

**BELGRADE CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
November 17, 2014
7:00 PM**

Mayor Russell Nelson called the meeting to order. Council Members in attendance were: Anne Koentopp, Ken Smith, Kristine Menicucci, Mark Criner and John Youngberg. Others in attendance were: City Manager Ted Barkley, Rick Ramler, Phyllis Wernikowski, Michael Tucker, Delores Feddes, Linda Riley, Bren Funny, Rose Woods, Hunter Reisenauer, Marilyn Megaard, Sharon Reinier, Ana Duderstadt, Peggy O'Donnell, Patric O'Donnell, Virjeana Brown, Ashley Stevick, Sarah Ude, Matt Collingwood, Brenda Baker, Micheal Baker, Matthew Colbert, Andrea Balyeat, Ava McBeath, Andrea Griffin, Dana Perry, Stephanie Woodle, Amy Joiner, Kristin Langley, Julie Streich, Mick Streich, Tina O'Donnell, Kelsey Fuge, Nicole Wandlear, Keri Carson, Lisa Blank, Rowen Dewell, Joy Dewell, Grant Stockinger, Kelly Massey, Jackie Jones, Stormi Oshun, Shaun Phoenix and Jessica Nunberg.

Council Member Koentopp moved to excuse Council Member Cooper. Council Member Smith seconded the motion.

All voted aye, motion carried unanimously.

APPROVED MINUTES OF THE November 3, 2014 MEETING

Council Member Menicucci moved to approve the minutes of the November 3, 2014 meeting. Council Member Smith seconded the motion

All voted aye, motion carried unanimously.

PUBLIC FORUM

Mayor Nelson called for public comment 3 times. There being none, the public forum was closed.

PUBLIC HEARING

CONSIDER A DRAFT ORDINANCE THAT WAS PREVIOUSLY PROPOSED IN 2009 PROVIDING FOR KEEPING OF URBAN CHICKENS WITHIN CITY LIMITS.

City Manager Barkley reviewed the request of citizens on October 6, 2014 to reconsider the draft ordinance. He read through the main elements of the previously proposed 2009 ordinance with no changes and no other suggestions.

Mayor Nelson opened the public hearing and encouraged everyone in attendance to take their turn to speak.

Sarah Ude, residing at 505 Kathy Lane, spoke in favor of allowing chickens. Ms. Ude spoke in favor of having the ability to grow and harvest our own food and the related health and economic benefits.

Ashley Stevick, residing at 814 E. Missoula, spoke in favor of allowing chickens. She felt it was odd that Belgrade would not allow chickens when Bozeman does allow chickens. She supported the 2009 draft ordinance as written.

Brenda Baker, residing at 108 8th Street, spoke in favor of allowing chickens. She spoke about noise concerns people may have. Compared to chickens, she felt the local dogs cause much higher noise concerns. She provided a copy of a decibel levels comparison report to show the level of noise from chickens would be negligible.

Marilyn Meygaard, residing at 718 Cheery Drive, spoke in opposition of keeping chickens. She felt it would add to the existing problems within the city. She did not want the noise or the smell associated with keeping chickens.

Delores Feddes, residing at 1108 Cardinal Drive, spoke in opposition to keeping chickens. She felt that farm animals should stay outside City limits as the existing ordinance states.

Anna Duderstadt, residing at 215 N. Weaver, spoke in favor of allowing chickens. She felt the neighbors would be able to communicate successfully about keeping chickens. She also felt it would be a positive experience for children to be able to raise chickens because everyone cannot afford to live in the country.

Linda Riley, residing at 101 10th Street, spoke in opposition of allowing chickens. She indicated she had many relatives who kept chickens in the country and she felt strongly that chickens belong outside city limits.

Pat O'Donnell, residing at 502 N. Broadway, spoke in opposition of allowing chickens. He noted his observation that Bozeman seems to have constant issues with chicken ordinances. He felt the Belgrade Police Department had better use for their time than enforcing such an ordinance.

