

**BELGRADE CITY COUNCIL
MEETING MINUTES
Council Chambers
March 7, 2022
7:00 PM**

This meeting was open to the public and attended both in-person and via the Zoom video conference platform.

Mayor Russell Nelson called the meeting to order. Other Council Members in attendance were: Mike Meis, Kris Menicucci, Jim Doyle, Renae Mattimoe and Martha Sellers.

Council Members in attendance via zoom: Jim Simon

City staff in attendance were: City Manager Neil Cardwell, City Clerk Sue Caldwell, Executive Assistant Dana Jambor, City Attorney Rick Ramler, Planning Tech Kristin Spadafore, Planning Tech Levi Simonson, Police Chief Dustin Lensing, Executive Director of Financial Services Charity Wilson, Human Resources Director Sherry Brown, Public Works Director Steve Klotz, Acting Fire Chief Greg Tryon

City Staff in attendance via Zoom video were: City Engineer Tom Eastwood, Finance Diane Eagleson

Others in attendance were: Traci Gilbertson, Kylee Westervelt, Nicole Gilbertson, Vivian Crouse, Josh Shepard, Cody Balke, Rob Balke, Randy Cygan, Judy Doyle, Josh Smith, Margie Hanson, Troy Gage, Todd Waller, Scott Bechtle

Others in attendance via Zoom video were: Nicole Cardwell, Diana Setterberg, Gena Overstreet

PUBLIC FORUM

Mayor Nelson opened the public forum and called 3 times for public comment. There was none and the public forum was closed.

PUBLIC HEARINGS

Continue consideration of Ordinance 2022-2 (second reading) Adoption of Zoning – Jackrabbit Crossing Property (continued from February 22, 2022)

Planning Assistant Levi Simonson noted further refinement of proposed zoning submitted by the developer after the initial public hearings and comments submitted by residents. Simonson referred to the changes made which included increased areas of R-3 and the addition of a 20 foot border area designated as Public Lands and Institutions (PLI) zoning which could become part of a park area or a trail represented along the south and west edges of the property. Simonson also noted changes to the area designated as R-3.

Josh Smith, Allied Engineering, spoke as representative of the developer. He reviewed the original map and the changes that had been made in response to public comment received. He noted the efforts taken to provide more R-3 zoning, the addition of the PLI zoning to provide a buffer zone, along with their efforts to work with Belgrade City staff, Gallatin County and Montana Department of Transportation on access roads. He noted the estimated acreage to include B-2 at 76 acres, M-1 at 20 acres, R-4 at 7 acres, R-3 at 21 acres and PLI at 2 acres, generally speaking.

Todd Waller, developer, acknowledged that several meetings had taken place in working with the City and neighboring residents. He noted that R-3 zoning would allow more consideration of condo/townhome style living and he felt these were more price conscious for potential residents who wanted more than apartment living, but weren't quite ready for purchasing a single family home. He felt the new plan would be acceptable to neighbors with the new layout of the proposed perimeter zoning, the walking trail and connectivity to the park. He appreciated the input provided thus far.

Council brought up the question about having a fence to keep separation between pets and livestock.

Waller discussed his preference toward natural screening materials and landscaping. He did not want to prevent access. The option of fencing could be reviewed in more detail during plat reviews. Council commented that if other landowners wanted a fence, they could give variable access as well from their side of the buffer zone and the fence would not have to be excessively tall.

Mayor Nelson opened the public hearing and called for public comment.

Margie Hanson, residing on West Cameron Bridge Road, spoke in opposition to the proposed zoning because she did not see a big enough difference from the original proposal. She agreed with the concerns about safety of livestock. She was concerned about the density and the number of housing units planned for the area. She wanted to see more land designated as a park. She felt the zoning request was being guided by the developer's pocketbook.

Traci Gilbertson, residing on West Cameron Bridge Road, spoke in opposition to the proposed zoning and the recent adjustments. She felt that the park designation was minimal and the developer was making it sound like they were doing the residents a big favor in that regard. She felt the developer should be required to bring the zoning more in line with what the residents were requesting. She noted that R-2 zoning was more fitting for this area, but the developer was driven by the income that the higher density would bring. She did not agree with having the B-2 business zoning in the area.

