

**BELGRADE CITY COUNCIL MEETING MINUTES**  
**COUNCIL CHAMBERS**  
**March 21, 2016**  
**7:00 PM**

Mayor Russell Nelson called the meeting to order. Council Members in attendance were: Brad Cooper, Jim Simon, Mark Criner, and Ken Smith.

Others in attendance were: City Manager Ted Barkley, City Attorney Richard Ramler, Finance Director Diane Eagleson, Planning Director Jason Karp, Ed Roe, Michael Tucker, Jena Reno Nash, Chris Branch, DeeAnne Branch, Joan Scharf, Jason Leep, Stan Twedt, Tricia Morefield, Jason Guffey, Matt Nislter, Ben Nistler, Matt Hanser and Nick Savico.

Council Member Cooper moved to excuse Council Members Koentopp and Menicucci. Council Member Smith seconded the motion. All voted aye, motion carried unanimously.

**APPROVED MINUTES OF THE March 7, 2016 Council Meeting.**

**ACTION:** Council Member Smith moved to approve the minutes of the March 7, 2016 Council meeting. Council Member Simon seconded the motion. All voted aye, motion carried unanimously.

**PUBLIC FORUM**

Mayor Nelson called for public comment.

Jenna Nash Reno, residing at 604 Montana Street, spoke concerning the condition of the property at 611 Missoula Street. She proposed a solution to resolve the continuing bad condition of the Redd property and stated that it should be considered a blight to the community. She asked that the acting Fire Marshall officially condemn the property in order to proceed with the cleanup. She also proposed a way to supplement the need for funds to clear and clean the property as a community project by making it into a community garden. Reno stated she would commit her efforts to creating a plan and supporting this project much as she did with the Splash Park at Lewis & Clark Park. She also stated she and her neighbors are concerned about their safety and dropping property values.

Chris Branch, residing at 606 E Missoula, stated he lives right across the street from the Redd property, which he considers an eyesore and beyond repair. He is concerned about the safety of the kids that seem to get into the property constantly. He had seen an official notice posted on the property just today and wanted to know what the next step would be. Mayor Nelson stated this would be explained after the public forum was closed.

Joan Scharf, residing at 606 E Missoula #B, noted the terrible disrepair and the presence of a dead animal rotting inside. She was also concerned about the kids that frequent the property and that she is afraid of others who might be using the property and might prey on the youngsters.

Stan Twedt, residing at 700 Washington Street, stated he has lived there for the last 10 years and the Redd's have made a mess of the property that whole time. He summarized some of his efforts to improve his own property and his concerns about how it negatively affects area property value. He too has noticed an increase in problems in the neighborhood in terms of crime.

Nick Savico, residing at 603 Washington Street, stated he has lived there for 3 years and he had observed more kids in and out of the Redd property. It is very ugly to look at, has dangerous boards with nails lying all over the place, and he felt it would continue to attract unsavory characters.

Mayor Nelson called 2 more times for public comment. There being none, the public forum was closed.

City Planning Director Karp spoke regarding the City's actions related to the property at 611 Missoula Street. He summarized the action being taken in accordance with City Codes. A 30 day notice had been posted on the property and the City has engaged the services of a Process Server to serve personal notice to the Redds. Time must be allowed for response and Karp estimated that it would be around May 1<sup>st</sup> before the City could hope to take further action on the property. The Redds would have 7 days to respond to the notice as soon as they are "served". Karp confirmed that this property has already been condemned in that no habitation is allowed. The City will recover cleanup and demolition costs by placing a lien on the property taxes which will become the responsibility of any future owner. Plans include clearing it down to a vacant lot, including removal of any fencing, and only leaving the existing trees.

City Manager Barkley noted that the cost of demolition may be more than the value of the property and this may result in the City taking ownership of the property. Karp confirmed the current zoning as R2M which allows up to 2 manufactured homes, but does not allow for apartments. Barkley reviewed the hearing process and that it would be part of a regular council meeting and noticed accordingly.

