

**BELGRADE CITY COUNCIL MEETING MINUTES
COUNCIL CHAMBERS**

May 16, 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, Acting Fire Chief Greg Tryon, City Engineer Tom Eastwood, Police Chief Dustin Lensing, Finance Director Charity Wilson, Public Works Director Steve Klotz, Community Development Director Jason Karp, Human Resources Generalist Robin Sullivan, Building Official Lucas Sobeck and City Judge Chris Gregory.

City staff in attendance via zoom was Planner Kristin Spadafore.

Others in attendance were Tom O'Connor, Vivian Crouse, Bret Megaard, Joe Bailey, Michael Bailey, Karolyn Williamson, Don Davis, Jr., Chris Naumann, Liberty Brown, Judy Doyle, Diana Perry, Tiffany Maierle, Bob Swan and Elizabeth Marum.

Others in attendance via zoom were Jocelyn Larson, Jeanine Maines, Greg Galloway, Diana Setterberg, Ben Ohman, Nikki Cardwell and McKenzie.

PUBLIC FORUM

Mayor Nelson called for public comment.

Don Davis, residing on Louisiana Street, requested reprogramming of stop lights and turn arrows to avoid collisions. Other requests included the addition of a turn arrow at Madison and Jackrabbit; to move the stop sign at Arizona and Pacific east to Hawaii and N. Pacific; to move speed sign near Hawaii and N. Pacific down the hill for better visibility; to install stop sign or yield sign at intersection of Idaho and Louisiana; and to stop residents from their habit of using the east side of Hawaii Street as a staging area or for parking trailers and equipment creating an eye sore.

Mayor Nelson called 2 more times for public comment and closed the public forum.

CONSENT AGENDA

- Approval of DNRC Right of Way Grant-Water/Sewer Easement-Yellow Iron/Jackrabbit Crossing
- Approval of Council Minutes for May 2, 2022

ACTION: Council Member Meis moved to approve all Consent Agenda items as submitted. Council Member Menicucci seconded the motion. All voted aye, motion carried unanimously.

PUBLIC HEARING

Consider Ordinance 2022-9 (second reading) to allow Accessory Dwelling Units (ADU)

Community Development Director Karp reviewed this allowance for a secondary dwelling unit in residential zoning. This would provide for additional housing in existing subdivisions. He noted that the Planning Board voted 5 to 2 in favor with the change of limiting the units to 2 bedrooms. City staff's amendment would allow for businesses to have a caretaker on site in an RV or ADU which might typically be requested in cases of new construction which was usually a temporary provision. Karp noted that use of these units as vacation rentals would be monitored in case it became a concern. The new regulations would require one paved off-street parking space per unit.

City Manager Cardwell noted that Lucas Sobeck had recently been appointed as the City's Chief Building Official and invited his comment.

Sobeck noted the current practice that he had observed where residents desired to build or remodel to add these extra rooms and would call them something else to avoid current restrictions. He was in support of allowing ADU's so the additions could be properly monitored and inspected.

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

Elizabeth Marum, residing on E. Missoula Street, spoke in support of allowing ADUs as a way to help people stay and work in Belgrade, provide much needed housing due to growth in our area, and for the City to collect appropriate fees related to permits and inspection services.

Lyla Fishman, residing on N. Broadway, spoke in support of allowing ADUs to promote housing stability in our area. She was opposed to the size limitation, door locations and was not in support of requiring extra parking space.

Lucas Brown spoke in support of allowing ADUs to help provide more affordable housing and provide income to property owners who may be struggling to meet their own mortgage. He suggested an incentive to reduce impact fees for those who would agree not to use their ADU as a short-term rental.

Mayor Nelson called 2 more times for public comment and then closed the public hearing.

Council discussion followed about door placement, meters for water usage and impact fees. Karp noted each situation and application would be reviewed individually. Impact fees would be required similar to apartment type dwellings.

ACTION: Council Member Meis moved to approve and adopt Ordinance 2022-9 upon second reading and to adopt the zone text amendment to allow ADUs as proposed. Council Member Sellers seconded the motion. All voted aye, motion carried unanimously.

Consider Annexation Service Plan for Lot B of COS 2614, Tractor & Equip/Harnish Group Property

Community Development Director Karp reviewed the service plan for the property located on Frank Road directly east of Stockman Bank which covered about 30 acres. The owners planned to build a large facility for equipment and business.