Cody Balke, residing on Park Drive, thanked Council and the developer for taking time to get input. She felt that they had been listening. She noted that 20 feet of trail was not really very much space. She liked the suggestion of fencing and noted that the trail could be outside their fence with access.

Randy Cygan, residing on Cameron Bridge Road, thanked Council for listening, but felt that the proposed zoning still needed adjustment. He felt that the R-4 had been increased, also he felt that the B-2 zoning should be adjusted so it would not run into the established subdivision. He did not think there should be city sprawl invading the rural area. In this case, his backyard. High density like this should be near areas of shopping and business. He felt this development would negatively affect wildlife as well.

Josh Shepard, residing on Parker Drive, spoke in opposition to the proposed zoning as he felt there were not enough changes to the original map. He thanked Council for listening.

Troy Gage, residing on Parker Drive, spoke in opposition and in agreement with his neighbors. He felt there was too much land designated as R-4 and he did not agree with the B-2 Business zoning.

Gena Overstreet, residing on West Cameron Bridge Road, spoke in opposition to the zoning plan. She felt this would negatively impact their lifestyle, placing high density in their backyard. She wanted to see more of a buffer zone with less density. She was in agreement with having a fence to protect livestock and pets.

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

Josh Smith, Allied Engineering, spoke in response to public comment. He noted that the PLI zoning was preliminary and should be considered as a place holder for actual detailed layouts that would come later. He felt that fencing would be considered further and addressed at a later point. In regard to B-2 Business zoning, he noted that this designation lined up with the Yellow Iron property and noted that the mobile home parks directly north joined to the existing B-2 to the north. The developer felt this zoning was consistent with what was already in place and it was the same width.

Scott Bechtle, Architect representing the developer, thanked council and City staff for the various meetings and discussions. He noted the apparent efforts made to accommodate the suggestions. He noted a possible reason for the residents' hesitation to support the zoning because the master plan was not yet set in place. He noted that this was just a first offering and there would be many more discussions to take place.

Mayor Nelson inquired about expanding the 20 foot section of PLI to provide more of a buffer. He asked if placing 20,000 ft. lots on the edge of the property was possible.

Bechtle clarified that even though the zoning map showed R-4 in the park area, the existing park was still there and would remain and he thought this was causing some confusion. He noted that PLI was for the trail and for extending the existing park and that the preliminary plat would show those details. He also noted that the public would have more opportunity for input when that was presented.

Council commented on the importance of people feeling like they were being heard. Bechtle noted that the various meetings had very good input and participation from all sides.

Council Member Meis asked City Attorney Ramler about consideration of the developer's proposal. Ramler confirmed that Council was to give full consideration to the developer's request, in addition the public's comments and then make their decision.

ACTION: Council member Meis moved to approve Ordinance 2022-2 upon second reading to adopt the Jackrabbit Crossing Zoning as proposed by the applicant and shown on the map attached to the ordinance as Exhibit A, with the addition of PLI zoning as shown. Council Member Menicucci seconded the motion. Roll call vote – All voted aye, motion carried unanimously.

Consider Adoption of Annexation Service Plan for Jackrabbit Crossing Property

Planning Tech Simonson reviewed the Annexation Service Plan for the Jackrabbit Crossing property which was required before considering annexation of said property.

City Manager Cardwell noted that item 4 would need correction to show approval by the Central Valley Fire Chief instead of the “City Fire Chief” since the City was annexed into the Central Valley Fire District last year.

Mayor Nelson opened the public hearing and called for public comment. There was no comment and the Mayor closed the public hearing.

ACTION: Council Member Doyle moved to approve the Annexation Service Plan for the Jackrabbit Crossing Property, amending item 4 to correct the wording to read Central Valley Fire District Chief, and finding that the service plan was compliant with 7-2-4732 MCA. Council Member Menicucci seconded the motion. All voted aye, motion carried unanimously.

Consider Resolution 2022-12 Adopting Annexation of Jackrabbit Crossing Property

Planning Tech Simonson noted that with the approval of the annexation plan, the council could now consider annexation of Jackrabbit Crossing Property.

Mayor Nelson opened the public hearing and called for public comment. There was no comment and the Mayor closed the public hearing.

