

**BELGRADE CITY COUNCIL
MEETING MINUTES
COUNCIL CHAMBERS
July 5, 2022 (Tuesday)
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, 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, City Judge Chris Gregory, Fire Chief Greg Tryon, Finance Director Charity Wilson, Police Chief Dustin Lensing, Community Development Director Jason Karp, Executive Consultant Ted Barkley, Public Works Director Steve Klotz. City staff in attendance via zoom were City Engineer Tom Eastwood and Planning Tech Kristin Spadafore.

Others in attendance were Vivian Crouse, Cody Kurkardt, Phillip Smith, Dave Casto, Clint Field, Sara Johnson, Loren Griswald, Judy Doyle, Katlyn Kuntz, Riley McDonald, Cindy Rohrer, Lotus Gremier, Karolyn Williamson. Others in attendance via zoom were Diana Setterberg, Jeff Turczyn, Nicole Cardwell, Scott Hazelton.

ACTION: Council Member Simon moved to excuse Council Member Menicucci. Council Member Sellers seconded the motion. All voted aye, motion carried unanimously.

PUBLIC FORUM

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

CONSENT AGENDA

- Resolution 2022-36 Intent to Consider Annexation (Tract A of COS 78A) for Top Star CFalls, LLC, and set date for public hearing on August 15, 2022

-Ordinance 2022-11 (first reading) amending City Admin Code to establish a Senior Center Advisory Board and set date for public hearing on August 1, 2022

-Motion by Council for Belgrade's Sewer Lagoon Cell and Liner Maintenance

-Council Meeting Minutes for 07/19/21 and 06/21/22

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

PUBLIC HEARING

Consider Ordinance 2022-10 (second reading) Adoption of Updated Building Codes

Community Development Director Karp noted this was the second reading and required public hearing for final adoption. These codes were updated by the international entities periodically for compliance.

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 Ordinance 2022-10 upon second reading adopting updated codes for Building, Electrical, Mechanical, Fuel Gas, Energy Conservation, Swimming Pools and Spas, existing Buildings and Plumbing. Council Member Doyle seconded the motion. All voted aye, motion carried unanimously.

PUBLIC HEARING

Consider Ordinance 2022-12 (first reading) Zone Map Amendment to zone 90 E Madison Ave (Casto) from B-2 to R-4 and set date for second reading and final adoption on August 15, 2021

Karp noted the property was located at 90 E. Madison Avenue at the corner of Colorado Street and Madison Avenue. The applicant had requested a change from current Business B-2 zoning to Residential R-4 to allow for construction of apartments. Karp noted that the Planning Board had held a public hearing and had unanimously voted to recommend denial of the requested zoning change. The Planning Board cited their desire to maintain the business corridor in this location. Residents in the area had noted concerns about parking and traffic impacts if apartments were allowed at this location due to the intersection of Broadway, Madison and Colorado streets.

Karp noted that the applicant had not been able to speak at the Planning Board meeting because of technical difficulties related to connecting via zoom video platform. Discussion followed about scheduling another public hearing or going back to the Planning Board to give more opportunity for the applicant to speak on the subject.

Dave Casto, applicant, noted preliminary meetings with Public Works Director Klotz where they had discussed parking and access. He said with current B2 zoning, someone could put in a drive-thru restaurant and he felt this would have a more negative effect than installing apartments under the R4 zoning. If allowed, he would build two 4-plexes and the apartments would be rentals with access on the south end of Colorado Street. The alley was on the east side and would also allow egress onto Madison away from the intersection.

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

Sarah Johnson, residing next to the subject property, spoke in opposition of changing the zoning. She wanted to keep more places for local businesses. She spoke in opposition of installing

more barrack-style apartments and wanted to see more single-family homes remain and preserve the character of the community.

Lauren Griswold spoke in opposition of changing the zoning to R4. She wanted to see more locations for small local businesses and keep the existing community intact.

Cindy Rohrer, residing on Colorado Street, spoke in opposition to changing the zoning. She felt apartments would not maintain the character of the neighborhood and Belgrade needed to keep business locations to encourage small business.

