

**BELGRADE CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS**

June 2, 2014

7:00 PM

Mayor Russell C. Nelson called the meeting to order. Mayor and Council Members in attendance were: Russell C. Nelson, Brad Cooper, Anne Koentopp, Ken Smith, Kristine Menicucci, Mark Criner, John Youngberg. Others in attendance were: City Attorney Rick Ramler, City Manager Ted Barkley, City Planner Jason Karp, Fire Chief Ron Lindroth, Scott Bell, Elaine Hawk, Eve Parrow, Dave Schmit, Brian Ruddick, Jeff Ebert, Diana Perry, Brian Kresser, Julie Gilfus Kresser, Joel LaLiberty, Virjeana Brown, Sam Allred, and Ray Center.

APPROVED MINUTES OF THE May 19, 2014 MEETING

Council Member Youngberg moved to approve the minutes of the May 19, 2014 meeting. Council Member Criner seconded the motion

All voted aye, motion carried unanimously.

PUBLIC FORUM

Mayor Nelson called three times for public comment. There being none, the public forum was closed.

PUBLIC HEARING

ORDINANCE 2014-3 Adjust the B-2 and M-2 Zoning Boundaries on Knife River property located near East Belgrade Interchange

City Planner Karp reviewed the proposed adjustment to zoning in relation to the new Belgrade Interchange near Knife River's property. He indicated that the Planning Board had reviewed this zoning adjustment on April 28, 2014 and had voted unanimously to recommend the zone change as requested by the applicant. He also indicated that Elaine Hawk and Dave Schmit were in attendance as representatives of the applicant.

Elaine Hawk with pLand Consulting briefly spoke in favor of the ordinance.

Mayor Nelson called three times for public comment. There being none, public comment was closed.

Upon second reading and following Public Hearing, Council Member Youngberg moved to adopt Ordinance 2014-3 adjusting the B-2 and M-2 Zoning Boundaries on Knife River property as requested by the Applicant. Council Member Menicucci seconded the motion.

All voted aye, motion carried unanimously.

CONSIDERATION of Knife River Building Height Conditional Use Permit (CUP)

City Planner Karp reviewed this request and indicated its relation to the same Knife River property previously referenced in Ordinance 2014-3. The request was to allow an increase in the building height limit from 32 feet up to 64 feet. Karp discussed the safety issues related to the height limits, indicating that these could be mitigated because Belgrade now had a ladder fire truck, etc. Street height would be higher so Knife River felt the sign needed to be higher for visibility.

Karp recommended that if the CUP is approved, all buildings over 32 feet be fully sprinklered to protect the safety of the building occupants, neighboring properties and to assist fire fighting operations. Karp indicated that when the Planning Board had heard this request at their April 28, 2014 public hearing, they had received numerous comments from the surrounding property owners in the adjacent Halvorson and Las Campanas Subdivisions stating their concerns about the loss of the earth berm that blocked the view of the gravel pit and construction project, which also mitigated noise from passing trains. Neighbors were also concerned about the tall buildings, signs and lighting obstructing their views to the east, with specific concerns about the unknown building heights and the base elevation. The Planning Board had voted unanimously to recommended denial of this request based on the information that was provided. Karp indicated that a building height increase should not be allowed without a known base elevation in the event that significant fill was brought in to bring the ground level up.

Karp noted that the applicant had proposed that they do now have a base elevation established. He noted they were proposing to use the intersection of Hawaii and Yellowstone as the base elevation. Based on this reference point, the proposal would require that no building height would be allowed to exceed 30 feet above that point. Also, no building would be allowed more than 60 feet tall measured from the base of the building. All buildings would be on east side of Airway Blvd.

Karp called on the Elaine Hawk with pLand Consulting for explanation of the new base elevation point of reference. She provided more information and explained the points being used for reference in response to the concerns brought up at the Planning Board. The existing berm was also discussed as being lowered by MDOT, it is no longer on the Knife River property so it was no longer within their control.

Mayor Nelson called for public comment.

Sam Allred, residing on Gallatin Avenue, commented that he felt the new specifications for the base elevation sounded more acceptable to him than their first presentation at the Planning Meeting in April. He also indicated his concerns about excess lighting.

Diana Perry, residing at 1013 Gallatin, stated her concern with commercial buildings and the bright lighting that comes with it, along with hotels, etc, which are lit brightly. She also suggested a traffic light be installed at Oregon Street due to seemingly high number of incidents occurring at that intersection.

Karp commented on the sign height limit of 35 feet in this particular area, with 65 foot signs only allowed within ¾ mile of Jackrabbit near the existing interchange. He also noted Council's ability to require covenants such as downward directed lighting requirements and other options when future applications come before them for approval.