ACTION: Council Member Meis moved to approve Resolution 2022-12 to annex Jackrabbit Crossing Property into the City limits of Belgrade as requested by the applicant. Council Member Doyle seconded the motion. All voted aye, motion carried unanimously.

REPORTS

Mayor’s Report - the mayor had nothing to report.

City Attorney’s Report – the City Attorney had nothing to report.

City Manager’s Report

City Manager Cardwell asked Council to welcome newly hired Charity Wilson, as the Executive Director of Financial Services for the City.

City Manager Cardwell reported that he would be out Wednesday through Sunday as he planned to travel to Texas and then drive a U-haul back to Montana. He noted that Police Chief Lensing would be acting as City Manager in his absence.

DISCUSSION AGENDA

Consider Request for Reduction of Financial Guaranty – Story Creek Subdivision Phase 3

Planning Tech Kristin Spadafore reviewed the request for reduction of the financial guaranty commensurate with work completed thus far with regard to sidewalks. She noted that the request and adjustment had been verified by the City Engineer. The original letter of credit was in the amount of \$126,952.53 and the request was to replace it with a letter of credit in the amount of \$19,982.04.

Council asked if there were issues with handicapped ramps. Spadafore noted that this was not the case with this subdivision. She also noted that any such issues would be addressed and fixed before a Certificate of Occupancy was granted.

City Manager Cardwell thanked Planning Techs Simonson and Spadafore for their presentations and information during the absence of Planning Director Karp.

Mayor Nelson called for public comment. There was none.

ACTION: Council Member Sellers moved to approve the Request to reduce the financial guarantee for Story Creek Subdivision sidewalks to be accompanied by a Letter of Credit acceptable to the City in the amount off \$19,982.04 complying with the terms of the Improvements Agreement. The Letter of Credit expiration date shall not be less than one e year from March 7, 2022. Upon receipt of the new Letter of Credit, the current Letter of Credit in possession of the City for Story Creek in the amount of \$126,952.23 shall be released to the applicant. Council Member Mattimoe seconded the motion. All voted aye, motion carried unanimously.

Consider Standards Update for Fire Service Line Pipe Materials

Public Works Director Klotz noted that several variances for this type of allowance had been brought before Council for approval to allow PVC pipe material instead of ductile iron. Klotz said that this item might have to be tabled to clarify the portion allowed and the placement of said PVC. He was concerned that this might allow the whole length to be PVC.

Discussion followed about only allowing PVC to be used to within ten feet (10') of the foundation of the building to be served. Council pointed out that the last item C.3 showed that same requirement. Klotz stated that was correct and so he was satisfied that the specifications were acceptable. He recommended approval as stated.

Mayor Nelson called for public comment. There was none.

ACTION: Council Member Sellers moved to approve of the Standards Update for Fire Service Lines, Public Works Policy P-002. Council Member Doyle seconded the motion. All voted aye, motion carried unanimously.

Consider Sewer/Water Pipeline Access Easement Agreement-Bridger Heights Apartments

Public Works Director Klotz noted that this application was for an easement to serve the proposed Bridger Heights Apartments generally located on private property. The easement was needed

so the city could maintain those hydrants and lines. He recommended approval and to authorize the city manager to sign said agreements.

Mayor Nelson called for public comment. There was none.

ACTION: Council Member Sellers moved to approve the Sewer and Water pipeline access easement and agreement prepared on behalf of Isac Holdings, LLC for the Bridger Heights Apartments Phases 2B, 3, and 4 within the Bridger Heights subdivision, and authorize the City Manager to sign said agreement. Council Member Simon seconded the motion. All voted aye, motion carried unanimously.

Consider Ordinance 2022-5 (first reading) Prohibiting Excessive Noise

City Manager Cardwell noted there had been requests by the public and by council members over the past in regard to noise control. This ordinance was general in language to be able to care for issues as they arise. It was felt that the best avenue was to encourage neighbors to talk and communicate in order to work things out, and this ordinance would provide a way to enforce limits as circumstances might require.

Council asked if this would help them address the noise from go-carts.

Police Chief Lensing agreed that this ordinance was designed as a wide, general rule that would give police officers another tool to deal with situations that needed more guidance,

Council inquired how fireworks noise could be worked into this ordinance. City Manager Cardwell and City Attorney Ramler noted that these two ordinances need to stay separate. The Fireworks ordinance was already established with specific time and date limitations.

