

BELGRADE CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
March 16, 2015
7:00 PM

Mayor Russell Nelson called the meeting to order. Council Members in attendance were: Brad Cooper, Anne Koentopp, Ken Smith, Kristine Menicucci, Mark Criner and John Youngberg. Others in attendance were: City Manager Ted Barkley, Planning Director Jason Karp, City Attorney Rick Ramler, Susan Swimley, Clint Litle, Michael Tucker, Jessica Hodges, Finance Director Diane Eagleson, Doug Daniels and Matthew Colbert.

APPROVED MINUTES OF THE March 2, 2015 MEETING

Council Member Smith moved to approve the minutes of the March 2, 2015 meeting. Council Member Menicucci 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 reported that he had received a letter from Attorney Swimley regarding possible conflicts of interest. Nelson reported that although he is employed within the banking industry, he has no personal dealings with the applicant, therefore there are no conflicts.

Planning Director Karp reviewed the updated staff report. Karp pointed out that Montana Department of Environmental Quality (DEQ) planned to perform their reviews after Preliminary Plat and before Final Plat. Regarding the water supply, Karp noted that Belgrade had not grown as much as the projected estimates. Only about 124 dwelling units were added since 2008 and infrastructure has been upgraded. The water system is stable. About \$300,000 has accumulated in the impact fee funds to date which may be used toward installing a new well according to our master plan. Regarding whether Attorney Swimley's questions constituted new information, this would be determined by Council. No staff recommended conditions have been changed as of result of the questions brought forward. April 20th would be the next possible public hearing to allow for notification.

In addition to making a determination on whether Swimley's information is new, the Council was also asked to specifically discuss and make a determination regarding paving on Powers Blvd. Applicant proposed to leave Powers as a paved 20 foot wide road, coming in later to widen the road to City standards. City has standard requirements of full pavement meeting City standards prior to Final Plat approval of Phase 1. Other condition would be to insure that

Powers is at least put into a finished gravel standard with some dust treatment applied. If pavement is deferred, they must still pave and gravel up to 200 feet with a paving agreement in place as well to guarantee that the paving gets completed.

Condition #40 was modified to provide for potential connection of the property South to connect Tubb Road directly to Ryen Glenn instead of going through Meadowlark Ranch, and also facilitate looping of water mains.

City Attorney Ramler suggested that the Council hear information from City Engineer Doug Daniels. Karp asked to open the public comment and let the applicant speak last.

Doug Daniels, City Engineer, stated he has reviewed whether the City has adequate water service. Portions of the review were City-wide, in particular with respect to the fire flows. Daniels reviewed the City master plan again from 2008. Under the conditions then and in February 2015, the system was adequate to meet requirements. State requirements have changed somewhat, but the system is even more acceptable according to the new requirements. Sewer capacity was also reviewed and has been found adequate. Karp confirmed the report being referred to was produced in 2008.

Mayor Nelson opened the public hearing on the Ryen Glenn Preliminary Plat application.

Susan Swimley, 1807 W Dickerson, Attorney speaking on behalf of Meadowlark Ranch, stated the fact that hearing from the Engineer at this meeting is the fundamental problem with the process. That information should have been in the application and was not included before the Planning Board. She felt this was a flaw in the process. Swimley suggested the appropriate remedy was to send this back to the Planning Board.

Mayor Nelson stated that the City Council and City Engineer were already confident that the water supply was sufficient, therefore, additional analysis was not required. Swimley referred back to the agreements that limited everything until certain criteria was met. She stated that Meadowlark Ranch was still subject to the limitations. After the questions were brought up, the reports were supplied after the fact. Swimley repeated that the application was incomplete because the analysis was not included with it and the limitations were not addressed.

Ramler pointed out that the Council has the discretion to determine whether or not the application is complete and whether it contains enough information for the City Council to make a determination.

Swimley also referred to their wish for the City to include the same pay-back agreement conditions that was placed on Meadowlark Ranch and the previous Ryen Glenn Subdivision. She referred to the applicant's settlement agreement that had to do with construction liens. She was informed that the overall agreement that the City required as a condition that all the offsite infrastructure running through Meadowlark Ranch and up through Ryen Glenn would be shared. Meadowlark Ranch filed a construction lien on the portion that ran through the Ryen Glenn property and that's the part that is settled under the proportional repayment. However,

Meadowlark Ranch has not been repaid for the parts outside of Ryen Glenn. A proportional share has to be paid. Then the conditions will have been met.

Doug Daniels spoke on his recollection that the City did require a condition that the two parties form a mutual agreement, between Meadowlark Ranch and Ryen Glenn, to share costs. Daniels noted that the City went to great effort to make sure the City was not controlling that agreement and were not a party to that agreement. It was specifically between the two subdivisions.

Clint Litle, Project Engineer with Dowl Hkm, stated he has been the project engineer of record for the past 10 years. Regarding the stipulation agreement, the conditions have been met. The Payback agreement was between Meadowlark Ranch and Ryen Glenn based on a 38/62 split and to his knowledge all of the monies were paid with the exception of some minor improvements within Ryen Glenn that were completed after they had their financial problems. Litle understood that the settlement through the lien process had paid these amounts in full.

