

**BELGRADE CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS**

July 6, 2015

7:00 PM

Deputy Mayor Kristine Menicucci called the meeting to order. Council Members in attendance were: Brad Cooper, Anne Koentopp, Ken Smith, Mark Criner and John Youngberg. Others in attendance were: City Manager Ted Barkley, City Attorney Richard Ramler, Planning Director Jason Karp, Finance Director Diane Eagleson, Judy Karl, Harold Karl, Carol Jones, Katharine Bost, Mike Mason, Carolyn Mason, Jenifer Cornwell, Danielle Boston, Amy Schumacher, Ian Schumacher, Adam Pople, Tom Burger, Lesley Jensen, Mike Franklin, Kasie Franklin, Maggie Shappart, Jacquelin Flikkema, Shannon Moss, Stan and Connor Guthrie.

Council Member Youngberg moved to excuse Mayor Nelson. Council Member Criner seconded the motion. All voted aye, motion carried unanimously.

APPROVED MINUTES OF THE June 15, 2015 MEETING

Council Member Smith moved to approve the minutes of the June 15, 2015 meeting. Council Member Koentopp seconded the motion. All voted aye, motion carried unanimously.

PUBLIC FORUM

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

PUBLIC HEARING

No items for public hearing

REPORTS

Deputy Mayor Menicucci had nothing to report.

City Attorney Ramler had nothing to report.

City Manager Barkley reported on his recent meeting with Sara Thane from Senator Tester's office and his inquiry about federal money that might be available to mitigate some impacts of the railroad in our community, particularly the Quiet Crossing program. Some Grant programs might be applicable to Belgrade, but the matching amount is still a challenge for us. Ms. Thane is continuing her efforts on our behalf.

Barkley reported that plans for the Bozeman Deaconess Clinic is under review right now. This Clinic will be located East of the intersection of Jackrabbit and Alaska later this year.

Barkley reported that the Arizona Street railroad crossing is being removed today and permanently closed. Citizens are happy for one less horn sounding.

Barkley reported an opportunity on our Transportation Alternative (TA) grant, in relation to a trail that would connect the Belgrade Youth Sports Complex all the way down to the new interchange. Montana Department of Transportation (MDT) representatives are encouraging us to apply for connecting sidewalks from Airway Blvd on into downtown and a sidewalk from Northern Pacific from the round-about at the top of the ramp connecting to the existing sidewalk at Oregon. Barkley inquired if it was acceptable to the Council to bring these requests to the top of the priority list. General comments from the Council supported this direction.

Barkley reported that the contract for the micro paving has been received and is under review. The goal is to start in July and pave in August.

Barkley reported receiving the final approval from MDT on the CTEP sidewalk project allowing it go out to bid.

Barkley reported on individuals who have filed as candidates for the upcoming general election for City Council positions. Anne Koentopp has re-filed for Ward I, running unopposed. Mark Criner has re-filed for Ward 2, running unopposed. 3 individuals have filed for Ward 3 including Virjeana Brown, Shane Cantrell and Jim Simon. Russ Nelson has re-filed for Mayor, running unopposed.

Barkley provided a copy of the proposed striping plan for Northern Pacific Avenue. The plan is designed to help keep speed down on this street. The parking lane will be located next to the housing side of the street, and only on that side. Narrowing the lane to 10 feet will hopefully encourage the traffic to go slower.

Barkley reported on the signage around the interchange and the concerns that have come up. There is some confusion when you are given the choice of either the Terminal or Service Road. More info needs to be added. Most of it is posted 35 mph but a speed study will be done. Signs will also be placed as you travel up Northern Pacific in regard to truck weights allowed. Barkley was not aware of any accidents yet. Traffic is flowing well and is picking up.

Barkley reported that fireworks experienced over the holiday went fine with no major fires or injuries reported. He noted receiving a few complaints as to the number of days that the City allows fireworks to be set off.

Barkley reported on future priorities for federal projects including a recommendation to rebuild the Oregon intersection with Frontage Road, and also a rebuild of Main Street from one city limit to the other city limit. This represents approximately a 5 to 6 year planning project. MDT plans to analyze traffic will help to kick this process off to a start. This will help develop data to support our decisions down the road. Those studies will start in about 6 months as the new interchange affects traffic.

Barkley commented that the Jackrabbit widening project is still on hold due to delays in obtaining right of way property. This may delay the project until next year.

DISCUSSION AGENDA

Consider Letter from Meadowlark Ranch Subdivision Residents

Deputy Mayor Menicucci called for public comment from representatives of Meadowlark Ranch Subdivision residents.