Council discussed revisiting the Fireworks Ordinance for possible amendment and including the various local vendors for their input as was done in 2020.

Mayor Nelson called for public comment, there was none.

ACTION: Council Member Menicucci moved to approve Ordinance 2022-5 to prohibit excessive noise upon first reading and set date for public hearing on March 21, 2022. Council Member Meis seconded the motion. All voted aye, motion carried unanimously.

Consider Resolution 2022-13 Accepting Library Foundation Contributions

Executive Director of Finance Charity Wilson explained the need for this resolution in order for the City to officially accept donations from the Library Foundation for this project. She noted that out of the total \$1.3 million, most was designated toward construction with \$300,000 designated toward Lewis & Clark Park improvements.

Discussion followed about the cost of fundraising efforts. City Manager Cardwell noted that the fundraising expenses of approximately \$400,000 had already been paid. Cardwell said this resolution only impacted the specific donations for the capital campaign, not general donations.

Mayor Nelson called for public comment. There was none.

ACTION: Council Member Menicucci moved to approve Resolution 2022-13 accepting donations from the Belgrade Library Foundation for the construction of a new Library and Community Center. Council Member Mattimoe seconded the motion. All voted aye, motion carried unanimously.

Consider Resolution 2022-14 Sewer Bond \$5.6M RD Series 2022C

Executive Finance Director Wilson noted this resolution was the next in line of similar bond series' which would allow moving forward on the financing process for this project. This was required for closing of one of the preliminary bonds issued in 2021. She noted that the interest rate would be at 1.58%.

Mayor Nelson called for public comment. There was none.

ACTION: Council Member Simon moved to approve Resolution 2022-14 relating to the \$5,600,000 Sewer System Revenue Bond, Series 2022C; confirming the issuance thereof and the security therefor and making certain designations and covenants in respect of the bonds. Council Member Menicucci seconded the motion. All voted aye, motion carried unanimously.

Consider Resolution 2022-15 Corporate Banking Authorization – City Account

Executive Finance Director Wilson noted changes to those designated as authorized signers on the City bank account which should include herself, City Manager Cardwell and Police Chief Lensing.

Discussion followed regarding security protocols for authorized signers. City Manager Cardwell noted the requirement for two signatures on any check with one signature required of either Cardwell or Wilson. The Court account required only one signature on a check, that being the Judge, with backup signatory authorization for Cardwell and/or Wilson for times when the Judge was not available. Council was in favor of requiring 2 signatures on City checks.

Mayor Nelson called for public comment. There was none.

ACTION: Council Member Meis moved to approve Resolution 2022-15 for Corporate Banking Authorization on the City account authorizing City Manager Cardwell, Executive Finance Director Wilson and Police Chief Lensing as signatories. Council Member Sellers seconded the motion. All voted aye, motion carried unanimously.

Consider Resolution 2022-16 Corporate Banking Authorization – Court Trust Account

Executive Finance Director Wilson noted this resolution was for the Court Trust account, authorizing Judge Gregory, Cardwell and Wilson as signatories.

Mayor Nelson called for public comment. There was none.

ACTION: Council Member Menicucci moved to approve Resolution 2022-16 for Corporate Banking Authorization on the Court Trust account authorizing Judge Gregory, City

Manager Cardwell and Executive Finance Director Wilson as signatories. Council Member Simon seconded the motion. All voted aye, motion carried unanimously.

Consider 6 Month Performance Evaluation of City Manager

Mayor Nelson reviewed the evaluation form that had been given to each council member. He asked them to complete their forms and personally return the forms to him by March 15, 2022, after which he would compile their comments into the evaluation which could then be considered at the next regular meeting on March 21, 2022.

City Manager Cardwell requested that the Mayor close the meeting to the public and go into Executive Session to discuss personal information considered private.

EXECUTIVE SESSION

At 8:25pm Mayor Nelson closed the regular meeting and called for Executive Session. He called a 5 minute break to allow for clearing of the room and to sequester those in attendance on zoom.