Mike Baker, residing at 108 8th Street, spoke in favor of allowing chickens. He referred to the petition showing signatures of support. He also noted that most people who want urban chickens are not financially able to move to the country. It was not their intent to invade their neighbor's privacy. He felt the rule of obtaining neighbor consent will make this work. Mr. Baker also talked about other countries who allow basic rights to raise their own chickens and have a garden. He spoke of his concern about the lot size, because he personally had a 5000 sq. ft. lot, which was smaller than the draft ordinance allowed.

Mike Streich, residing at 97 10th Street, stated that he felt there were many issues that needed to be more thoroughly considered before making a decision for or against allowing chickens.

Tina O'Donnell, residing at 501 Spooner Road, spoke in opposition of allowing chickens. Her main concerns were the smell, attracting flies, predators and otherwise well-behaved dogs. Chickens are also able to fly if their wings are not clipped. She noted seeing about 10 police reports within the past 4 weeks in the Bozeman area involving chickens, mostly chickens at large or chickens being killed by dogs. She noted that dog owners are fined for not cleaning up after their dog and asked if the same would be true for chicken owners. Ms. O'Donnell provided a printed copy of some of the police reports she obtained from the Internet.

Kelly Massey, residing at 514 N. Weaver, spoke in favor of allowing chickens. She spoke in favor of teaching her child about sustainability. In her experience, chickens seemed relatively quiet and not overly smelly.

Keri Carson, residing at 808 Oregon, spoke in favor of allowing chickens. She noted she would love to live in the country but was unable to do so. She felt allowing chickens would be no worse than other comparable things that are allowed like dogs and smoking outside. She felt that people would be respectful in owning chickens.

Virjeana Brown, residing at 720 Northern Pacific Avenue, spoke in favor of allowing chickens. She felt that such owners could be just as responsible as dog owners.

Diana Perry, residing at 1013 E. Gallatin, spoke in favor of allowing chickens. She wanted to have her children know about their food and the sources. She spoke in favor of nutrition, health and economic values. She noted that clipping their wings will limit their flying abilities. She spoke in favor of a 1 year trial period.

Peggy O'Donnell, residing at 502 N. Broadway, spoke in opposition of allowing chickens. She wondered how many requests for variances would need to be considered and how many complaints would be allowed before the chickens were taken away. It seemed to involve many complicated issues and would require a lot of time that City staff and Police don't have.

Vickie Streich, residing at 97 10th Street, spoke in opposition of allowing chickens. Her concern was that the city is understaffed and with only 1 animal control officer, how will they be able to enforce the ordinance? She felt the City was already having trouble enforcing the current dog rules and would have more trouble if they added chickens to the list.

Jackie Jones, residing at 615 Silverbow, spoke in favor of allowing chickens. She spoke about ways to resolve the smell issues. She noted that chickens eat flies and bugs which is a natural deterrent. She asked for a show of hands of who wanted chickens in the auditorium.

Amy Joiner, residing at 305 Gertrude Avenue, spoke in favor of allowing chickens. She spoke about her children's allergies and how chickens fit in with those needs. Pesticides and toxins are also a consideration and chickens helped produce a healthier garden as well. She spoke in favor of a 1 year trial period.

Mayor Nelson called for further public comment a second time.

Andrea Balyeat, residing in Belgrade, spoke in favor of allowing chickens. She noted she was not able to move into the country, but loves living in Belgrade. She felt allowing chickens would have a positive effect on drawing the community closer and getting back to basics like our grandparents.

Stormi Oshun, residing at 112 Little Brook Lane, spoke in favor of allowing chickens. She felt it would be a positive effect on being neighborly and helping good relations within the community.

Lisa Blank, residing at 302 Bridgerview, spoke in favor of allowing chickens. She also distributed an informational sheet on noise, containment and smell. She noted the rise in popularity of urban chickens in the United States and other countries.

Matt Collingwood, residing at 505 Kathy Lane, spoke in favor of allowing chickens and being good neighbors. He felt approval of this ordinance would improve relations between neighbors.