Mike Mason, residing at 2003 Sturnella, stated that he had written the to the Council in this matter. As a registered engineer and resident of Meadowlark Ranch, he discussed his understanding of a Planned Unit Development (PUD) application process. He specifically mentioned the odd shaped lots and drainage issues. This is related to the way the foundations are poured and laid out. In his opinion, there appears to be adequate catch basins, but there are several areas below the street level and the water is pooling and causing problems. The water is not able to get to the catch basins properly. He asked that the City work with Meadowlark Ranch residents to assure that proper drainage is accomplished and resolved. Mr. Mason stated that the developer/builders are not resolving the problems.

City Manager Barkley outlined his plan to have Planning Director Karp act as a liaison between the residents and the developer. Karp answered general questions about grade standards required. He also noted there was not an ordinance specifically setting the overall height of the foundation and grade.

Jennifer Cornwell, residing at 904 Powers Blvd, asked if the catch basins for storm water belong to the City or to the residents. It was confirmed that these are part of the infrastructure and are maintained by the City. She also wanted clarification whether the sidewalks are the City's responsibility. Barkley answered that sidewalks are the responsibility of each of the adjacent property owners individually. Some stretches of sidewalk may fall under the Homeowner's Association as a group. Ms. Cornwell commented on the railroad berm that was not supposed to be developed. It was to be a natural break to avoid flooding and provide separation from the wetlands. Large sections of the berm have since been removed to fill in other lots by the developer. She asked if this will affect the flood impact mentioned in 2006 upon first approval. Ms. Cornwell noted that the developer had also agreed to put in play grounds, removed noxious weeds and install walking trails with benches. Currently there is no landscaping, no parks or playgrounds and several sink holes have appeared.

City Manager Barkley referred back to the Plat Approval's Final Findings from 2006 as the guiding document which would spell out the responsibilities of the developer.

Connor Guthrey, a young man residing with his parents at 902 Powers Blvd, stated that the builder promised a playground and parks a few years ago and they didn't build them. He asked if the Council could make them build the parks and playgrounds.

Stan Guthrie, Connor's father, residing at 902 Powers Blvd, commented on his concern that parks and playgrounds were part of the approved Planned Unit Development (PUD) but have still not been provided by the developer. He asked the Council to give no further approvals for the next phases of this development until the responsibilities toward Phase I have been completed.

Leslie Jenson, residing at 2000 Oriel Lane, stated her concern with the way the properties are being inspected. Jason Karp explained the inspection process usually done by himself and the Public Works Department including plumbing inspections. Karp stated final inspection is done before a Certificate of Occupancy according to minimum required standards. Rough grade is part of the inspection, however Karp noted inspection is not done during final landscaping phase. Karp

acknowledged that the soil in the Meadowlark Subdivision does tend to hold water differently due to increased clay content and better top soil. Karp confirmed these inspections take place in person by City representatives and are rarely, if ever, done based on photographs.

Maggie Shappart, residing at 1014 Powers Blvd, stated that she would like to have parks finished, but her main concern is with the drainage issues. She is very frustrated and doesn't know where else to go for assistance or what she should do next in this process.

Carolyn Mason, residing at 2003 Sturnella, spoke about the houses being built within the subdivision. She felt it was easy to see the drainage problems. The water consistently pools as deep as 4 foot, and then takes quite some time to evaporate. She stated that even to the naked eye the grades are not appropriate for the needs.

Lacy Allen, residing at 2013 Pine Martin, stated her yard has a lake in the back. She was told to build her yard up, but then it floods the neighbor so she did not feel that was an acceptable alternative. Fence lines are rotting and standing in water. She also stated her frustration that other miscellaneous items are supposedly under warranty, but not getting repaired.

Mike Franklin, residing at 1109 Powers Blvd, acknowledged that the City's role in resolving these issues may be minimal, but with Phase 2 and 3 coming up soon and more building to come, he asked that the City not let the developer have any wiggle room on inspections. When the developer comes forward and asks for final plat approval for phase 2 and 3, Mr. Franklin asked that it is not approved until the other issues are resolved. He commented on the record and history of this particular developer who seems to a master at manipulating how the limits are pushed. Completion to final grade should mean properly dealing with the drainage issues, but it does not seem to mean that to this developer. Several back yards come together in one area and there was no forethought put into the drainage issues when all the properties drain and pool into this area. Mr. Franklin pointed out that the developer still has more work to accomplish in the future. As the power of enforcement and inspection lies within the City's duty, he respectfully asked for intense scrutiny and full enforcement of standards going forward.