Mayor Nelson, Council Members Sellers, Meis, Menicucci, Doyle and Mattimoe remained in chambers. Council Member Simon remained in attendance via Zoom. City Manager Cardwell and City Attorney Ramler remained in chambers.

City Manager Cardwell directed City Clerk Caldwell and Executive Assistant Jambor to also vacate the chambers and advised that City Attorney Ramler had agreed to take the minutes during this Executive Session.

At 9:01pm Mayor Nelson re-opened the meeting to the general public.

CONSENT AGENDA

- Pledged Securities for February 2022
- Warrants Payable for December 2021 and January 2022

ACTION: Council Member Simon moved to approve the consent agenda items. Council Member Doyle seconded the motion. All voted aye, motion carried unanimously.

FOR YOUR INFORMATION

Council Member Simon noted that he would not be able to attend the upcoming Fire Board meeting and noted that Council Member Doyle also had other obligations in case someone else would be willing to attend. Council Member Sellers volunteered to attend the Fire Board Meeting.

Council Member Mattimoe reported that she would be out of town for the week of Spring Break.

Council Member Doyle asked if anyone else had received an email survey regarding Streamline bus services. Council Member Menicucci confirmed that the survey was going out to random individuals for input. Council Members Simon and Meis said they had also received the survey.

Council Member Menicucci reported on efforts by the Gallatin Walter Quality District in regard to their nitrate testing project and their progress in collecting samples throughout the Belgrade area.

Council Member Meis reported on attending the Planning Board and noted there was no public comment on the rezoning of JLD property. He also agreed that they needed to recognize the need for another overpass interchange for access to the Interstate, on the west end of town. He noted comments made by Mike Devries, a local developer, who said he would like to see it happen and wanted to know how to move forward. Devries also offered potential funding and to work with other developers to start the engineering studies, etc. City Manager Cardwell noted that if they wanted to help fund a study that would be a good first step.

Council Member Meis gave a reminder about the upcoming Planning Board Round Table to include Bozeman, Big Sky, West Yellowstone and Belgrade, which he considered good representation since we were all seeing the same issues. He noted there may be some actionable items. Regarding the PCC agenda, Meis noted it was roughly the same. He noted they were meeting via the Zoom video platform only at this point. The next meeting would be Wednesday March 30th starting at 6pm.

Council Member Sellers reported on the Library meeting which had been delayed and was rescheduled last week. She encouraged all to go to the Library's website and read the newsletter. She noted that the Library Board was wondering about naming of the new library and they would be asking for clarification as to who would make final determination.

Discussion followed about use of the community room as the future meeting room for the Council. City Manager Cardwell said he felt it made sense to continue use of the chambers in City Hall. It would be a last resort to move the Council meetings over to the Library.

Council Member Sellers noted that many of her constituents had been asking about street conditions and fixing potholes. She requested to meet with City Manager Cardwell about the City's plans and processes of repaving roads and street repairs.

City Manager Cardwell noted plans to perform a Pavement Index Study first which would indicate the status of our existing pavement and then a plan could be formulated to move forward on repaving. He also noted that this would be discussed at the upcoming Council Planning Retreat.

Cardwell noted the Council Planning Retreat was set for Wednesday April 13, 2022 at the Residence Inn in Bozeman, running from 9:00am to 5:00pm. A notice of possible quorum would be posted.

Cardwell commented that he expected that the Roundtable discussion with the other towns and cities would no doubt include options on Marijuana Tax. The County wanted to put the revenue toward mental health, Bozeman wanted to put it toward affordable housing. Cardwell felt that Belgrade's share should be put toward public safety and police services.

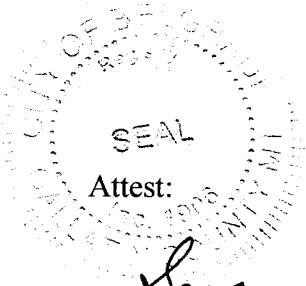
Mayor Nelson reported that Bozeman first seemed to be thinking of going on their own in regard to a Health Board, however, now they seemed to be working on it together with the County so that was a positive direction.

ADJOURN

Council Member Sellers moved to adjourn the meeting at 9:38 pm. Council Member Mattimoe seconded the motion.



Russell C. Nelson, Mayor



Attest:



Susan Caldwell, City Clerk