Jessica Hodges, Attorney representing the Applicant, North Airport LLC, stated that all the conditions have been met. In regard to the water and sewer questions brought up, DEQ appeared to answer these questions and concerns as well.

Karp reminded the Council of the testimony of Dan Alderman at the last public hearing session on March 2nd with his comments regarding density concerns. Karp noted this was set when the property was originally zoned back in 2004 when it was originally annexed. The perimeter was zoned as R1T to require 20,000 sq.ft. lots. The rest is zoned R1 and all the lots meet the zoning minimum lot size standard.

Mayor called 2 more times for public comment.

Council inquired about the Applicant's desire in considering the three options available on Condition #22 in the staff report. Clint Litle stated their choice would be Option B, paving a minimum of 24 foot surface which would serve the best for both the builder and the City. Council members discussed the options as well and generally agreed that Option B was the best option.

Council discussed the fence requirements on Condition #33. Clint Litle commented on the need to keep dogs out of the agricultural areas and keeping cows out of the residential area. A chain link fence by itself would not accomplish this. Litle agreed that no one likes the idea of chain link, but a pig fence consisting of a combination of a woven wire tier near the bottom and smooth wire on the upper tiers might be workable. Cows leaning against fencing is also a concern. A variance could be discussed to allow barbwire along the same fence line on the ag side as needed. Barbwire and electric fencing are not allowed within City limits. Otherwise, the condition gives some latitude on fencing materials, and it was agreed that this should be discussed further and the Applicant should work with the neighboring landowner for suggestions. It was noted that the Veltkamps are the primary owner of the neighboring land.

Council discussed Condition #40, allowing future access stubs for additional access and easements on the Airport side of the subdivision. Clint Litle reviewed the adjustments that would be required to be made to the lot sizes and still meet the zoning.

City Attorney Ramler spoke regarding whether the questions brought forward by Susan Swimley constituted new information or not. He suggested that the Council should make a motion determining whether it is new or not. He noted that four issues were raised. (1) Regarding adequate water to serve Ryen Glenn, there has been adequate testimony showing there is adequate water in the City for this purpose. The DEQ process for approval was shown to happen not until after Preliminary Plat approval. The application has been shown to be complete by the comments made by Doug Daniels. (2) Regarding the payback agreement, the City was never a party to that agreement, this application is not being brought forward by the old developer and this is a new application. If they have a claim against Ryen Glenn, they are free to pursue that separately without any condition imposed by the City. (3) In regard to whether Ryen Glenn should be paying \$500,000 toward the City water tower, this was addressed in staff reports because the tower is already in existence, and impact fees are in place. Meadowlark Ranch is receiving an offset credit for impact fees up to their contribution which was \$310,000. Ryen Glenn will be required to pay impact fees for every house constructed. (4) Regarding whether houses in Ryen Glenn should be sprinkled or required to have fire retardant materials, this is addressed adequately in the staff report. There are distinctions between the size of the lots. Ryen Glenn lots are bigger and the houses are not as close together. Also the streets are standard width. There is adequate fire flow as well.

Ramler suggested the Council make a motion confirming their thoughts as to whether this is new information which would require a new hearing through the Planning process. It appeared that the information has been adequately provided for the Council to make an informed decision on whether this was new information and whether the application is complete. This information is included in the public records as stated. Each question has been addressed.

ACTION: Council Member Youngberg moved to determine that there is no new information that is relevant or credible to require any further public hearing on the Ryen Glenn Preliminary Plat application. Council Member Menicucci seconded the motion.

All voted aye, motion carried unanimously

Council discussed various conditions on the Application. The following conditions were addressed individually:

ACTION: Council Member Koentopp moved to grant the requested variance from maximum lengths due to the configuration of the property with the condition that pedestrian easements and walkways be provided as per condition #39. Council Member Youngberg seconded the motion.

All voted aye, motion carried unanimously.

ACTION: Council Member Criner moved to grant the requested variance to allow the elimination of curb and gutter from Penwell Bridge Road and Lagoon Road as these roads do not provide direct access to lots and to facilitate snow removal and drainage. Council Member Koentopp seconded the motion.

All voted aye, motion carried unanimously.

ACTION: Council Member Menicucci moved to grant the requested variance to allow the elimination of pedestrian ramps to Lagoon and Penwell Bridge Roads because they will not have curb and gutter subject to the condition that asphalt ramps be installed to connect pedestrian and bicycle facilities as required by Condition #38. Council Member Cooper seconded the motion.

All voted aye, motion carried unanimously.

ACTION: Council Member Koentopp moved to deny the variance request to allow street width to be reduced to 36 feet and require all streets accessing lots within the subdivision to be built to current adopted City standards. Council Member Smith seconded the motion.

All voted aye, motion carried unanimously.

Council expressed their expectation that the Applicant and the neighboring property owners would work out the fencing in a mutually beneficial way.

ACTION: Council Member Youngberg moved to grant preliminary plat approval of the Ryen Glenn Estates Subdivision subject to conditions listed in the staff report, designating Option B for Condition #22, finding that the application and review complies with the Belgrade Area Growth Policy, Belgrade City Code, and the Montana Subdivision and Platting Act. Council Member Criner seconded the motion.