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

City Manager Cardwell noted the option to send this issue back to the Planning Board so that Mr. Casto could address them. City Attorney Ramler asked Mr. Casto if he desired to go back to the Planning Board for this purpose. Casto said he did not necessarily want to go back to the Planning Board again. He was willing to do so if required, but he would rather move forward. Casto noted his desire to provide clean, safe and affordable housing in Belgrade. Estimated rent would be considered affordable to the current market at approximately \$1350 to \$1800 per month. Casto commented that he had also thought about proposing live/work units but he did not think this would be acceptable since there were no other such units in that immediate area.

Council Member Meis commented on the discussion at the recent Planning Board meeting. He explained that concerns were not so much about traffic as it was their desire to maintain the commercial corridor along Madison and Broadway.

Karp discussed the realignment of property lines at the intersection near 314 S. Broadway which was recently done in consideration of possible future road improvements such as a roundabout. This was a truck route and state highway so more design study would be needed. Accident history was not high so it had not obtained the attention of needing improvement by the State and was not considered a high priority.

Council Member Doyle said he liked the idea of Live/Work options to add housing and still keep business options. Karp noted that this could be proposed by going through a separate approval process for a Planned Unit Development and by obtaining a Conditional Use Permit.

ACTION: Council Member Sellers moved to approve Ordinance 2022-12 upon first reading to adopt the zoning proposed by the applicant and set date for final adoption for August 15, 2022. Council Member Simon seconded the motion.

Roll Call Vote: Motion failed 3 to 2.

Council Members voting aye: Simon, Mattimoe

Council Members voting no: Sellers Meis, Doyle

PUBLIC HEARING

Consider Adoption of Annexation Service Plan for Sunnyside Estates, LLC property

Karp reviewed the annexation service plan. He noted the property was located at the southwest corner of Weaver Road and Bolinger Road.

Chris Bedesky, engineer representing the applicant, noted the project included 82 acres, with 4 lots, and they had acknowledged the service plan and conditions.

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

ACTION: Council Member Meis moved to approve and adopt the Annexation Service Plan for Sunnyside Estates, LLC, for Tracts 1-4 of Minor Subdivision 530 in accordance with 7-2-4610 Montana Code Annotated. Council Member Sellers seconded the motion. All voted aye, motion carried unanimously.

PUBLIC HEARING

Consider Resolution 2022-37 to Annex Sunnyside Estates, LLC property

Karp noted that with the approval of the Annexation Service Plan, the Council could now consider annexation of the Sunnyside Estates LLC property.

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 and adopt Resolution 2022-37 to annex Sunnyside Estates, LLC, Tracts 1-4 of Minor Subdivision 530 into the City of Belgrade including the adjacent Weaver Road and Bolinger Road rights-of-way. Council Member Mattimoe seconded the motion. All voted aye, motion carried unanimously.

PUBLIC HEARING

Consider Resolution 2022-38 Intent to Adopt the Badger Hollow Plan as an amendment to Belgrade Growth Policy

Karp reviewed the Badger Hollow Plan that was located west of the Gallatin River, in the county, however the growth policy was a city-county plan. River Road and West Cameron Bridge Road subdivision was within Belgrade's planning jurisdiction.

Cody Kurkardt, representing Shane Cavalline Construction, reviewed plans for the 9 lots and adding suburban use to match the area.

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

ACTION: Council Member Doyle moved to approve and adopt Resolution 2022-38 Intent to adopt the Badger Hollow Plan as an amendment to the Belgrade Growth Policy and set date for final adoption for July 18, 2022. Council Member Sellers seconded the motion. All voted aye, motion carried unanimously.

DISCUSSION AGENDA

Consider End of Contract for previous City Manager Ted Barkley

Executive Consultant Ted Barkley summarized his work over the past several months as part of the transition of the new City Manager and the end of Barkley's Contract for Services. This document would bring the original contract to an end. Barkley reviewed the plan for his transition to the designation of a part time employee reporting to City Manager Cardwell. Special projects would include bringing the Urban Renewal District to life now that Belgrade was at the point where the plan could be revised and some things implemented to support local business.