Linda Steel, residing at 2001 Sturnella, spoke about her drainage problem as one of the first houses built. She stated her frustration with the lack of options to be rid of the water. She also asked about planned improvements to Tubb Road and stated it is in need of repairs. She was informed that Tubb Road is maintained by Gallatin County at this time and that Powers Blvd and Penwell will be paved in the future.

Kelley Gwen, residing 1002 Powers Blvd, stated that her house is built up higher and she sees the drainage issues. She suggested installing more storm drains within the lots. Particularly in the next phases she felt it would help.

Adam Pople, residing at 1019 Low Line Spur Road, spoke regarding grade. When he bought the house, the Home Inspector had noted on his report that the grade was a concern. Mr. Pople stated he had to bring in 15 yards of dirt to create a proper slope away from the house. The cycle of draining off into your neighbor's yard just keeps repeating itself as they build more houses.

Stan Guthrie, residing at 902 Powers Blvd, spoke again about issues related to his concerned with construction vehicles running on that street. He asked that they be required to run on other streets.

Jennifer Cornwall, residing at 904 Powers, spoke again and suggested more storm drains be installed to get the water to the street. The contractor that has purchased the adjoining lots has not returned phone calls at this point. Houses are too close together for the grade and it will not drain properly.

Mike Mason, residing at 203 Sturnella, spoke again about putting sub storm drains and piping it to the city storm drain system would take care of it, and he felt this should be done by the developer. The longer they wait, the higher the costs may be, but he felt this should be done by the developer.

City Manager Barkley brought up that he planned to ask the City Planning Director Karp to be the point person in helping to talk with the parties and try to work through some of the issues. Karp will have access to the City Public Works Director, the City Engineer and the City Attorney to help sort out those things that the City can be involved in.

Jason Leep spoke representing the developer. He referred to a Map showing Meadowlark Ranch master plan phase I and pointed out the area he felt was most affected by the drainage concerns. Speaking specifically about Lot 33, Leep noted the owner had purchased a rough grade package which meant the owner had to finish his own landscaping. The Fence was put in lower than the street and he created a low spot. Leep stated that the house foundations were placed high because they have to drain toward the cul-de-sac. Leep acknowledged that having standing water for over a month is a concern. He noted reaching an agreement with the owner of lot 34, including replacement of clay with gravel to improve drainage. Clay in the soil has created issues.

Council asked Leep about the Berm and park areas. Leep stated the berm material was used to build up pads and this was allowed because the berm area was part of private property. Leep stated that when they come in for Phase II, maybe they need to put some berm material back if needed. Leep stated that if the Home Owners Association (HOA) wants to put more trails and trees in, they would set the assessments and put the improvements in. Leep mentioned the 72 conditions required when filing of the Final Plat. He stated that they had met those conditions and the same conditions are required for Phase II, which will also be met. Leep offered to organize a tour of this property so the Council Members could see for themselves. He also stated he was happy to work with the Meadowlark Ranch HOA on making changes and resolving their concerns. He wanted to clarify that some of these issues are not under the City's purview. Leep acknowledged having disagreements with some homeowners. He felt that the planned repairs to Lot 33 would help the whole area.

Regarding curb cut issues, Leep acknowledged this as a cosmetic issue that did not affect drainage. It also was not considered a health or safety issue. Council inquired if these cuts would cause deterioration. Again, Leep offered to conduct a tour for their concerns.

Leep acknowledged that lot lines in the back are always low due to the requirement that lots drain away from the house. He stated they would keep a better watch for future issues in this regard. He felt that his group had always done what they said they would do and they would continue to do so.

Stan Guthrie, residing at 902 Powers Blvd, spoke again regarding Leep's statement about doing what they say they will do. He read a comment directly from Oakland Company's website describing winding pathways, parks and playgrounds. These amenities still do not exist. Mr. Guthrie thanked Mr. Leep for his statement of keeping his word and asked again that the City hold him to the completion of Phase I before giving authorization for future phases.

Leslie Jenson, residing at 2000 Oriol, spoke again and inquired about whether soil testing had been done around the deserted railroad spur line. Homeowners have not received results and they are concerned about the creosote content. Planning Director Karp noted that developers of the Ryen Glenn Subdivision will be testing that area. Testing is has not taken place yet.

Jennifer Cornwell, residing at 904 Powers Blvd, spoke again and asked Jason Leep if he could assist in contacting the contractor to mitigate the drainage issues. Leep he would not be able to assist.

Lacie Allen, residing at Pine Martin, asked about Mr. Leep's comment of repairing the drainage for Lot 33. She stated that she had put in her own and how that would work out. Council advised her that this issue would be between her and the developer because it was considered private property.

