

**BELGRADE CITY COUNCIL
MEETING MINUTES
Council Chambers
March 21, 2022
7:00 PM**

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

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

City staff in attendance were: City Manager Neil Cardwell, City Attorney Rick Ramler, City Clerk Susan Caldwell, Executive Assistant Dana Jambor, Planning Director Jason Karp, Human Resources Director Sherry Brown, Executive Director of Financial Services Charity Wilson, Police Chief Dustin Lensing, Library Director Gale Bacon

City staff in attendance via zoom: Diane Eagleson

Others in attendance were: Vivian Crouse, Mike Devries, Judy Doyle, Ali Vasarella, Jeff Lusin, Matt Sedor, Sander Story, Jeri Lessley, Cindy Rohrer and Breck Rohrer

Others in attendance via zoom: Nicole Cardwell, Diana Setterberg, Benson and Miso

PUBLIC FORUM

Mayor Nelson called three times for public comment. There being none, public forum was closed.

PUBLIC HEARING

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

City Manager Cardwell noted that this Ordinance had been approved upon first reading and was now being brought forward for final adoption.

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

Breck Rohrer, residing on East Jefferson Street, spoke in support of the Ordinance. He noted the growth over the last 30 years which came with an increase of noise. He felt that the biggest sources of noise in their area was due to traffic. He particularly noted noise from loud vehicles speeding along Jefferson, including ATVs and motorcycles. He was glad to see the ordinance and inquired as to how the police would be able to enforce it.

Police Chief Lensing spoke about the new Ordinance as an additional tool to help address the noise issues. Lensing said he was familiar with the area where Mr. Rohrer lived and plans were to increase efforts of enforcement in various areas throughout Belgrade. Lensing noted that a resident could file a complaint about someone causing excess noise and if they had a full or partial license plate number and the person's description, it could also be considered reckless or careless driving in some instances. The person making the complaint could complete a sworn statement as well.

Ali Vasarella, residing on North Weaver Street, noted that there was no mention of Construction noise and asked if this could be included in the Ordinance.

City Manager Cardwell acknowledged that this Ordinance was not designed to address construction noise specifically. If Council was inclined to pass the ordinance as it was written, it could be modified in the future. He suggested that any such addition of language about Construction noise should be determined after having input from local builders as this would affect them.

Council discussed if this might be addressed with the 11pm to 7am restriction on noise. Cardwell noted that was not designed to address construction noise. City Attorney Ramler noted that if the Council desired to amend the language, they should continue the public hearing so area contractors and builders would have an opportunity to comment on the matter. Council would need to designate and pick hours and days with clearly defined allowances.

Discussion followed about approving the ordinance as it was written and then bring it back with an amendment to address Construction Noise at a later date. This would allow for City staff to perform more research on how other Cities control Construction Noise and would allow adequate notice to area builders and contractors to get their input.

Mayor Nelson called 2 more times for public comment. There was none and the public hearing was closed.

Council Member Simon reported that he had recently received emails about reviewing the Fireworks Ordinance and he inquired if this could be placed on an upcoming agenda. City Manager Cardwell said he thought it would be placed on the 2nd meeting in April. Mayor Nelson asked that area fireworks vendors be given notice of the upcoming discussion and meeting,

ACTION: Council Member Meis moved to approve Ordinance 2022-5 upon second reading adopting Title 3, Chapter 6 of the City Code to Prohibit Excessive Noise. Council Member Sellers seconded the motion. All voted aye, motion carried unanimously.

REPORTS

Mayor Nelson had nothing to report.

City Attorney Ramler had nothing to report.

City Manager Cardwell reported that he and Human Resources Director Sherry Brown would be attending a conference in Great Falls on Friday March 25, 2022. This would cover several timely issues related to the challenges facing local Governments regarding hiring, retention and salaries. Hosting was in cooperation with Montana Municipal Interlocal Authority (MMIA) and Strategic Government Resources (SGR). Cardwell noted that Belgrade was having a lot of challenges in filling open positions. It didn't help when the private sector was starting to match City benefits as an example.

Cardwell reported that the process of cleaning and sweeping City streets had begun. Public Works staff was working on building a sifter to reuse gravel and hoping to make it worthwhile. He was also glad to report that the smaller Grader that was thought to be unrepairable, had now been fixed and staff would be starting to use it for alley maintenance and such.