City Attorney Ramler stated that if the Redds disagree with the council's determination, they could still file a lawsuit at that point. He also pointed out that removing debris such as boards with nails could be construed that the City is exerting control over the property and could cause additional liability concerns. Council generally agreed to allow the 30 day time frame to proceed and consider further action at the end of the public notice period.

## **PUBLIC HEARING**

There were no items scheduled for public hearing

## **REPORTS**

### **Mayor's Report**

29<sup>th</sup>. Mayor Nelson read a proclamation acknowledging Arbor Day to be observed on April

**City Attorney's Report**

The City Attorney had nothing to report.

**City Manager Report**

City Manager Barkley reported that bids for the Sidewalks II project are due to be opened at City Hall on Tuesday, March 22<sup>nd</sup>.

Barkley reported on past direction to the Planning Board to direct staff to do a study on accessory dwelling unit options, such as mother-in-law apartments, in some zones. This would increase urban density and provide more affordable housing. Additional information on these options would be coming before Council for future consideration.

Barkley reported that the Planning Board had endorsed the design process of a trail connecting Bozeman to Belgrade along the Frontage Road.

Barkley reported that the annual meeting of the Spain Ferris Ditch Company would be held on April 2<sup>nd</sup> at 10:00 a.m. Barkley invited the Council members to attend.

Barkley reported that the Municipal Workshop for Elected Officials will take place in Billings, May 4-6. He asked interested council members to contact the City Clerk for registration information. Barkley noted that he would also be attending a conference that same week in Bozeman with the Great Open Spaces City Management Association which covered a 5 state region.

Barkley reported that the City and Fire District working committee meets again this week.

Barkley reported that we have gotten calls from people who are concerned about the safety of public water supplies and asking for our lead levels, particularly, in view of the recent issues in Flint, Michigan. Barkley noted that any pipes that had lead in them have been replaced at this point. Barkley stated that he and City staff are happy to speak with anyone who has these questions. He noted that we publish our water quality and the monitoring parameters each year.

**DISCUSSION AGENDA**

At 7:40 p.m., Mayor Nelson stated a conflict of interest on the first 2 items of the Discussion Agenda and asked Council Member Criner to chair this portion of the meeting. Mayor Nelson then left the bench.

**Consider Request for approval of an Improvements Agreement with an existing Letter of Credit for Ryen Glenn Estates Phase 2**

Planning Director Karp reviewed the request, including the carryover of the Letter of Credit used for Phase 1 to guarantee Phase 2, good through 2017. He noted they plan to update the improvements agreement after Phase 4 and after the construction season is over. The amount shown in the Letter of Credit was very specific for Phase 1. Karp noted the amount was still sufficient as the items covered would be mainly sidewalks in Phase 2. Curb and gutter and asphalt was already installed.

Matt Houser, Engineer working for Ryen Glenn developers, spoke in behalf of the applicant to answer questions. General discussion followed about the fencing that had been installed along the agricultural border and the chain link fencing going in near the ponds.

Council Member Criner called for public comment. There being none, the public forum was closed.

**ACTION: Council Member Cooper moved to approve the Improvements Agreement to be accompanied by the current Letter of Credit for the project that is in possession of the City in the amount of \$1,673,473.19 that complies with the terms of the Improvements Agreement. Council Member Smith seconded the motion. All voted aye, motion carried unanimously.**

#### **Consider Request for Final Plat Approval of Ryen Glenn Estates Phase 2**

Planning Director Karp noted that with the approval of the Improvements Agreement, the applicant has complied with requirements and may now be considered for final plat approval.

**ACTION: Council Member Simon moved to grant final plat approval to the Ryen Glenn Estates Subdivision Phase 2 subject to the transmittal of the signed Improvements Agreement, finding that all conditions of preliminary plat approval have been satisfactorily met and the subdivision complies with the Montana Subdivision and Platting Act and the Belgrade City Code. Council Member Smith seconded the motion. All voted aye, motion carried unanimously.**

At 7:49 p.m., Council Member Criner turned the direction of the meeting back to Mayor Nelson.