City Manager Cardwell said he felt this was an excellent relationship to continue during this transition. The downtown urban renewal district needed attention, along with the Library project and the Montana Rail Link property parking area proposal. Barkley was an excellent fit for these duties. Cardwell noted that an Offer letter had been issued contingent upon Council's approval.

Mayor Nelson called for public comment. There was none.

ACTION: Council Member Meis moved to approve the Termination Agreement and employment status change for Ted Barkley as stated. Council Member Mattimoe seconded the motion. All voted aye, motion carried unanimously.

Consider Ordinance 2022-13 (first reading) to Update City Code Section 10-5-17 requiring Sidewalks with a Building Permit and set date for public hearing on July 18, 2022

Karp reviewed proposed changes to sidewalk requirements related to remodels and building. Exceptions were added which would change how and when sidewalk requirements would be triggered. Requests and method of waiver would also be directed through the City Manager. The City Manager could then review the request and make a recommendation based on the situation and circumstances of the subject property. A waiver may be granted along with a cash-in-lieu payment to be held in a sidewalk fund for future improvement. If the applicant wanted to appeal the City Manager's decision, it would then go before the Board of Adjustment.

City Manager Cardwell discussed the amount being required for cash-in-lieu between 125% and 150%. Karp noted that 125% was common in Letters of Credit guaranteeing subdivision improvements. Discussion followed about collecting fees up front when improvements may not be done for several years. Cardwell noted that the proposed process would give staff the ability to review each property with a view to other projects that may affect putting a sidewalk in such as street grade concerns and installation of required storm drains to name some examples.

Mayor Nelson called for public comment.

Phillip Smith, residing on N. Weaver Street, spoke in opposition of forcing residents to build a sidewalk or forcing them to prepay for a sidewalk. He felt it was causing extra cost due to demolition costs that would come when other upgrades were required. He noted a neighbor who was forced to install a sidewalk. The new sidewalk was not the same height as other sections and was now a cause for tripping and causing drainage issues as well.

Riley McDonald, residing in Belgrade, spoke in opposition to requiring sidewalks. He liked the soft approach and noted the need for storm water drainage. As an architect designer, he felt Belgrade needed better design of lots to deal with water on site.

Katlyn Kuntz, residing in Belgrade, was not against sidewalks, but the issue was that it was not being done thoughtfully. She wanted to maintain a rural feel and sidewalks were creating more carbon. They cut into lawns and gardens and covered the ground with too much hardscape. She wanted to see more innovation and draw engagement from the community.

Linda, Architect, questioned who would be estimating the cost of a sidewalk to determine the cash-in-lieu requirement. She also asked if it was fair to make the applicant pay a higher cost when a City project was the reason the sidewalk installation would be put on hold.

Karolyn Williamson, residing on Washington Street, discussed her old growth trees and hedges that would be removed to install a City sidewalk. She stated this would devalue her property and inquired if the City would provide compensation since trees have to be taken down and it would reduce the privacy of the yard. She asked if one section of the sidewalk could be removed from the requirement as it was not necessary.

Kristin Spadafore, residing on Grogan Street, spoke in favor of requiring sidewalks. She noted that she appreciated having sidewalks to walk on and uses them every day particularly on Weaver Street. It had made the whole street look better. She noted that fees placed in a sidewalk project fund would also be used to help repair existing sidewalks that needed to be fixed. She wanted to remind Council that tonight's discussion was more about how to decide when the sidewalk requirement would be triggered as opposed to the costs of said sidewalks.

Karp discussed clarification about exceptions being proposed. He noted that the costs or estimate of value of a sidewalk would be provided by a contractor and reviewed/approved by the City Engineer.

City Manager Cardwell noted his plan to present a new program related to sidewalks in the upcoming budget. He proposed to establish a sidewalk fund and start loading the fund to allow citizens to apply for matching grants toward their own sidewalk improvements. This would show the City's commitment to putting in sidewalks and lower the burden on those who want to start connecting.

Council asked City Manager Cardwell to bring back information about similar programs working in other cities.