All voted aye, motion carried unanimously.

REPORTS

Mayor Nelson read a letter thanking the Council for designating March 12th as Retired Educators' Day. The Mayor also reported attending the Executive Forum put on by the Local Government Center and Montana Municipal Interlocal Authority in Helena. He reported hearing about many cities around Montana having sewer system issues and the associated costs. Glendive Mayor Jameson also gave information regarding the oil leak that had occurred in their area and what they learned from it, particularly in communicating during such an event.

City Attorney Ramler had nothing to report.

City Manager Barkley reported on a Mill Levy Question and Answer sheet that will appear in the Belgrade Newspaper as a full page ad in the March 17th edition. As people come in to pay their water bills, they are also being offered the Question and Answer sheet. Barkley also referred to the acknowledgement letter that the Belgrade audit report has been received by the State.

Barkley introduced Diane Eagleson as the newly hired Director of Finance and Administration for the City and gave a brief summary of her professional background and experience. The Council welcomed Ms. Eagleson.

Barkley reported on keeping close tabs on the quality of our public water supply. The City has now had several clean tests. The issues that were causing concerns last Fall and we believe to be remedied, are still being closely monitored.

Mill Levy Ballots were mailed out on March 13th and in process. Barkley noted that Council members will be notified of results after the polls close and the counts are done on March 30th.

Barkley reported meeting with consulting attorneys regarding water supplies and obtaining water rights. They are putting together the definition of the water rights we already have. We are not using as much of our rights as we thought we were. Belgrade is at about 56%, but still need to move ahead with plans.

Barkley reported meeting with Molly Hirschi, GIS Specialist/Planner with Stalley Engineering, who used to work at the City of Belgrade as an intern in our Planning Department. Ms. Hirschi is proposing to use the services of Montana State University interns that would be willing to come to Belgrade and set up GPS points for our public water and sewer system. This is a very inexpensive way for us to get into a GIS system that represents a significant need of the City. More details will be provided as this project progresses.

Barkley reported that we are reworking the Street Cut permit to be called Permit to Work in the Right-of-Way. This is more applicable to work being done whether they are cutting the street or not. This will better protect the City's infrastructure and utilities.

Barkley reported that the Shakespeare in the Park event has been set and will include the presentation of "Taming of the Shrew" in Lewis & Clark Park in Belgrade, on Labor Day, September 7th.

DISCUSSION AGENDA

CONSIDER Resolution to Set City Court Judge Compensation

City Manager Barkley reviewed the proposed compensation for the newly appointed City Court Judge, Andrew J. Breuner, fulfilling the current unexpired term which runs through December 31, 2015.

ACTION: Council Member Menicucci moved to approve Resolution 2015-2 setting the City Court Judge compensation as stated. Council Member Criner seconded the motion.

All voted aye, motion carried unanimously.

CONSIDER Tree Board Application and Appointment

Mayor Nelson recommended Ms. Jolliff for appointment to the City Tree Board.

ACTION: Council Member Koentopp moved to approve appointment of Jennifer Jolliff to the City Tree Board for a two year term. Council Member Smith seconded the motion.

All voted aye, motion carried unanimously.

CONSENT AGENDA

There were no items on the Consent Agenda

FOR YOUR INFORMATION

Council Member Cooper had nothing to report.

Council Member Koentopp had nothing to report.

Council Member Smith reported see city employees working on street signs, combining street name sign with the stop signs. It was confirmed that the City workers are to install and replace signs in line with accepted standards and specifications. Also consolidating posts is being done as signs are replaced.

Council Member Menicucci had several members of a neighborhood that want to revisit how school zones are decided and why they go for 12 months. Flashing lights would be more indicative of when the school zones are enforced. Those making the comments want the flashing lights.

Council Member Criner had nothing to report.

Council Member Youngberg had nothing to report.

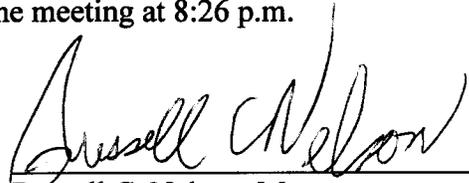
Barkley reported his attendance at the Central Valley Fire District Trustees meeting last week. He referred to a report for the Council's information that was included in their packets for this meeting. The Fire Chief may come next month and present a report to the Council. Barkley also noted that a barrel to collect food items for the Gallatin Valley Food Bank has been placed

in the lobby at City Hall and people have been contributing. He referred to an acknowledgement letter received from the Food Bank showing the latest totals.

Mayor Nelson reported on comments he had received regarding the Mill Levy and how it relates to the Fire Department. He commented on the two items that would be assisted by the funds include the debt service for the equipment and the contribution to the retirement fund for the volunteers. These two areas are chronically underfunded.

ADJOURN

Council Member Criner moved to adjourn the meeting at 8:26 p.m.



Russell C. Nelson, Mayor



Susan Caldwell,
Administrative Assistant to the City Manager