

**BELGRADE CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS**

April 5, 2022

7:00 PM

This meeting was open to the public and attended 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, Executive Director of Finance Charity Wilson, Planning Director Jason Karp, Public Works Director Steve Klotz, Police Chief Dustin Lensing, City Judge Chris Gregory, Human Resources Director Sherry Brown, Acting Fire Chief Greg Tryon, and City Engineer Tom Eastwood.

Others in attendance were Diana Perry, Vivian Crouse. Cindy Dibble, James Meyer, Shayla Mills, Dennis Ballion, Lisa Brown, Kent Harrier, and Mike Bell. Others in attendance via zoom were Diana Setterberg, Donna Andreassi, Jeff Turczyn, Judy Doyle and Nicole Cardwell.

APPROVED MINUTES

ACTION: Council Member Menicucci moved to approve the minutes of the March 7, 2022 and March 21, 2022 Council meetings. Council Member Simon seconded the motion. All voted aye, motion carried unanimously.

PUBLIC FORUM

Mayor Nelson called 3 times for public comment. There being none, public forum was closed.

PUBLIC HEARINGS

Consider Ordinance 2022-8 (second reading) Amending Speed Regulations

City Manager Cardwell noted his intent to withdraw the draft ordinance in its current form to allow City staff to gain additional input from School officials and in response to the considerable amount of public comment received. Staff would bring a new draft to consider.

Mayor Nelson announced that council would not take any further action on this ordinance at this time. He opened the public hearing and called for public comment.

Cindy Dibble, residing on Oro Lane, spoke in opposition to raising the speed limit.

James Meyer, residing on N. Broadway, spoke in opposition to raising the speed limit.

Shayla Mills, residing on Glider Lane, spoke in opposition to raising the speed limit. She spoke in support of having evenings and weekends off and consistency in speed limits.

Diana Perry, residing on E. Gallatin, spoke in opposition of raising the speed limit and felt it should be in effect at all times because kids were always around schools.

Discussion followed about the option of installing flashing light systems at key locations with flexibility of control for special events at the School and such.

Consider Ordinance 2022-6 (second reading) Zoning for JLD Development Tracts 3&4

Planning Director Karp noted that the City-County Planning Board had voted unanimously to approve. This would change the zoning on these lots from R-3 to R-4. Mike Devries, developer, stated he was available for questions.

Mayor Nelson opened the public hearing and called for public comment. There was none.

ACTION: Council Member Meis moved to approve and adopt Ordinance 2022-6 upon second reading, amending the zoning as requested by JLD Development for tracks 3 and 4. Council Member Doyle seconded the motion. All voted aye, motion carried unanimously.

Consider Adoption of Annexation Service Plan for JLD Development Tracts 2-5

Planning Director Karp reviewed the Annexation Service Plan for JLD Development, Tracts 2,3,4 and 5. He noted that the property would not be served until the sewer plant upgrades were online. These properties surrounded the Ashton Meadows Subdivision.

Mayor Nelson opened the public hearing and called for public comment. There was none.

ACTION: Council Member Menicucci moved to approve and adopt the Annexation Service Plan for JLD Development Tracts 2, 3, 4 and 5. Council Member Simon seconded the motion. All voted aye, motion carried unanimously.

Consider Resolution 2022-18 Annexation of JLD Development Tracts 2, 3, 4 and 5

Planning Director Karp noted that with the approval of the Annexation Service Plan for Tracts 2, 3, 4, and 5, the council could now consider annexation of the property.

Mayor Nelson opened the public hearing and called for public comment. There was none.

ACTION: Council Member Meis moved to approve Resolution 2022-18 annexing JLD Development property Tracts 2, 3, 4, and 5. Council Member Mattimoe seconded the motion. All voted aye, motion carried unanimously.

Consider Preliminary Plat Approval for Ashton Meadows Subdivision

Planning Director Karp reviewed the preliminary plat application and noted this was a multi-year development to include 693 lots with a mixture of townhouses, condos and single family dwellings. With each phase, they would have to come back to Council to request commencement of construction with associated public hearings, which would also allow review of traffic impacts and such.

