

**BELGRADE CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS**

March 2, 2015

7:00 PM

Mayor Russell Nelson called the meeting to order. Council Members in attendance were: Brad Cooper, Ken Smith, Kristine Menicucci, and Mark Criner. Others in attendance were: City Manager Ted Barkley, Planning Director Jason Karp, Jordan Ramler, Susan Swimley, Patsy Olmstead, Clint Litle, Michael Tucker, Douglas Macleod, Matthew Colbert, Dan Alderman, Dennis Foreman, Jessica Hodges, Ken Williams, Ed Roe, Lynn Johnson, and Linda Rabel.

Council Member Menicucci moved to excuse Council Members Koentopp and Youngberg. Council Member Criner seconded the motion.

All voted aye, motion carried unanimously.

APPROVED MINUTES OF THE February 17, 2015 MEETING

Council Member Cooper moved to approve the minutes of the February 17, 2015 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

Continue Public Hearing and Consideration of Ryen Glenn Preliminary Plat Application

Mayor Nelson asked if the Council members had anything new to report on this subject. The Mayor stated he had been contacted by the Applicant who wanted to express his compliments to the council members regarding their comments at the first meeting on this subject. The Mayor stated that he himself had also made contact with the Applicant to make sure that the Applicant had received notice from his engineer group concerning the items being researched. The Applicant had also approached the Mayor at his place of work to advise that the Applicant had received information from the Department of Environmental Quality (DEQ) via email and this information would be passed on to the City staff.

Planning Director Karp reviewed the research done thus far in regard to questions raised at the Council Meeting on February 17th. The master plan done in 2008 was reviewed. The number of connections and the availability of water were questioned along with the power supply to the wells. Karp stated that the City was granted a deviation from DEQ in 2008 after appropriate studies were completed by Northwestern Energy for the power supply on the wells. DEQ granted the deviation which alleviated the requirement for auxiliary power. Ryen Glen

water mains had been found to be certified, however, Meadowlark Ranch as-builts had not been submitted so that part is going through the certification process right now. The Meadowlark Ranch water and sewer issues with DEQ are not related to Ryen Glenn. Karp stated that there is further research needing to be done. Because the information is still being gathered, City Staff requested that the Council consider all the information being provided and continue this item for at least two more weeks to allow time for additional research to be completed and for the attendance of City Attorney Ramler so he might have a chance to review the information as well.

Regarding whether the City properly reviewed the adequacy of the water supply, Karp stated that the City did follow normal procedures. DEQ confirmed the same process the City has consistently used in this case and historically. With any conditional approval comes the requirement of DEQ approval of the subdivision and that approval happens between Preliminary Plat Approval and Final Plat Approval. As a matter of statute the deviation that was granted may only be effective for three years so this is needs to be confirmed and will be reported back to the Council. The original deviation was granted in August 2008. DEQ has filed this paperwork in their archives and they required more time to locate them. Karp also referred to the letter from Clint Litle, Dowl HKM Engineering Group, that responded to the concerns brought up by Meadowlark Ranch at the March 2nd meeting.

City Manager Barkley reported that the City's legal council has not had an opportunity to review this information which could be done before the next meeting scheduled for March 16th.

Clint Litle, Dowl HKM Engineering, spoke regarding the preliminary plat from 2006. He provided a copy of an email he received from DEQ on this matter. He stated that all the improvements and as-builts from 2006 through 2008 have been certified by HKM and they are in good stead with the City of Belgrade and with DEQ. Regarding the Preliminary Plat Application, he noted that this was thoroughly reviewed by the City Planning Department and it had been found complete. Regarding the stipulation agreement between Ryen Glenn, Meadowlark Ranch and the City, Litle felt it had been fully realized and fulfilled in view of the water tower being built and with DEQ granting the deviation. Regarding Susan Swimley's letter calling this claim "new" information, Litle referred to an email from Rachel Clark, Engineering with DEQ who worked on the original approvals of Ryen Glenn and Meadowlark. Litle summarized the letter stating that Ryen Glenn had been approved through the Municipal Facilities Exclusion process originally. Ms. Clark again expected that it would again be approved through that same process. Water and wastewater submittals are not required under this provision. Exclusions from this requirement must be submitted to DEQ prior to Final Plat, not prior to Preliminary Plat. Litle stated this has historically been the normal progression in his experience. Regarding Conditions, Litle spoke on the paving of Powers Blvd, Condition 22. He stated they would prefer to pave Powers for 200 ft and then use gravel for the remainder. To go with a full paved street with curb and gutter for the full length would be a hardship. Litle stated they felt this application was in good stead and should be considered for approval.