Brian Kresser, residing at 1115 East Gallatin, noted his concerns about the set base elevation, excess light, sound, people and traffic. He was unsure of how to approach the Highway Department to bring back the berm. Mr. Kresser provided photographs showing "before and after" conditions of the berm and how lowering the berm had greatly increased the noise from trains and traffic and gave an undesirable view of the Gravel Pit.

Julie Kresser, also residing at 1115 East Gallatin, also commented on the negative affect on the view from their back yard. She was concerned about the increased traffic passing their home, excess lights and missing out on their previous view of the Bridger Mountains. She stated her agreement with concern about excess lighting. She indicated her efforts to communicate with MDOT about the berm and she was told it was necessary to take it down due to the grade and slope requirements. She indicated that she was told that MDOT had nothing in their budget to mitigate the issue.

Joel LaLiberty, residing at 1105 Yellowstone Avenue, spoke of his concerns regarding tall signs, tall buildings and light pollution, and diminished views within the neighborhood.

Virjeana Brown, residing 720 N. Pacific Ave, was mostly concerned with traffic increase in front of her residence. She also agreed with concerns on lighting.

Mayor Nelson called again for public comment, there being no additional comment, the public hearing was closed.

City Manager Barkley addressed the concerns by Council on mitigating the impact that the removal of the berm had caused. He indicated there was still active discussion happening with MDOT on possible mitigation.

Jeff Ebert, Butte District Administrator with Montana Department of Transportation, spoke regarding the design of the project and the efforts to work with all the partners including City of Belgrade, Gallatin County, the Airport and the MDOT. He indicated the reasoning behind removal of the berm, including Knife River's need to use the top soil making up the old berm. The existing Caragana hedge was originally in the design to blend into the 2% grade, then a 4 foot berm with 3-1 slope on each side. The fact that materials ran short caused the current issue. Ebert indicated ongoing meetings in attempts to mitigate this issue. He indicated that the environment document never showed any issues with sound or visual problems and it had met the environmental conditions at the time. Ebert indicated options were being considered such as possibly building a fence, or possibly moving the berm to other side of the Caragana hedge, redeveloping a pedestrian path. Ebert noted the plans were not done by any means, with the goal of being agreeable to all partners.

Following Public Hearing, Council Member Youngberg moved to approve and to find that the Knife River CUP application to allow building heights up to 60 feet, not to exceed 30 feet above the elevation of Yellowstone and Hawaii intersection, in the B2 District on the subject property is in compliance with the Belgrade City Code and the Belgrade Area Growth Policy. He further moved to grant the CUP subject to conditions that the building will be built in accordance with the current adopted edition of the International Building Code and buildings exceeding 32 feet in height shall be fully sprinklered as approved by the City of Belgrade Building and Fire Department. Council Member Criner seconded the motion.

Fire Chief Lindroth answered questions posed by Council regarding fire protection associated with building heights and the use of the ladder truck. He explained the angles required and that the practical reach of the ladder truck is approximately 64 feet.

Roll Call vote per Mayor's request: Council Members voting aye were Koentopp, Smith, Menicucci, Criner and Youngberg. Council Member voting nay: Cooper

Motion carried 5 to 1.

REPORTS

Mayor Nelson had nothing to report.

City Attorney Ramler had nothing to report.

City Manager Barkley reported on the process of recruiting various members on boards and asked for guidance on the Belgrade Youth Sports Committee (BYS). He indicated an opening for a Committee Member, with no specific term of appointment at this time. Barkley indicated the role of the BYS Committee will probably change significantly within the next year so he proposed simply offering it up as a one year term at this time. The Council Members agreed with this direction.

Reported the City of Belgrade has a seat on the Gallatin County Park commission, currently occupied by Susie Hockel. Ms Hockel has moved out of Belgrade but has indicated she is willing to continue serving until a Belgrade resident can be found to fill the seat. Council indicated their desire to have a City resident fill the seat with Ms Hockel continuing to serve until a resident can be found.

Reported the recently adopted Ride-Along Policy with the Belgrade Police Department, with an application available for those who would like to participate.

Reported attendance and participation at the 56th annual Fireman's breakfast, was a very positive community event.

Reported ongoing discussions on several issues surrounding the East Belgrade Interchange Project including utility access across the interstate, and issues regarding the intersection of Gallatin Field Road and Frontage Road .

Reported on provisions in our Code for Public Fireworks Displays. Barkley reviewed the approval process and the option of bringing each request before the Council if they so desired. Council agreed that approval by the City Manager and the Fire Marshall was sufficient.

Reported the recent request to bring Horses into town to help with weed control was denied. Also recent friction among neighbors has arisen regarding keeping of Honey Bees.