Chris Naumann with Sanderson Stewart Engineering was present as a representative for Harnish Group and offered to answer questions.

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

ACTION: Council Member Menicucci moved to approve the Tractor and Equipment and Harnish Group LLC Annexation Service Plan for Lot B of COS No. 2614 in accordance with 7-2-4610 Montana Code Annotated. Council Member Simon seconded the motion. All voted aye, motion carried unanimously.

Consider Resolution 2022-24 Annex Lot B of COS 2614. Tractor & Equip/Harnish Group Property

Community Development Director Karp noted with approval of the Annexation Service plan council could now consider approval of annexation of this property into the City.

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

ACTION: Council Member Menicucci moved to approve Resolution 2022-24, a resolution to annex Lot B of COS No. 2614 into the City of Belgrade including the adjacent public road easements and/or rights-of-way. Council Member Mattimoe seconded the motion. All voted aye, motion carried unanimously.

Consider Annexation Service Plan for Tract 2A of COS 78A, Osterman Property

Community Development Director Karp noted this property was right across the road from Harnish. Plans were to build a FedEx ground shipping facility with good connectivity to the freeway interchanges. The property was zoned M1 and would require them to extend Yukon Lane from the water tower to Frank Road for additional connection.

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

ACTION: Council Member Sellers moved to approve the Osterman Annexation Services Plan for Tract 2A of COS No. 78A in accordance with 7-2-4610 Montana Code Annotated. Council Member Mattimoe seconded the motion. All voted aye, motion carried unanimously.

Consider Resolution 2022-25 to Annex Tract 2A of COS 78A, Osterman Property

Community Development Director Karp noted with approval of the Annexation Service plan council could now consider approval of annexation of this property into the City.

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

ACTION: Council Member Sellers moved to approve Resolution 2022-25 a resolution to annex Tract 2A of COS No. 78A into the City of Belgrade including the adjacent public road easements and/or rights-of-way. Council Member Simon seconded the motion. All voted aye, motion carried unanimously.

Consider Preliminary Plat Approval of Jackrabbit Reserve PUD/Subdivision

Community Development Director Karp reviewed the project area of approximately 6 acres located west of Fiesta Mexicana Restaurant. He noted this was a Planned Unit Development (PUD) because it was initially intended for a motel site, but now there were new owners. He reviewed the need for access and the unique situation of crossing between Quality Inn and the restaurant. The City was requiring connectivity of an alley from the emergency access that went behind Wendy's restaurant to connect to Thunder Road. He noted that the alleyway service drive was privately maintained and would provide for circulation, services and would be paved.

Karp reviewed requested relaxations to the road design standards for the cul-de-sac. They proposed a privately maintained cul-de-sac with no sidewalks and then they would provide a pedestrian trail around the perimeter. Zoning was B2 Highway District. The owner was proposing a live-work concept with business on the lower level, apartment on upper level with an overall building height of 35 feet. Karp noted that staff was not recommending that the water main be allowed to dead end. The City would require this project to tie into area lines to properly loop the water flow.

Karp noted that the residential component of this project brought up the requirement for park land. The Planning Board had recommended that any designated park area be maintained by private parties and not dedicated to the City. After the Park Board had reviewed the plans, City staff recommended a cash-in-lieu payment instead of dedicated park land. The value would be determined by a licensed appraiser.

City Manager Cardwell discussed the significance of granting a private street and the importance of water line connections in order to loop the system. He agreed with the recommendation by the Park Board for cash in lieu of park land dedication in this situation. Karp noted that the cash-in-lieu would be based on 11% of the residential, which came to approximately ½ acre of appraised land value on this particular project.

Bret Megaard, Hyalite Engineers, spoke on behalf of the applicant. He noted the street would be a full 39 feet wide. The requested deviation would be not to require a sidewalk. Connectivity for pedestrians would be provided by way of a trail that would around the perimeter to the park space in the lower corner and on through the open green space. The project would include 14 lots, 54 units overall, all work/live setups. Water lines would be extended to the end of their property with the thought of connecting to the DNRC property. The park space and roadway would be dedicated to the public, but privately maintained. Snow removal would be privately maintained.