Shaun Phoenix, 112 Little Brook Lane, spoke in favor of allowing chickens. She felt they were a positive impact on the community and she was in favor of local control of our own food supply.

Jessica Nunburg, residing at 109 8th Street, spoke in favor of allowing chickens. She noted the organic food value and allergy issues.

Mayor Nelson read a letter from Erin Howard, residing at 504 Kathy Lane. Ms. Howard wrote in opposition of allowing chickens. She stated she had moved into city limits in order to avoid being near farm animals. She also felt they would attract skunks, etc.

Mayor Nelson also read a letter submitted by Delores Feddes, residing at 1108 Cardinal Lane. Ms. Feddes wrote in opposition to allowing chickens. She noted the reason people move into the city is to avoid proximity to farm animals. She also spoke in opposition to any trial periods.

Mayor Nelson called for further public comment a 3rd time. There being none, the Public Hearing was closed at 7:56pm. The Mayor thanked all in attendance for their comments and participation.

ACTION: Council Member Youngberg moved to table the proposed ordinance indefinitely. Council Member Criner seconded the motion.

Council discussed that tabling this matter would mean no other action would be taken for or against this issue at this time. The matter could be taken off the table and reconsidered later if the Council chose to do so.

Council Member Criner referenced the fact that individual covenants as set by the various Home Owners Associations within Belgrade would still bar many residents from keeping chickens even if such an ordinance was approved by Council. Council Member Youngberg stated he has several concerns about allowing chickens within Belgrade and he agreed with previous comments from the public in that there are already issues with enforcing dog rules. He did not want to add to such issues.

Council Member Menicucci stated she had been observing the city lot sizes and alleys. She was not personally a proponent of chickens, but she was in favor of giving this ordinance a chance. She noted that most people she had spoken to were not against allowing chickens, even if they would not own chickens themselves. Menicucci felt the younger population was for it and the older generations were against allowing chickens.

Council Member Criner stated his appreciation for the public participation. He stated most of the communication he had received via phone calls and in person were against allowing chickens.

Council Member Koentopp thanked everyone for coming forward and speaking their minds.

Council Member Smith suggested that enforcing the required permission of neighbors would alleviate most of the problems.

The Mayor asked the Clerk to read the motion back to the Council before asking for a roll-call vote.

Council Members voting aye – Koentopp, Smith, Criner, Youngberg
Council Members voting nay - Menicucci

Motion to indefinitely table this matter carried 4 to 1.

A brief intermission was called at 8:08 p.m. The meeting was called to order again at 8:15 p.m.

REPORTS

Mayor Nelson had nothing to report

City Attorney Ramler had nothing to report

City Manager Barkley reported on current open positions within various Committees for the City, including the Belgrade Park Board, Streamline Advisory Board, Gallatin County Solid Waste Board and the Belgrade Tree Board. Barkley noted that an advertisement would be placed to encourage applicants to come forward.

Barkley indicated that the City Public Works department will be changing their mode of communication back to radios soon. They have been using individual cellular service which is becoming more problematic. Going back to radio use should alleviate group communication issues, particularly in the middle of group projects. This change will amount to an approximately capital cost outlay of \$4,900 with reduced monthly fees expected.

Barkley indicated the need to set a policy as to when we call out the snow plows. He suggested a threshold of 3 inches, with discretion given to the Public Works Director or foreman. Sanding is a separate determination. Removal of slush building up would also be at the discretion of Public Works Director or foreman. Council was in favor of this suggestion.

Barkley reported that city staff is continuing to work on the updated personnel policy. He hoped to have a draft within the next two weeks.

Barkley reported that Airway Blvd will now remain closed until spring due to the drastic change in the weather.

Barkley reported that the Building Belgrade event held on November 13th was successful and the attendees greatly appreciated the participation of Council Members Criner and Menicucci and Mayor Nelson.

Barkley reported that he and Planning Director Karp had attended a seminar about mini roundabouts. Some of the options and changes in design perimeters may be appropriate for Belgrade in the future.