#### **Consider Proposed Resolution 2016-2 to amend the City Fee Schedule for Inspecting new City Sidewalks**

Planning Director Karp explained the proposed fee structure for inspections which will be done by City Staff and/or the contracted inspector. This fee would be charged for each individual sidewalk inspection.

**ACTION: Council Member Criner moved to adopt Resolution 2016-2 to amend the City's fee schedule to charge a \$100.00 sidewalk inspection fee. Council Member Simon seconded the motion. All voted aye, motion carried unanimously.**

**Consider request from Meadowlark Ranch, Inc., for approval of an agreement to build foundations on lots within Phase 2 of Meadowlark Ranch PUD/Subdivision prior to final plat approval of Phase 2**

Planning Director Karp explained the request. Water lines, sewer lines and streets are all in, but final plat is still under consideration and will take approximately another month. The developer is requesting approval to start eleven (11) foundations and proceed to stub in the water and sewer lines. Before framing starts they would normally need to have approval of final plat. Code doesn't really speak one way or another on this type of request, but the agreement would hold the city harmless if anything went wrong. No one has requested this type of action in the past. Karp confirmed there were 89 total lots in the phase, but the developer is only asking to start on 11 foundations at this time.

Karp briefly commented on the drainage issues experienced in Phase 1. He noted the residents and developer are still working through the problems. Having a dryer spring season has helped, but there are still issues. In Phase 2 the lots are higher and the grading and drainage has been a matter of focused attention. They have been installing drainage aides between lots in Phase 2. Final plat approval for Phase 2 seemed to be on track in Karp's opinion.

Jason Leep, representing Meadowlark Ranch Inc., explained this was a timing issue for the developer. The road in front of these 11 lots was paved right before winter set in. Approval of this request would enable them to proceed and keep construction going. He stated his appreciation for the Council's consideration and they Meadowlark Ranch Inc, would hold the City harmless. The work would include foundations only until the final plat was approved. Leep also stated that they anticipated no problems with drainage in Phase 2. He did not feel they had created the drainage issues with Phase 1, but they were still working with residents. He noted that lot tops and grades have been shown for Phase 2.

**ACTION: Council Member Criner moved to approve the agreement with Meadowlark Ranch Inc. to allow foundation and water and sewer service line construction for eleven (11) lots in Meadowlark Ranch Subdivision Phase 2, prior to final plat approval. Council Member Smith seconded the motion. All voted aye, motion carried unanimously.**

**Consider request from Meadowlark Ranch, Inc., for waiver to construct sidewalk on the south side of Baseline Road adjacent to the Meadowlark Ranch Subdivision**

Planning Director Karp explained the area being considered. Karp stated this waiver request should have been noted in the beginning of the project, but it was not included. He explained the area was located where Baseline Road intersects with Tubb Road. There is no sidewalk to Baseline, adjacent to the County project. This was how it showed on early drawings but it was not addressed on Phase I in the conditions. Any change now must be approved by Council. The City did grant Ryen Glenn a variation along Lagoon Road in the past for similar reasons.

Jason Leep brought up a map showing Tubb Road and the commercial development which does not front to Baseline Road, also several residential lots that do front onto Baseline Road. He pointed out that a sidewalk in this location may be detrimental to the driveways already in existence and would be of no use to the backside of the commercial buildings. A sidewalk would not connect to anything on either end. The sidewalk on the north side of Baseline Road has already been installed, along with curb & gutter.

**ACTION: Council Member Cooper moved to grant a waiver from the City of Belgrade Design Standards and Specifications Policy for sidewalks along the south side of Baseline Road adjacent to Meadowlark Ranch Subdivision. Council Member Simon seconded the motion. All voted aye, motion carried unanimously.**

### **Consider Selection of Contract City Engineer**

City Manager Barkley noted that Doug Daniels will be retiring at the end of March. 7 proposals for Contract Engineering services were submitted for review and 3 were selected for the interview process. Barkley summarized the ranking of the final 3. Recommendation of staff is to pursue negotiations with Keith Waring of TD&H Engineering for a tentative 2 year contract with a 30 day notice clause in case something doesn't seem to be working out.