Mayor Nelson opened up the general public hearing on this subject and called for public comment.

Susan Swimley, 1807 W. Jefferson in Bozeman, Attorney representing Meadowlark Ranch, Inc. Ms. Swimley stated that her letter raised the question that if this was considered new information the Council should require further review. She stated that the City still does not have evidence that the conditions have been met. She respectfully disagreed that the application was complete. The required deviation information should have been included. She spoke about the cost sharing agreement and subsequent liens that were filed. Ms. Swimley stated that the condition still exists that these two subdivisions share the costs. She has not seen satisfactory evidence to show that the cost sharing agreement does or does not exist. She agreed that this issue should be continued so the information can be provided.

Dan Alderman, owner of Alderman River Ranch, spoke regarding his conservation easement and the steps that have been taken to maintain open area. He felt the density levels being proposed in this project were too high with it being located right next to open type areas. He felt that a lower density would also help as to how much water would be required. In Alderman's opinion the high density would destroy the open landscape and was not a good fit. He asked the Council to consider a more reasonable density. Alderman spoke about the growth policy which recommends trail systems, but he felt this subdivision was detached and would not support the overall plan. There should be some kind of trail system or bike paths to give residents a way to get to the splash park as an example. The barrow ditches were not friendly to bike riders and pedestrians. Alderman also wanted to see the requirement for Powers Blvd to be paved for safety reasons. He wanted to see a privacy barrier fence as well to insulate the subdivision from the agricultural neighbors for safety and liability purposes. Hunting and use of firearms, which is allowed on Alderman's property, will also be an issue. Alderman noted instances where poaching and shooting from the edges of the Meadowlark subdivision have already taken place. Even though they are considered inside city limits some residents had set up a hunting blind at the edge of that subdivision. Since Alderman's property is used for day use hunting, it may cause conflict and new residents should know these things before they buy property there. Density was Alderman's biggest concern, along with a trail system and an adequate barrier fence.

Mayor called 2 more times for public comment. Council brought up concerns about the traffic flow which will be affected by the development. This was addressed by Condition 40.

ACTION: Council Member Menicucci moved to keep the Public Hearing on Ryen Glenn Preliminary Plat Application open and continue at the next regular Council meeting to be held on Monday, March 16th. Council Member Smith seconded the motion.

All voted aye, motion carried unanimously.

Mayor Nelson clarified that this matter was being continued to address these questions and also so the City Attorney would be able to review the issue and make a recommendation to Council.

REPORTS

Mayor Nelson read a Proclamation regarding Retired Educators Day

Acting City Attorney Jordan Ramler had nothing to report.

City Manager Barkley reported that the Big Sky Retired Educators Association is hosting an Open House from 2-4pm on Friday, March 13th at Peace Lutheran Church located on Jackrabbit Lane. All are welcome to attend.

Barkley provided Council Members with a copy of a draft letter regarding the Municipal Services Mill Levy to be mailed to all active voters on the same day that the ballots go out. The letter has a signature line for each council member to show their support.

Barkley reported on his scheduled interview on March 3rd with 99.1 KCMM Belgrade. He also plans to appear once more with the Mayor on Station KMMS. Barkley reported appearing in his own spot with KMMS on the 2nd and 4th Wednesday each month beginning March 11th. Barkley spoke about his plans to interact with Belgrade News staff as well.

Barkley reported on the Bozeman Deaconess Healthcare Connections and provided a copy of the latest brochure showing the dates and services provided with the mobile unit being stationed at the Fire Department in Belgrade. These services are free of charge.