Library Project Update - 45 Architecture

Matt Sedor, 45 Architecture, Project Manager, spoke about the progress on the Library project. He also introduced others in attendance, Jeff Lusin, Owner/Partner of 45 Architecture in charge of the Library Project, and Sander Story, Project Designer. Sedor gave update on project outlook, design development timeline and noted the goal to start construction in May of 2023. He reviewed the floor plan and layout of the main floor and upper levels. He also briefly discussed the potential addition of a basement. He reviewed several slides with conceptual images of the various areas of the new Library.

City Manager Cardwell said he had asked for a review of adding a basement because it was not something that could be added after the fact. A basement could be well used for mechanical structure and utilities. It would save space and leave the upper levels for full use by the public. It could also provide additional storage. This was conceptual at around 5,000 sq.ft and would be reviewed for inclusion if possible.

Mayor Nelson thanked them for the presentation and called for public comment. There was none.

DISCUSSION AGENDA

Consider Ordinance 2022-6 (first reading) to Zone JLD Minor Subdivision Tracts 3 & 4, and set date for public hearing

Planning Director Karp noted that these lots were initially zoned as R3 then the developer made them into smaller sections. The large section was already annexed. They were asking to rezone these lots from R-3 to R-4 to give full flexibility. There were no immediately surrounding neighbors to this property. Karp noted that the Planning Board had voted unanimously to approve zoning as requested by the applicant.

Mayor Nelson asked for clarification of property lines and what the blue line represented. Karp explained the blue line was the Airport Noise Contour related to the path aircraft follow on takeoff and landing. Karp noted this was outside the regulatory area, but it was for information only and it would not prohibit development along that line.

Mike Devries, developer, went to the map and explained that of the total 220 acres, there were 2 tracts privately owned and separated. His group wanted to rezone from R-3 to R-4. He noted that this property was next to existing Rosa property that was already zoned R-4. These two parcels were each 538 feet wide, 16 acre parcels, with a total of 32 acres. Devries noted plans for future annexation of lots 2,3,4,5 which would be coming before Council for consideration soon.

Devries also asked to discuss starting the process for an additional interchange. He acknowledged the need for seed money and getting the process started because these developments could mean another 7,000 doors added to the area. He proposed an overpass from Thorpe Road to Bolinger Road. He felt the City and the area developers should start the study process, particularly in view of a new high school coming in.

City Manager Cardwell noted their conversation with Montana Department of Transportation (MDT) where they discussed the potential of a third interchange. Cardwell noted his surprise at how quickly MDT agreed and said yes, it was time to start planning. Cardwell noted that they had also mentioned Devries' willingness to participate.

Mayor Nelson called for public comment, there was none.

ACTION: Council Member Menicucci moved to approve Ordinance 2022-6 upon first reading to adopt the JLD Development Zoning as proposed by the applicant and shown on the map attached to the ordinance as Exhibit A and set date for public hearing on Tuesday, April 5, 2022. Council Member Mattimoe seconded the motion. All voted aye, motion carried unanimously.

Consider Interlocal Agreement regarding City-County Board of Health

City Manager Cardwell noted this agreement represented a very positive move forward that included Gallatin County, Bozeman and Belgrade. He noted Section 3 which he felt was the main point of interest in how they had come to a positive compromise. This pertained to the Governing Body of the City-County Board of Health which would be comprised of the three County Commissioners, one Bozeman City Commissioner, and one Belgrade City Council Member. It would require two concurring County votes and at least one concurring vote from Bozeman or Belgrade to move an action forward. The County would administer and run the Board. Belgrade would have 3 positions on the regular board, and our Mayor would serve on the Governing board.

Cardwell noted that the County would be considering approval of this agreement at their meeting coming up this week. He recommended approval of the agreement as presented.

Mayor Nelson called for public comment, there was none.

ACTION: Council Member Meis moved to approve of the Interlocal Agreement for a City-County Health Board and authorize Mayor Nelson to sign said agreement. Council Member Simon seconded the motion. All voted aye, motion carried unanimously.

Consider Ordinance 2022-7 (first reading) regarding Sale or Disposal of Obsolete/Unusable City property and set date for Public Hearing

City Manager Cardwell noted this change to current procedure would streamline the process of disposal or auction of such items and allow the City Manager to review the disposal and/or auction as needed. He recommended approval.