Reported on progress over the past 4 months and scheduled one-on-one meetings with each individual council member over the next week.

DISCUSSION AGENDA

CONSIDER Request by Sharlene Anderson to use a City fire hydrant for fire protection of a County Minor Subdivision

Karp reviewed the request and the location of the minor subdivision. He indicated the requirement of being within 5000 feet of a water supply as long as there are fire sprinkler systems installed in the homes. Karp indicated that Fire Marshall Castricone had looked at the hydrant and had indicated his approval in conjunction with the fire sprinkler systems within the homes. The right to protest future annexation would be waived as a condition of approval. Use of the hydrant as opposed to a fire pond was preferred by the Fire Department in general. Karp noted that hydrants have already been installed every 1,000 feet along the line for maintenance and for availability in fighting wild land fires in that area.

Karp noted the approval of this request by the City County Planning Board because of maintenance issues associated with fire ponds and also the expense which results in poor availability of water when needed for fire protection.

Council members discussed the future annexation possibilities and the concern over costs associated with providing the City water services to County properties with no reimbursement to the City.

Ray Center of Rocky Mountain Engineers commented on the request and the distance measured from the farthest side of the farthest lot, with the closer end being at 4,200 feet and the farthest point at approximately 5,200 feet. Mr. Center indicated the hydrant system is already there and being maintained whether this subdivision uses it or not.

Council Member Cooper moved to grant the request to use the City fire hydrant for fire protection of Sharlene Anderson's County Minor Subdivision with the condition of being fully sprinklered, and a waiver of any right to dispute future annexation. Council Member Koentopp seconded the motion.

Council Members Cooper, Koentopp, Smith and Menicucci voted aye (4), Youngberg and Criner voted nay, motion passed 4 to 2.

City Manager Barkley acknowledged the issue of sharing costs for this type of service as being a concern in many other cities as well. The positive side of providing water supply for fire protection reduced the number of structures, especially unmaintained and open fire ponds creating nuisances for children and breeding grounds for mosquitos. He indicated broader public policy benefits and providing future urban anchor points for future annexation. Discussion followed regarding the Council's desire to review policy to implement some measure to provide some kind of reimbursement to the City for the services related to water and fire hydrant use.

CONSIDER Professional Services Contract with Western Building Insights

City Manager Barkley reviewed the contract highlights and indicated this was an intermediate step to provide needed services. Rates were noted as \$75 per site inspection and \$75 per hour for other services. Fees were already built into the permit applications. Council asked if there was a need for indemnification or bonding on the City's behalf. City Attorney Ramler indicated that since Mr. Nordby was an independent contractor, he would be expected to maintain his own liability insurance.

Council Member Youngberg moved to approve the contract with Western Building Insights with the additional requirement for independent liability insurance and indemnification. Council Member Menicucci seconded the motion.

All voted aye, motion carried unanimously.

CONSIDER Final Draft of Interlocal Agreement with Central Valley Fire District

City Manager Barkley noted this contract had already been reviewed two previous times at regular session. This final contract term would continue year to year instead of the previous five year term. Compensation was tied to mill levy levels. Workman's Compensation insurance thru Montana Municipal Interlocal Authority will be moved over to the City at a substantial cost savings.

Council Member Koentopp moved to authorize the City Manager to enter into the Interlocal Agreement with Central Valley Fire District. Council Member Cooper seconded the motion.

All voted aye, motion passed unanimously.

CONSENT AGENDA

WARRANTS PAYABLE for April 2014

Council Member Criner moved to approve Warrants Payable for April 2014. Council Member Youngberg seconded the motion.

All voted aye, motion passed unanimously.

PAYROLL for May 2014

Council Member Cooper moved to approve Payroll for May 2014. Council Member Smith seconded the motion.

All voted aye, motion carried unanimously.

FOR YOUR INFORMATION

Council Member Cooper had nothing to report.

Council Member Koentopp had nothing to report.

Council Member Smith had nothing to report.

Council Member Menicucci reported her attendance at the preliminary budget hearing of the Fire Board. She indicated it was very transparent and was pleased with the 3 million dollar fund balance in their budget with Fire Chief Ron Lindroth taking the lead. She commended them on the process. Chief Lindroth noted the various needs including the future plans of replacing their aging buildings. In order to move forward with building plans, Lindroth indicated his goal of trying to establish reserve funds for facilities and preserve other funds for buying needed apparatus as opposed to going into debt.

Council Member Menicucci also mentioned the Library book sale beginning June 6th running through the weekend.

Council Member Criner had nothing to report.

Council Member Youngberg had nothing to report.

ADJOURN

Council Member Criner moved to adjourn the meeting at 8:37 pm.



Russell C. Nelson, Mayor



Susan Caldwell,
Administrative Secretary