Barkley reported on the Mill Levy basic fact sheet with some graphics included, with the back side listing the public meetings being held at the Library. This notice was also published in the Belgrade News ¼ page ads

Barkley reported that he and the Mayor will be attending Mayors and City Manager's Institute in Helena Wednesday through Friday, with an additional opportunity to observe and testify at the legislative session.

Barkley reported on finalizing the background investigation on the leading candidate for the position of Finance Director. This should be finalized very soon.

DISCUSSION AGENDA

CONSIDER City Court Judge Nomination and Consideration for Appointment

City Manager Barkley reviewed the appointment process. Judges are typically appointed for a 4 year term. This appointment would be to fill the rest of Judge Snowberger's term which expires on December 31, 2015. At that time the Council would be asked to consider appointment to another term or solicit other interest as needed. Barkley reported that 5 candidates had been interviewed by the selection panels. Both panels selected the same 3 finalists. Barkley recommended nomination of Andrew J. Breuner as Belgrade City Court Judge. If appointment was approved, Breuner's pay would be set by Resolution and brought back to Council for approval at the next regular meeting.

ACTION: Council Member Criner moved to approve appointment of Andrew J. Breuner to the office of City Court Judge, effective March 30, 2015, and authorize the City Manager to enter into an employment contract with Mr. Breuner with term through December 31, 2015. Council Member Menicucci seconded the motion.

All voted aye, motion carried unanimously.

CONSIDER Request to use City Fire Hydrant for Fire Protection of a County Minor Subdivision

City Planner Karp reviewed the request by Linda Rabel and RTCD LLC. This is a minor subdivision of two lots. The hydrant is within the required 5000 feet, as needed for fire protection. There is no fee structure when the hydrant is actually used. Karp noted the condition of waiving the right to protest annexation into the City and the requirement to install fire sprinkler systems in the homes. These requirements would run with the land and be placed on the final plat filed and recorded.

Dennis Foreman with Gaston Engineering, spoke regarding the buildings planned to have sprinkler systems. Foreman stated the hydrant would be used mainly in case of a grass fire in that neighborhood. He stated the developer has no problem with condition regarding future annexation.

Council discussed having a fee structure for this type of water usage. The County continues to allow these small subdivisions that want to use the City hydrants. A similar application was approved a few months ago. It was noted that the water usage would be minimal, if used at all. Having the option to annex in the future is a valuable condition to the City's benefit. Each application will continue to be reviewed based on its own merit. Any approval is discretionary and is not required.

ACTION: Council Member Cooper moved to allow the proposed subsequent minor subdivision for Linda Rabel and RTCD LLC on Airport Road to utilize the City of Belgrade fire hydrant at Airport and Tubb Road as a fire protection water supply subject to the stipulation that new structures in the subdivision have fire sprinkler systems, and the stipulation that the developer waives the right-to-protest future annexation into the City of Belgrade. Council Member Smith seconded the motion.

All voted aye, motion carried unanimously.

Council Members requested that a fee structure be discussed further at a later meeting.

CONSENT AGENDA

Warrants Payable for January 2015

Council Member Menicucci moved to approve Warrants Payable for January 2015. Council Member Smith seconded the motion.

All Voted aye, motion carried unanimously.

Payroll for February 2015

Council Member Criner moved to approve the Payroll for February 2015. Council Member Menicucci seconded the motion.

All voted aye, motion carried unanimously.

FOR YOUR INFORMATION

Mayor Nelson had nothing to report.

Council Member Criner had nothing to report.

Council Member Menicucci noted that walking on the north side of Spooner, she has seen where people have allowed their dogs to defecate all along the sidewalks which is quite disturbing, also on Airway Blvd. Ordinances need to be enforced to a greater level if possible. She also commented that the fields behind Bacterin's buildings smell like dogs are using that area as well. She wanted to see some kind of notice or reminders to be issued if possible.

Barkley commented on increasing citizen's awareness and putting out reminders and possibly placing cleanup bags in problem areas.

Council Member Smith commented that he too noticed that people are allowing their dogs to leave a mess in front of homes.

Council Member Cooper had nothing to report.

ADJOURN

Council Member Criner moved to adjourn the meeting at 8:13 p.m.



Russell C. Nelson, Mayor



Susan Caldwell,
Administrative Assistant to the City Manager