ACTION: Council Member Meis moved to approve Ordinance 2022-13 upon first reading and set date for public hearing and second reading for July 18, 2022. Council Member Doyle seconded the motion.

Roll call vote: All voted aye, motion carried unanimously

Discuss and Reconsider Sidewalk Variance Requests for Karolyn Williamson/Jocelyn Larson

Cardwell noted that because staff had proposed an amendment to the existing sidewalk ordinance, allowing the City Manager to approve cash-in-lieu payment instead of sidewalk installation, they asked that Council delay any decision on this item until after the amended ordinance was considered and/or adopted on upon second reading proposed for July 18th.

Mayor Nelson called for public comment.

Linda, architect, asked that the Certificate of Occupancy not be contingent on installing the sidewalk. She commented on the value and effect of removing or replacing trees. She noted that requiring the estimate on the value of a sidewalk could add weeks of work due to no clear standard. Having a neighborhood plan would be useful for those who don't want to pay the cash-in-lieu.

Karp said they could issue a temporary Certificate of Occupancy so the applicant would not have to wait to move in while this was clarified.

Discussion followed about Council granting a waiver to the sidewalk requirement in these cases. City Manager Cardwell suggested that these applicants be looked at in line with the proposed new ordinance which would allow increased flexibility.

ACTION: Council Member Meis moved to table discussion on this item for further consideration on July 18, 2022. Council Member Mattimoe seconded the motion.

Roll call vote: Motion carried 4 to 1.

Council Members voting aye: Sellers, Meis, Doyle, Mattimoe

Council Member voting no: Simon

Discuss and Authorize City Manager to execute an agreement with Tyler Technologies Incode

Finance Director Wilson reviewed the current programs and software the City was currently using which presented limitations mostly in regard to Utility Billing. City Manager Cardwell noted that Tyler was one of the largest software providers for cities in the nation. Wilson noted that the conversion cost would be approximately \$88,000 with an annual fee estimated at \$44,000. The current software was noted at approximately \$25,000 per year. The initial commitment with Tyler would be 3 years. Wilson noted that she had experience with conversion to Incode in the past and their corporate headquarters were in Texas.

Discussion followed about cyber security and liability coverage. Cardwell reviewed the terms in this regard and noted that Belgrade has a coverage component through Montana Municipal Interlocal Authority (MMIA) as well.

Mayor Nelson called for public comment. There was none.

ACTION: Council Member Meis moved to approve and authorize the City Manager to enter into an agreement with Tyler Technologies Incode as stated. Council Member Mattimoe seconded the motion. All voted aye, motion carried unanimously.

Discuss and authorize City Manager to execute agreement with CityWorks

Karp reviewed plans for implementing and updating permit systems due to the growth in the City and our need to streamline permitting and improve customer service, along with tracking accuracy. This was a GIS based system. The expense of initial setup would be approximately \$80,000 plus an estimated \$31,000 annual fee for a total of approximately \$111,925. This would be paid out of Planning and Building funds so there would be no burden on rate payers. Karp noted that the Public Works department would also benefit from the aspect of work orders.

Cardwell discussed the rule related to procurement and that normally any amount of \$80,000 or more required a bidding process. Because CityWorks used predetermined contractors with specialized skills to accomplish system implementation, the contracts were being presented separately. The annual maintenance fee would be finalized. Cardwell noted that this amount was very near what the City was already paying for existing GIS systems and programs through Black Mountain Software.

Public Works Director Klotz discussed how they would use CityWorks. He noted that the current Work Order system and tracking was being done with a paper process. The CityWorks system would streamline and improve tracking, incorporating GIS options to provide instant updating of status, custom forms, the ability to take photos and upload in real time. It would also provide for internal requests for facilities and fleet management. It integrates with Tyler Technologies and would provide a citizen portal incorporated with the new website.

Mayor Nelson called for public comment. There was none.

ACTION: Council Member Sellers moved to approve and authorize the City Manager to execute an agreement with CityWorks as stated. Council Member Mattimoe seconded the motion. All voted aye, motion carried unanimously.