Barkley reported on his meeting with YMCA staff and the Belgrade Senior Center staff. There is a lot of excitement in the air about a community center plan. Joint efforts will probably be sought along with the School District. Crock Foundation models are also being researched. Challenges include considering how to serve our community since it encompasses so much more than the actual city limits.

DISCUSSION AGENDA

DISCUSSION regarding a potential Municipal Services Mill Levy vote for 2015.

City Manager Barkley reviewed a draft ballot question for the Council and provided a printed calendar proposed for the process. This vote will be needed to maintain the same level of services in view of future budget concerns. The process and timeline for hearings and placing the question on a special ballot was discussed. Barkley indicated the process would include forming a work group to formulate a proposal. Barkley suggested that 2 or 3 Council Members be involved in the work group. The resulting proposal would be brought back to the Council for consideration on December 15th for further action according to the time line proposed. The goal is to have the election for this ballot on March 30, 2015. The time line suggested would allow this to be considered singularly so as not to compete with the needs of other jurisdictions such as the schools.

Council Member Koentopp inquired about the public safety bond passed a few years ago. Barkley indicated that this bond was for 34 mills and would fulfill its 10 year time frame within the next 2.5 years. A question of reformulating or continuing without change would need to be asked of the voters on that bond.

In regard to this new mill levy ballot question, Barkley indicated a plan would have to include what we will do with an approved mill levy and another plan for the scenario where the mill levy is rejected by the voters. Economic development including more commercial tax contributions would be desirable.

Council Members Criner, Smith and Menicucci agreed to work with City staff on formulating the mill levy ballot question.

CONSIDER proposed Resolution 2014-18 providing for Transfer of Appropriated Funds among Established Expenditure Accounts

City Manager Barkley reviewed the proposed transfer between accounts. He reviewed several line items and the way the accounts were being equalized. Barkley indicated it was not increasing or decreasing overall revenues or expenditures.

ACTION: Council Member Youngberg moved to approve resolution 2014-18 providing for the Transfer of Appropriated Funds among Established Expenditure Accounts. Council Member Menicucci seconded the motion.

All voted aye, motion carried unanimously.

CONSENT AGENDA

Warrants Payable for October 2014

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

All voted aye, motion carried unanimously.

FOR YOUR INFORMATION

Council Member Youngberg reported on the recent Park Board meeting and the revived efforts related to building a local skateboarding park. The new plan has been scaled back significantly with a smaller footprint similar to the size of a basketball court. They would also be willing to look at other locations instead of Lewis & Clark Park. Other sites might include the Youth Sports Complex. Fundraising options were discussed and possible ways of finding other alternatives. Youngberg has also been asked by citizens wondering about water connections being marked and located on their property. Barkley noted the efforts of our Public Works department in locating water connections in order for the data to be uploaded as GPS

coordinates. This information aids in situations where connections might be difficult to find under snow, under water or paved over by mistake. Youngberg also took the opportunity to congratulate the Belgrade Panther volleyball team for their recent championship win.

Council Member Criner inquired about turning the tennis courts into basketball courts. Council Member Youngberg indicated this subject was also part of the discussion at the recent Park Board Meeting. The Park Board also talked about adding an ice hockey rink on the old Dump site which would involve laying some clay down and pushing up some berms. Criner also agreed that the Building Belgrade event was a good success and he enjoyed the tour of the City facilities.

Council Member Menicucci reported on her participation in the Building Belgrade event. She felt it was well represented by the City staff. She was also happy the skating rinks were being flooded and prepared for the winter season.

Council Member Smith commented on water quality and that the Water Quality Board was monitoring several wells across the valley for nitrates. He explained they were testing several levels and depths. He would let the Council know of the results as they became available.

Mayor Nelson reported on his recent tour of the Bozeman Water Plant and the complex amount of processes required in treating surface water. He compared it to Belgrade's option of using ground water wells which provide good clean water and do not require such elaborate treatment.

Council Member Koentopp had nothing to report.

ADJOURN

Council Member Criner moved to adjourn the meeting at 8:56 p.m.



Russell C. Nelson, Mayor



Susan Caldwell,
Administrative Assistant to the City Manager