Council members brought up concerns regarding past litigation history and the negative settlement in a previous project involving TD&H and Keith Waring. This was addressed by Mayor Nelson who also expressed his initial concern in this regard, however, after the interviews, Mayor Nelson agreed with the other committee members and felt Waring's knowledge of Belgrade's infrastructure was extensive. Although the 2 finalists were close in qualifications, TD&H rose above due to their past working relationship and knowledge of our systems, making this the unanimous choice of staff. Waring had also talked with the committee about lessons learned from past litigation history and how this would assist him going forward with the City.

Mayor Nelson called for public comment.

Matt Nistler spoke regarding personalities and relationships having a big part in considering a new engineering contract. Barkley confirmed that good interaction skills and conflicts of interest were considered in the selection process. Nistler felt the right person would be a great asset to the community.

**ACTION: Council Member Criner moved to authorize the City Manager to enter into negotiations with Keith Waring of TD&H Engineering for Contract Engineering Services and to bring a contract back to for council approval. Council Member Simon seconded the motion.**

**Council Members voting aye: Simon, Criner**

**Council Members voting no: Cooper, Smith**

**Mayor's vote to break the tie: Aye**

**Motion carried 3 to 2**

**Consider First Reading of proposed Ordinance 2016-2 amending the City Capitalization Policy for Fixed Assets and set date for Public Hearing**

City Manager Barkley reviewed the proposed amendment to the policy regarding capitalization for fixed assets and noted the valuation levels are in need of update to be consistent with generally accepted accounting practices.

**ACTION: Council Member Smith moved to approve Ordinance 2016-2 on first reading, amending the Capitalization for Fixed Assets policy and changing the Significant Value level of capitalized assets from \$1,000 to \$10,000 as stated, with a corresponding minimum 2 year service life, effective July 1, 2014, and set date for Public Hearing on April 18, 2016. Council Member Criner seconded the motion. All voted aye, motion carried unanimously.**

**Consider Proposed FY16-17 Draft Budget Calendar**

City Manager Barkley reviewed the plan for creating the Budget for the upcoming fiscal year, noting key dates, with the goal of a final budget resolution by August 15<sup>th</sup>.

**CONSENT AGENDA**

Warrants Payable for February 2016

**ACTION: Council Member Criner moved to approve warrants payable for February 2016. Council Member Smith seconded the motion. All voted aye, motion carried unanimously.**

**EXECUTIVE SESSION**

At 8:42 p.m., the public meeting was closed for Executive Session to consider litigation strategy.

At 8:58 p.m. Mayor Nelson closed the Executive Session and opened the meeting to the public.

**FOR YOUR INFORMATION**

Council Member Smith reported that he would be part of the interview committee for a prospective Fire Marshall to be held this Thursday.

Council Member Criner reported on attending the first meeting of the Fire Working Committee. In this preliminary stage, he noted they were looking forward to future meetings. Consideration included status of the current Station Number 1, which is owned jointly, and looking at the state laws involved with future governance.

Council Member Simon had nothing to report.

Council Member Cooper inquired about the City having an audit this year. Barkley confirmed it was moved out and may be done after April 15<sup>th</sup> which is much later than usual. Cooper also asked about scheduling the annual evaluation of the City Manager, noting that last year it was done in the month of May. Cooper also advised that he would be referring a person who wanted to talk to City Manager Barkley about the Revolving Loan Funds Program.

Mayor Nelson reported that he had received an email from Chris Thompson regarding Resilient Communities and the Transition Streets workbook.

**ADJOURN**

Council Member Criner moved to adjourn the meeting at 9:08 p.m.

  
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Russell C. Nelson, Mayor

  
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Susan Caldwell, City Clerk