting is October 8, 2013 at 7:00 PM
Council Member Criner is scheduled for the October Meeting
Council Member Gee is scheduled for the November Meeting
Council Member Retterath is scheduled for the December Meeting
Planning Board Meeting is October 28, 2013 at 7:00

Council Member Youngberg stated that at the Planning Board meeting last week we are revisiting the sign code. City Planner Karp and Planning Intern Molly Hershey have met with the Chamber of Commerce and some business people. If you have any interest in the sign, ordinance you may want to come to the next Planning Board meeting.

Council Member Criner had no new information to report.

Council Member Retterath had no new information to report.

Council Member Koentopp had no new information to report.

Council Member Cooper asked Acting City Manager Clark if he had looked at all the items in the storage shed and if the City was going to keep any of it.

Acting City Manager Clark stated he would take Finance Director Wernikowski and we will look at it. City Attorney Ramler will talk with Zearth's attorney and arrange to meet.

Mayor Nelson recognized the Boy Scout in the audience.

Cole Chipolis stated I am a Boy Scout from Troup 649. I am working on a communications merit badge, citizenship and community merit badge.

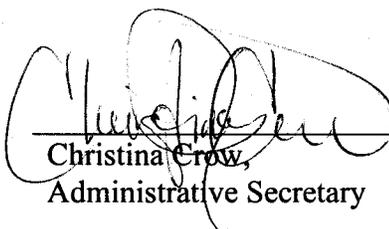
Mayor Nelson closed the meeting for executive session.

Mayor Nelson reopened the meeting after the executive session was closed at 8:30 PM.

ADJOURN

Council Member Gee motioned to adjourn the meeting at 8:31 PM


Russell C. Nelson, Mayor


Christina Crow,
Administrative Secretary