Discuss Update to Fireworks Ordinance

City Manager Cardwell reviewed options for changes to the current ordinance such as reducing the number of days when fireworks were allowed for detonation and staff's recommendation to move toward more restrictions and/or ban inside City limits. He noted discussions about sponsoring one main fireworks event. Cardwell asked for Council's direction so the City Attorney could start work on language to amend the current ordinance.

Police Chief Lensing discussed recent activity related to the 2022 fireworks season. He noted that the department had received about 20 calls specifically related to fireworks, mostly

between 11 to 11:30pm which was down from the previous year. Other more pressing calls such as a DUI had taken precedence.

Council Member Sellers said that many of her constituents in her neighborhood had clearly stated that they did not want fireworks to continue to be allowed.

Mayor Nelson called for public comment.

Clint Field, owner of Big Box Fireworks Stand, noted that the 5 day allowance gave at least one day on the weekend for people to set off fireworks. He felt that a complete ban would push the business outside city limits and there was less control. Citizens would violate ordinances and get into trouble. He felt it was better management to allow activities inside city limits. He felt that 90% of the public bought and used fireworks, but only 10% complained so it was not an even representation. He discussed decibels of sound and noise levels. He felt it would make more people law breakers. He also asked to be notified of future discussions about fireworks.

Phillip Smith, residing on N. Weaver Street, spoke in support of keeping the Fireworks ordinance the same. He spoke about his son wanting to become a pyrotechnic. He felt that Clint Field was a friend of Belgrade. Smith said he was told that he was not allowed to set off his fireworks. He felt the City staff did not really know their own rules. He felt that he was a responsible parent and he had instilled in his child honor for the law. He commented that it tied up the police when they came to his home to say he was not allowed to detonate his fireworks and seemed to be a waste of police time. He stated that fireworks should not be taken away as this would unfairly stop people from celebrating independence. He felt it should be a decision made by a majority of residents, not just a few.

Cardwell noted that he was in preliminary discussions with the Airport and the Chamber of Commerce about possibly sponsoring a community fireworks event, along with budget considerations. He noted that City staff had given their professional opinions as to what was best for the City of Belgrade and those were not necessarily their personal opinions. Cardwell encouraged Council to plan in advance as opposed to reacting to potential hazardous or crisis situations as Belgrade grew and became more densely populated.

Discussion followed about providing a place and time for additional public input specifically on the subject of fireworks. Cardwell suggested a workshop format with the details widely distributed and advertised in the newspaper. It was suggested to hold the meeting on August 22, 2022 starting at 6:00pm with the location to be determined.

Council asked City Manager Cardwell about a cost estimate for putting on a public fireworks show similar to what the Lion's Club had done in the past. Clint Field commented that the Lion's Club typically held a show that lasted for approximately 22 minutes at a cost of about \$200,000. It was his opinion that the expense was the main reason why the Lion's Club had ceased their event. Field also commented on the space and distance required for larger displays because the percussion and sound would carry much further.

Council brought up possible placement of a question on a ballot similar to the way the Chicken ordinance was reviewed to determine the wishes of most residents.

ACTION: Council Member Meis moved to direct the City Manager to coordinate a public workshop to discuss the fireworks ordinance on Monday August 22, 2022 starting at 6:00pm. Council Member Simon 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 one of the new police squad cars was in the City parking lot available for the Council to view if they would like to see the new look. This vehicle would be put into service very soon.

FOR YOUR INFORMATION

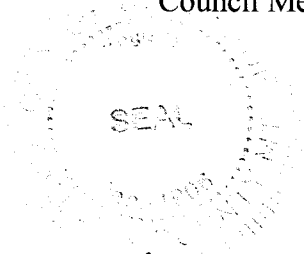
Council Member Sellers reported that the June Library Board meeting was canceled due to lack of quorum and rescheduled for July.

Council Member Meis, Doyle and Mattimoe had nothing to report.

Council Member Simon confirmed that Council Member Doyle would attend the upcoming Fire Board meeting.


ADJOURN

Council Member Simon moved to adjourn the meeting at 9:54pm.





Susan Caldwell, City Clerk



Russell C. Nelson, Mayor