Mike Devries, developer, discussed concerns on the Hoffman/Weaver Ditch, possible impact fee credits for upgrading certain infrastructure and water rights. He discussed the formation of larger parks instead of several small parks. City staff suggested cash-in-lieu funds be contributed if the parks were not built with each phase.

Council inquired about concerns for local wildlife. Karp noted no endangered species had been identified by Montana Fish Wildlife and Parks so the comments filed were not actionable.

Police Chief Lensing and Acting Fire Chief Tryon discussed response times in case of an emergency and noted it would be comparable to other subdivisions in the area as long as main thoroughfares were provided. Discussion followed about issues caused by certain traffic calming devices. City Engineer Tom Eastwood discussed how this could be reviewed.

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

Dennis Ballion, representing the buyers of Lot 5, asked if there was a written agreement that could be provided accepting the amount of park land to be dedicated so they would not have to dedicate more in the future.

Discussion followed about revising language of Condition #59a and about dedicating a park before water and sewer service was established.

Mayor Nelson called a second time for public comment.

Lisa Brown, residing on Moonbeam Lane near the end of the proposed development, reminded council that they were served by individual water wells so she asked them to keep the effects on their water supply in mind.

Kent Harrier, residing on Moonbeam, lived on the Hoffman/Weaver Ditch. He was concerned with them selling water rights to the City. He did not want water flowing toward his property in the future.

Mayor Nelson called a third time for public comment. There was none.

ACTION: Council Member Menicucci moved to approve and grant a variance to City of Belgrade Subdivision regulation for streamside setbacks for the area Ditch, to not require a 50 foot default setback for the ditch due to mitigating measures that have been

put into place in the form of an agreement with the ditch owner. Council Member Sellers seconded the motion. All voted aye, motion carried unanimously.

ACTION: Council Member Mattimoe moved to approve and grant a variance to City of Belgrade regulations in regard to the block length requested in excess of 1,300 feet, noting that access to the property to the south was not necessary in this case. Council Member Simon seconded the motion. All voted aye, motion carried unanimously.

ACTION: Council Member Sellers moved to grant preliminary plat approval of the Ashton Meadows Subdivision, finding that the subdivision met the requirements of the Belgrade Subdivision Regulations and the Montana Subdivision and Platting Act and the Belgrade Growth Policy, with conditions as recommended in the Staff report along with: striking Condition #18; adding language to Condition #53 “all traffic calming devices shall be reviewed and approved by Central Valley Fire and Belgrade Police Departments”; amending Condition #59a to read “Provide a park dedication with the proposed Phase 1 improvements equal to 11% of the area of the land proposed to be subdivided into parcels one-half acre or smaller per statute.”and strike the remainder of the sentence; adding language to #59a: The developer shall develop an agreement with the Parks Board and the Public Works Department for future development of the parks for Tracts 1 through 5 with said agreement to be reviewed by the City Attorney and approved by City Council.” Council Member Meis seconded the motion. All voted aye, motion carried unanimously.

Consider Ordinance 2022-7 (second reading) Sale/Disposal of Obsolete Unusable City Property

City Manager Cardwell noted this would streamline the process of submitting lists to the Finance Department and then obtaining approval by the City Manager.

Mayor Nelson opened the public hearing and called for public comment. There was none.

ACTION: Council Member Simon moved to approve and adopt Ordinance 2022-7 upon second reading, Council Member Mattimoe seconded the motion. All voted aye, motion carried unanimously.

Council requested to change the order of the Agenda by proceeding to the Discussion Agenda and to consider the Reports section after.

DISCUSSION AGENDA

Consider Long-Term Park Use/Lease Agreement with Belgrade Baseball

City Manager Cardwell noted staff recommendations based on the work session held with council and the applicant earlier today. Staff recommended using the same terms of the current Park Use Agreement similar to 2021. Additional review and research would be considered for a future negotiation of a long-range agreement.

Mayor Nelson called for public comment. There was none.

Council generally agreed to pursue further research by staff as recommended.