Discussion followed about ownership of parks and the cash-in-lieu requirement when parks are owned by a Homeowner's Association; also, discussion on extension of the water lines and stubbing them out into the recently approved easement on the DNRC land.

Troy Butler, owner/partner, noted that they were willing to stub the water line into the easement at their expense. He discussed their original plan for a trail and to provide park space for residents. He wanted to dedicate the park land and not have to pay cash-in-lieu as well.

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

Diane Perry, Park Board member, commented that upon review of the plans, the Board felt the proposed park area did not lend itself to public use and it should be considered a private park in view of its placement at the back of the property and the closed access.

Public Works Director Klotz commented on running the water lines out to stub into the easement and how this would assist in connecting to other developing projects. Maintaining a looped water system would improve water quality and benefit fire protection as well.

Council inquired if additional easements would be required to stub this line into the existing easement. Cardwell said he would have this reviewed by City staff.

Mayor Nelson called 2 more times for public comment and then closed the public hearing.

ACTION: Council Member Doyle moved to grant preliminary plat approval for the Jackrabbit Reserve Major Subdivision PUD with the conditions of approval as recommended and amended by staff and read into the record, eliminating Condition #5 granting deviation from or street standards to eliminate sidewalks, modifying Condition #11 that all streets be installed to city standards, except for sidewalks, noting Condition #10 and Condition #13 regarding infrastructure requirements and extension of water lines, adding Condition #33 requiring that the developer shall pay cash in lieu of park land dedication in accordance with section 11-6-7 of Belgrade City Code. Council Member Menicucci seconded the motion. All voted aye, motion carried unanimously.

EXECUTIVE SESSION – Discuss settlement agreement with SCS

City Manager Cardwell noted there was no need for Executive Session at this time. Staff had not yet received approval from Rural Development on the proposed settlement agreement with Strategic Construction Solutions. Cardwell noted this would be rescheduled for Council's consideration and discussion at a future meeting along with the related resolution.

Consider Resolution 2022-27 Declaring City of Belgrade a First-Class City

City Manager Cardwell noted this was a momentous occasion for the City of Belgrade. Mayor Nelson read the resolution into the record declaring City of Belgrade as a First Class City.

Mayor Nelson called for public comment, there was applause.

ACTION: Council Member Menicucci moved to approve Resolution 2022-27 Declaring the City of Belgrade a First-Class City pursuant to the laws of Montana. Council Member Simon seconded the motion. All voted aye, motion carried unanimously. (Rollcall vote)

Consider Request for Variance from sidewalk requirements for Karolyn Williamson, 807 Washington St, (Lot 13B, Block 5, Ferris Addition)

Community Development Director Karp noted that this type of request came through periodically because City code required sidewalks be installed when any new construction or remodel was done. He noted that 807 Washington Street was a corner lot on Yellowstone and Washington. If a variance was granted, the City would require the property owner sign a waiver of objection to future installation or special assessment for future sidewalks.

Karolyn Williams, owner, noted that installing a sidewalk would require removal of an old growth tree. She explained that she had initially tried to build an ADU last year, which was not allowed at that time, so she aggregated several small lots and revised her property into 2 lots in order to build a small house for her family members in need of affordable housing. Dividing the property was at her expense. She noted there were no other sidewalks to connect to on her side of the street so it would be a sidewalk to nowhere.

Mayor Nelson called for public comment.

Diane Perry, residing on E. Gallatin, spoke in support of granting a variance as she did not want sidewalks in the area. She felt it was easier to walk and ride a bike along the road.

City Manager Cardwell discussed storm water requirements for a First-Class City and the challenges that would come as we worked to retrofit older parts of town that had little or no curb and gutter, sidewalks, and alley impairments to rights-of-ways. Council discussed existing gaps in connectivity throughout the older parts of town and how they connect with newer parts. They also discussed challenges and effects of removing trees where sidewalks might be installed.

ACTION: Council Member Simon moved to approve a request for variance from sidewalk requirements for Karolyn Williamson at 807 Washington Street, Lot 13B, Block 5, Ferris Addition, and require the applicant to sign a waiver of objection form for future assessment for installation of a sidewalk, with said waiver form to be filed with property records. Council Member Sellers seconded the motion. Motion failed to pass.