Deputy Mayor Menicucci closed the public comment. A short break was taken at 8:20pm. The meeting was called to order again at 8:30pm.

Consider City Manager Employment Contract

City Manager Barkley explained that he and Mayor Nelson had met and agreed to recommend 3 items for discussion:

- (1) Adjust vacation accrual from 20 days per year up to 24 days per year, effective on January 25, 2015, February being Barkley's 1st anniversary. This is the same rate of accrual for other senior employees.
- (2) Salary increase of 1% retroactive to January 25, 2015, with an additional 1% increase to take effect with the new fiscal year on June 25, 2015. This is the same level of the minimum increase expected for other city employees.
- (3) Extend the City Manager Employment Contract over a period of 3-1/2 years through March 2019, which aligns with vesting in the Montana Public Employee Retirement Plan.

ACTION: Council Member Youngberg moved to approve the City Manager Employment Contract and authorize Deputy Mayor Menicucci to sign said contract. Council Member Smith seconded the motion. All voted aye, motion carried unanimously.

Council members thanked City Manager Barkley for his efforts and his commitment to serving the City of Belgrade.

Discuss Nondiscretionary Fund Budgeting for FY 2015-2016

Barkley reviewed the spreadsheet showing the beginning balance and the projected ending balances for the various lighting districts and other funds. Combining the lighting districts is still a goal.

He explained why reserves are required. He pointed out that Fund #3021 for Library Improvements Loan has only 3 to 5 years left to pay, and then they can start planning the next Library addition.

Barkley noted his plan to bring information to future meetings to include utilities and upcoming expenditures that may impact rates. Barkley will be recommending bundling a water plan and waste water plan on a 7 to 10 year horizon. If a rate increase is recommended, it would be in smaller increments and approved all at one time. This approach is usually easier for rater payers to absorb. A mechanical waste treatment plant is on the horizon at some point due to regulations. Rates for apartment buildings compared to single family homes should also be reviewed. Grants to help us perform these studies will be pursued.

CONSENT AGENDA

Warrants Payable for May 2015

ACTION: Council Member Cooper moved to approve Warrants Payable for May 2015. Council Member Youngberg seconded the motion. All voted aye, motion carried unanimously.

Payroll for June 2015

ACTION: Council Member Criner moved to approve Payroll for May 2015. Council Member Smith seconded the motion. All voted aye, motion carried unanimously.

FOR YOUR INFORMATION

Council Member Koentopp had nothing to report.

Council Member Smith spoke concerning the fireworks season and asked why we allow selling fireworks so early. People start firing them right away. It was noted that if we change the selling season the vendors will just move the stands out of City limits. Discussion followed about changing the allowed dates for using fireworks to July 3rd through 5th. It was suggested to bring up a draft for consideration to the existing ordinance and change the allowed dates for lighting fireworks.

Council Member Cooper commented on Tubb Road and the County's responsibilities to make improvements around the industrial park and near the race track. He wanted the County to be reminded of their previous discussion about maintenance and repairs to the roads in that area.

Council Member Criner commented that he was pulled over by police the other night for a burned out light on his license plate and he appreciated their efforts.

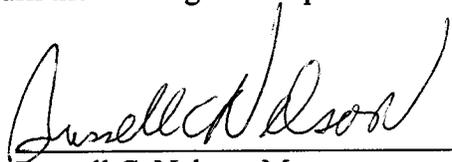
Council Member Youngberg commented that it was with mixed feelings that he did not file to run for the upcoming election to continue to serve on the City Council. One of the main reasons was due to the amount of time he is required to travel for his other duties. The other Council Members stated that he would be missed.

Council Member Menicucci reported that she had walked through Meadowlark Ranch and it was quite a construction zone with many issues. City Manager Barkley confirmed that the City is noting a constant level of enforcement action occurring in that area due to improper parking of dumpsters and dumping gravel piles in the roads to name a few. The narrow streets make access very challenging.

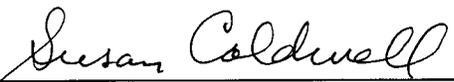
General discussion followed regarding requirements for making the City's expectations clear when it comes to sidewalks and curb & gutter. Some examples of the problems being seen within Meadowlark Ranch were referenced. Placing roll-back curbs would avoid having to make curb cuts. Barkley also proposed future requirements of having all sidewalks in place by the close of any phase. Segments built by different people, at different times, with different concrete causes quality issues.

ADJOURN

Council Member Youngberg moved to adjourn the meeting at 9:03 p.m.



Russell C. Nelson, Mayor



Susan Caldwell,
Administrative Assistant to the City Manager