Council Member Sellers asked if Council had ever seen any property that they did not want to be disposed of. Council did not recall having questioned the lists of property in this category in the past.

Discussion followed about reviewing and determining a procedure for listing items for auction or disposal. Cardwell said a set procedure would be developed. He noted that there were typically no minimum values or appraisals required. City Attorney Ramler agreed that this was not required.

Mayor Nelson called for public comment, there was none.

ACTION: Council Member Simon moved to approve Ordinance 2022-7 upon first reading establishing a procedure for the sale or disposal of personal property that is obsolete, not needed, or unsuitable for public use and authorizing the City Manager to determine the appropriate manner to do so, and set date for public hearing on April 5, 2022. Council Member Sellers seconded the motion. All voted aye, motion carried unanimously.

Consider Ordinance 2022-8 (first reading) to amend School Speed Zones and set date for public hearing

City Manager Cardwell noted that this amendment would modify and clarify boundaries of school zones and bring consistency across the City, setting the limit to 20mph from 7:00am to 5:00pm Monday through Friday, on days when school was in session. Cardwell noted that some of the current speeds were set at 15mph, some are set at 20mph, and the way the areas were defined was not uniform. He confirmed that this issue was also discussed with School staff and they did not bring up any concerns with the proposed changes.

Discussion followed regarding 7:00am as the starting time being so early since school started closer to 8:00am. It was noted that many student programs and serving of breakfast was taken into consideration for the 7:00am start time.

Discussion followed about the designation of requiring 20mph only when school was in session and if this would cause confusion for drivers on weekends and during the summer. Cardwell noted that this was consistent with other cities.

Mayor Nelson called for public comment.

Jeri Lessley, residing at North Kennedy Street, spoke about the current speed zones and the inconsistency. She agreed with the 7:00am start time. She noted many close calls where drivers were not paying attention during her time as a school crossing guard.

City Manager Cardwell noted that his discussions with School staff included the desire to see additional investment in the higher traffic crossing areas to increase safety as a long term goal. This could include additional flashing lights manually controlled instead of being on a timer, and also more high visibility signage. Again, he stressed that consistency was an important first step.

Judy Doyle, residing at Drummond Blvd, noted that many summer events are hosted at Belgrade schools, along with kids in the area using the school grounds for play so she felt the speed limits should be in effect all year. It seemed easier to keep with it as a habit.

Ali Vasarella, residing at North Weaver Street, spoke in support of keeping the start time at 7:00am. She was in support of requiring the speed zone all year around and agreed it was as a good habit. If the decision was made to exclude the summer months, she thought a sign should specify the time period as "required August through June" with the option to turn on special flashing lights and signs during summer events.

Council members had mixed opinions on requiring compliance while school was in session as opposed to requiring year-round enforcement. Council inquired about speed limits in other cities. Cardwell noted that he found it to be equally split as to other communities in Montana. About half were set at 15mph and the other set at 20mph.

Police Chief Lensing commented on the police department's perspective related to enforcement and traffic data. He noted that increasing the limit to 20mph probably would not have much of an effect either way. He discussed chronic offenders who don't pay attention to the posted speed limits in the first place. Data showed that people generally traveled 2 to 4 miles over the posted limit. He was in support of establishing more uniformity and being consistent. He noted that if the limit was 15mph, people would typically travel at 16 to 18 mph. It would be the same effect if the posted limit was 20mph. They tended to inch upward.

City Manager Cardwell acknowledged that from an enforcement perspective, the slower speed limit might not make much of a difference. His goal was to establish consistency.

Council Member Sellers noted on page one of the draft ordinance it referred to "he shall drive" and she recommended changing it to "he/she" to be properly inclusive.

**ACTION: Council Member Sellers moved to approve Ordinance 2022-8 upon first reading amending Section 5-2-3 of the Belgrade City Code concerning speed regulations in the City of Belgrade, and set date for public hearing on April 5, 2022. Council Member Simon seconded the motion. Roll call vote. Motion carried 4 to 2
Council Members voting aye: Sellers, Simon, Menicucci and Doyle
Council Members voting no: Mattimoe and Meis**

Consider Resolution 2022-17 requesting Bridge and Road Safety (BaRSAA) Fuel Tax Allocation

Executive Finance Director Wilson explained that this resolution would authorize our request for distribution of said funds from the State of Montana and allow the City to accept said funds.

Mayor Nelson called for public comment, there was none.