Council Member voting aye: Sellers and Simon

Council Member voting no: Meis, Menicucci, Doyle and Mattimoe

Consider Request for variance from sidewalk requirements for Jocelyn Larson, 705 Iowa St, (Lot 2, Block 18, Belleview Addition)

Community Development Director Karp noted that Iowa Street was broken up and did not go all the way through to Jefferson as part of it was abandoned so it was a quiet street. The Larson property was located on the corner of Iowa and Cascade Street. If a variance was granted, the City would require the property owner sign a waiver of objection to future installation or special assessment for future sidewalks.

Jocelyn Larson, owner, noted that this property was a multi-unit dwelling with two units and they wanted to add another unit. There was no existing sidewalk and there was no other sidewalk to connect to.

Mayor Nelson called for public comment.

Diana Perry, residing on E. Gallatin, stated that she owned a rental unit on Iowa Street. She spoke in support of granting a waiver because Iowa Street was not paved so it did not make sense to require a sidewalk.

**ACTION: Council Member Simon moved to approve a request for variance from sidewalk requirements for Jocelyn Larson at 705 Iowa Street, Lot 2, Block 18, Belleview Addition, and require the applicant to sign a waiver of objection form for future assessment for installation of a sidewalk, with said waiver form to be filed with property records. Council Member Sellers seconded the motion. Motion failed to pass. Council Member voting aye: Sellers and Simon
Council Members voting no: Meis, Menicucci, Doyle and Mattimoe**

Consider Resolution 2022-28 to issue Sewer System Revenue Bond Note (BAN) Series 2022D \$6M

Executive Director of Financial Services Wilson Charity reported on status of funding for the wastewater treatment plant project. She and her team were working to clarify revenue reporting which would assist with funding concerns. This Bond Anticipation Note would assist us during the interim of properly identifying revenues.

Mayor Nelson called for public comment. There was none.

ACTION: Council Member Meis moved to approve Resolution 2022-28 relating to up to \$6,000,000 Sewer Revenue Bond, and a \$6,000,000 Sewer System Revenue Bond Anticipation Note to be issued in anticipation thereof; authorizing the issuance and fixing the terms and conditions thereof and the security thereof. Council Member Simon seconded the motion. All voted aye, motion carried unanimously.

REPORTS

Mayor Nelson read a proclamation for Kids to Parks Day. He also reported on the status of the interlocal agreement for a City-County Health Board. He expected more discussion between Bozeman and Gallatin County.

City Attorney Ramler had nothing to report.

City Manager Cardwell reported that he would be drafting a letter to Gallatin County to form a county wide housing strategy plan and perhaps apply for grant funds for a study. He would bring a letter of support for the council to sign.

FOR YOUR INFORMATION

Council Member Mattimoe reported on the Park Board meeting and working on a donation process for the Splash Park to help with upkeep. Plans were underway to move older playground equipment from Lewis & Clark Park over to Sunnyside Park.

Council Member Doyle reported that the fire board was rescheduled to May 24th.

Council Member Menicucci reported on her work with Library staff on the Lunar Eclipse event and noted that over 200 people participated so it was very successful. She reported that the EPA had announced that the laws on phosphorus were not feasible, so they were going back to testing for nitrates the old way according to a scale.

Council Member Simon said he planned to attend the Fire Board meeting on the 24th.

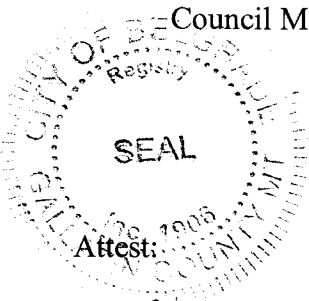
Council Member Meis noted the Planning Board meeting had been moved to the 23rd.

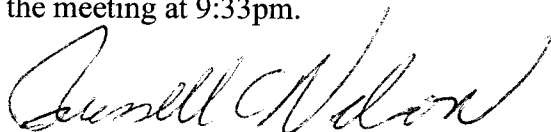
Council Member Sellers encouraged Council to participate and give feedback on Library projects and events. She noted that she might be attending the next council meeting via Zoom.

Mayor Nelson requested a report as to how many acres the City had annexed in thus far, and what amount may be coming along in the process. Cardwell said he would bring more information to council in this regard.

ADJOURN

Council Member Simon moved to adjourn the meeting at 9:33pm.




Russell C. Nelson, Mayor


Susan Caldwell, City Clerk