Consider Resolution 2022-19 to Revise Mail Ballot Election date for Charter Amendment regarding Council Pay

City Clerk Caldwell explained that there was a misunderstanding regarding the submittal deadline for adding the question to the June ballot and the deadline was not met. Gallatin County Election Officials had provided the next available election date if Council wished to set the new date to November 8, 2022.

Mayor Nelson called for public comment. There was none.

ACTION: Council Member Meis moved to approve Resolution 2022-19 revising the Mail Ballot Election date to November 8, 2022 for the Charter Amendment question regarding Council Pay. Council Member Sellers seconded the motion. All voted aye, motion carried unanimously.

REPORTS

Mayor Nelson reported that more discussion would be taking place between Bozeman and the County Commissioners later in April regarding the Interlocal Agreement for the Health Board. He expected an update on their progress.

The City Attorney had nothing to report.

City Manager Cardwell reported that the current provider of website maintenance for the City had unexpectedly ended their service. He noted that the current website would now remain static and unchanged until the new City website was launched this fall. A notation referring citizens to the City Clerk for zoom links and such information was posted on the existing site.

Cardwell asked Sherry Brown, Human Resources Director, to stand and be recognized. He reported that Sherry was leaving the City at the end of this week. He thanked her for the last 2.5 years of service and noted her help during his transition into the position of City Manager. He wished her well in the private sector.

Cardwell invited Planning Director Karp to give a report. Karp noted an upcoming opportunity to participate in an event coming to our area. A presentation by Strong Towns would be hosted in Bozeman with Chuck Marone as the featured speaker. This group was well respected in the planning community. There were two opportunities to attend: April 6th from Noon to 1:30pm at the Masonic Lodge and another session from 3:30pm to 5pm at the Bozeman City Hall. Karp noted that all City and County staff and officials were invited and encouraged to attend. Karp proposed that the City of Belgrade assist in sponsoring this event. City Manager Cardwell noted that a proposed donation to this organization would be brought before Council for approval at a future meeting.

8:55pm Mayor Nelson called for a recess.

9:05pm Mayor Nelson called the meeting to order.

City Manager Cardwell introduced Charity Wilson, Executive Director of Financial Services, for a financial update.

Wilson summarized the current status of the Accounting and Finance function. She discussed upcoming projects including the annual audit and status of the annual financial reports to be submitted. She discussed plans for an improved budget process, identification of challenges and implementation of improvements going forward.

CONSENT AGENDA

-Warrants Payable for month of February 2022

-Pledged Securities for March 2022

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

FOR YOUR INFORMATION

Council Members Mattimoe and Doyle had nothing to report.

Council Member Menicucci asked if the City was requiring permits to camp in front of a residence . Discussion followed about current time limits and Chief Lensing noted the new permit process was in place and now allowed up to one year with approval.

Mayor Nelson commented that the permit for up to one year should be a special permit due to special circumstances. He did not think it should be allowed for general use. He requested a review of the camping ordinance. City Attorney Ramler said we would bring it back to review.

Council Member Menicucci reported that she went to a climate conference over the weekend and noted that Montana State University (MSU) had many sustainability projects underway. The City of Bozeman had planned to participate with them on these projects. MSU and Mayor Andrus wanted to invite Belgrade to work with MSU on these projects as well.

Council Member Simon inquired about the strong odor in the area and if it could be coming from the waste treatment plant with the northeast wind. Public Works Director Klotz confirmed the odor was from our lagoon and that the aerators were having issues keeping up with the task. Klotz noted that the City had a supply of hydrogen peroxide coming this week that would be applied to assist with oxygenation.

Council Member Meis thanked those who were in attendance at the Roundtable Planning Discussion. He noted that Jennifer Boyer had a link to watch if so desired. The PCC group would also be meeting next week.

Council Member Sellers reported that she would not be able to attend the Council meetings coming up on May 2nd and June 6th and she asked to be excused.

City Manager Cardwell reported that he would be travelling to Texas tomorrow afternoon. Police Chief Lensing would be in charge during Cardwell's absence.

ADJOURN

Council Member Simon moved to adjourn the meeting at 10:05pm.





Susan Caldwell, City Clerk



Russell C. Nelson, Mayor