ACTION: Council Member Menicucci moved to approve Resolution 2022-17 requesting distribution of Bridge and Road Safety and Accountability Fuel Tax Program allocated funds for 2022. Council Member Doyle seconded the motion. All voted aye, motion carried unanimously.

Consider Board Appointment

Mayor Nelson recommended appointment of Nick Bates to the Park and Recreation Board for a two year term.

ACTION: Council Member Sellers moved to approve the appointment of Nick Bates to the Park and Recreation Board for a two year term. Council Member Menicucci seconded the motion. All voted aye, motion carried unanimously.

City Manager Cardwell asked the Mayor to discuss an appointment to the Governing Board of the City-County Health Board.

ACTION: Council Member Simon moved to appoint Mayor Nelson to represent Belgrade on the Governing Board of the City-County Health Board and recommended such appointment for approval by City of Bozeman and Gallatin County. Council Member Meis seconded the motion. All voted aye, motion carried unanimously.

Consider Letter of Support – RAISE Grant Application for Urban Improvement Project (MDT)

City Manager Cardwell noted that Montana Department of Transportation (MDT) was applying for funding under the program referred to as Rebuilding American Infrastructure with Sustainability and Equity (RAISE). As part of the grant application, MDT asked the City of Belgrade to provide a Letter of Support.

Mayor Nelson called for public comment. There was none.

ACTION: Council Member Menicucci moved to approve sending a Letter of Support and authorizing Mayor Nelson to sign said letter for the RAISE Grant Application to be submitted by Montana Department of Transportation for an Urban Improvement Project. Council Member Sellers seconded the motion. All voted aye, motion carried unanimously.

Discussion followed about current project status with MDT. Cardwell said we were now in year 6 of the 5 year plan, but we were making headway. He noted efforts to work with MDT on how to manage the three major projects coming up to include the signal exchange at Jackrabbit and Bolinger, the Cruiser Lane project and then the Underpass project. The Interchange Study would be very important for the planning process going forward.

EXECUTIVE SESSION

Mayor Nelson announced intent to close the regular meeting in order to consider discussion related to litigation strategy and discussion related to the 6 month performance evaluation for the City Manager. He called for a 5 minute break to allow for clearing of the chambers and to sequester those in attendance on Zoom.

At 8:25pm Mayor Nelson closed the regular meeting and called for Executive Session.

Mayor Nelson, Council Members Sellers, Meis, Simon, Menicucci, Doyle and Mattimoe remained in chambers. City Manager Cardwell, City Attorney Ramler, City Clerk Caldwell and Executive Assistant Jambor remained in chambers.

At 9:05pm Mayor Nelson directed City Manager Cardwell, 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 the next portion of Executive Session.

At 9:48pm Mayor Nelson re-opened the meeting to the general public.

Consider 6 month Performance Evaluation of City Manager

ACTION: Council Member Sellers moved to extend the employment contract of City Manager Cardwell for an additional 6 months. Council Member Doyle seconded the motion. All voted aye, motion carried unanimously.

FOR YOUR INFORMATION

Council Member Mattimoe had nothing to report.

Council Member Doyle reported on attending the last Fire Board meeting and noted the resignation of Fire Chief Lindroth. He was unsure if Acting Chief Tryon would be staying on as Chief.

Council Member Menicucci reported on water quality and their progress on the nitrate testing. They were hoping for results soon.

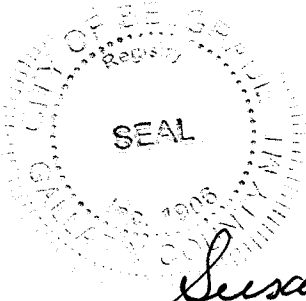
Council Member Simon had nothing to report.

Council Member Meis reminded everyone about the upcoming Round Table meeting for elected officials to be held on March 30th zoom only. The Mayor said he would not be able to attend.


Council Member Sellers brought up a problem with the signal lights on Airway Blvd and that the red light was either blinking or staying on which was very confusing. Police Chief Lensing said he had notified MDT of this earlier but he would reach out to let them know it was still a problem. Sellers also noted the upcoming Library Board and Foundation meeting to be held on Tuesday, March 22nd.

ADJOURN

Council Member Simon moved to adjourn the meeting at 9:56pm. Council Member Meis seconded the motion.




Susan Caldwell, City Clerk


Russell C. Nelson, Mayor