



# Gallatin County, Montana

311 West Main Street, Bozeman, MT 59715



## Gallatin County Commission Meeting Minutes November 20, 2007

### Description

Gallatin County Commissioners' Journal No. November 20, 2007

### Date

11/20/2007

### Location

County Commission

### Time

### Speaker

### Note

9:04:10 AM

Chairman Skinner

Call to Order, Moment of Silence, Pledge of Allegiance. Present were Commissioners Skinner, Murdock, and White, County Attorney Marty Lambert and Acting Clerk to the Board Stephanie Young.

9:05:01 AM

Chairman Skinner

Agenda Announcement: Regular Agenda Item #5: Decision to adopt a Resolution Approving the Collyard Variance Request from Section 7.5 of the Hyalite Zoning Regulations Regarding Side Yard Setbacks (Public Hearing held November 8, 2007 - Zoning Hearing) - has been continued for next Tuesday, November 27, 2007.

9:05:20 AM

Chairman Skinner

Public comments on any matters within the Commission's jurisdiction. Kathy Blanskma Brekke spoke in regards to implementing an Emergency Zoning District governing gravel pit activity within proposed boundaries not yet permitted, submitted letter dated November 19, 2007, labeled Exhibit A, Item (Consent Agenda). Mike Mahler also spoke in regards to implementing an Emergency Zoning District.

9:10:39 AM

Acting Clerk to the Commission Stephanie Young

Read the Consent Agenda as follows: 1) Approval of Claims - pulled; 2) Approval of Meeting Minutes from November 8, 2007; 3) Review and Approval of Budget Transfer for the Health Department in the Amount of \$602; 4) Review and Approval of Budget Transfer for the Detention Center in the Amount of \$215; 5) Approval of Contract: Dowling Sandholm Architects for Remodel of the Human Resources and GIS Departments in the County Courthouse Building, Dowling Sandholm Architects for HVAC and Fire Suppression Improvements to the IT Equipment Room in the County Courthouse Building; 6) Decision on a Request for a Boundary Relocation Exempt from Subdivision Review for Aughney/Wing

9:11:24 AM

Chairman Skinner

There was no public comment.

9:11:32 AM

Commissioner White

I would make a motion to approve the consent agenda as it was read into record.

9:11:37 AM

Commissioner Murdock

Second

9:11:39 AM

Motion passed unanimously.

9:11:42 AM

Chairman Skinner

Presentation of Recommendation to County Commission from Capital Improvement Program Committee Regarding Location of Future Detention Center and Law & Justice Campus

9:11:57 AM

David Smith, CIP Chairman  
Presentation  
9:20:42 AM

Commission comments  
9:20:57 AM

Public Comment

Scott Jagger, read into record and submitted letter dated November 20, 2007, labeled Exhibit A, Item #1, Gus Pfzehler, Chris Budeski, Chair, Detention Center Construction Committee, Sheriff Jim Cashell, Rick Klein, and Honorable Judge Mike Salvangi, submitted letter from Judge(s): Holly Brown, Mike Salvagni, and John C. Brown, dated November 20, 2007, labeled Exhibit B, Item #1.

9:38:21 AM

Board Discussion including David Smith and Chris Budeski  
9:51:54 AM

No Action Taken.

9:51:59 AM

Chairman Skinner

Public Hearing and Decision Regarding Timeline for Bond Election for New Detention Center, Including Decision on Location

9:52:27 AM

Grants Administrator Larry Watson

Presentation

9:57:01 AM

Discussion between the Commission, Larry Watson, Clerk and Recorder Charlotte Mills

10:06:14 AM

Public Comment

Chris Budeski, David Smith and Brian LeLand

10:14:56 AM

Board Discussion including Larry Watson and Jeff Sandholm

10:30:14 AM

I will move if that's okay, to put this to the voters in March with the assistance of the Clerk & Recorder, with the language to be worked out by the County Attorney, one question on, the question on whether or not to have a jail, the second question on which site, Mandeville or the present site, that's the motion.

10:30:36 AM

Commissioner White

Second

10:30:41 AM

Board Discussion including County Attorney Marty Lambert

10:35:48 AM

Motion passed unanimously.

10:35:50 AM

Recess

10:50:30 AM

Chairman Skinner

Reconvene to meeting. Continuation of Decision by the County Commission on Whether to Instruct County Staff to Prepare Draft Interim Zoning Regulations and Boundaries for Proposed Interim Zoning District(s) in the Gallatin Gateway and Highline Road Areas of the County that would regulate Operations that Mine Sand and Gravel or Operations that Mix Concrete or Batch Asphalt (Public Hearing held November 8, 2007)

10:51:20 AM

Board Discussion including County Attorney Marty Lambert and Planning Director Greg Sullivan

11:34:34 AM

No Action Taken.

11:34:41 AM

Chairman Skinner

Public Hearing and Consideration of a Request for an Amendment to Lot 10-A of the Shakira Subdivision for the Purpose of Removing the Private Open Space Designation

11:36:37 AM

County Planner Randy Johnson, AICP

Staff Report

11:42:07 AM

Discussion and Questions

11:42:52 AM

County Attorney Marty Lambert

Comments

11:43:51 AM

Discussion between the Commission, Marty Lambert, and Randy Johnson

11:48:46 AM

Attorney Susan Swimley

Presentation on behalf of clients Tony and Ellen Bishop

11:50:38 AM

County Planner Randy Johnson, AICP

Comments

11:50:42 AM

Attorney Susan Swimley

Continued presentation on behalf of clients Tony and Ellen Bishop

12:00:07 PM

Commission comments

12:00:21 PM

Ellen Bishop

Applicant comments

12:09:41 PM

Discussion and Questions

12:11:38 PM

Public Comment

Ray Gant, Ron Larsen, Wes Jardstrom, Cindi Mothka, submitted letter labeled Exhibit A, Item #3, James L. Culbertson, labeled Exhibit B, Item #3.

12:30:38 PM

Discussion and Questions

12:35:31 PM

Public Comment

Paulette Culbertson

12:37:34 PM

Discussion and Questions

12:38:12 PM

Public Comment

Greg Durling, Kathy Brown, Matt Brown

12:45:53 PM

County Planner Randy Johnson, AICP

Submitted written testimony received from Ron Laydon, Ronald Larsen, Bob & Kathy Pewett, William & Cindy Hargas, Tom & Sandy Walker, Matt & Kathy Brown, and Jo Ann May & Robert E. Tubbs.

12:47:01 PM

Attorney Susan Swimley

Rebuttal

12:52:57 PM

Board Discussion including Susan Swimley

12:58:24 PM

Commissioner Murdock

I move that we deny the request to remove the private open space designation on Lot 10-A

12:58:33 PM

Commissioner White  
Second  
12:58:34 PM  
Commissioner Murdock  
The Shakira Subdivision  
12:58:34 PM  
Commissioner White  
Second that motion.  
12:58:39 PM

Motion passed unanimously.  
12:58:45 PM  
County Attorney Marty Lambert  
Comments  
12:59:36 PM

Recess  
1:09:53 PM  
Chairman Skinner  
Reconvene to meeting. Public Hearing and Decision on Adoption of the Fee Schedule for Transportation Impact Fees  
1:10:18 PM  
Open Lands Coordinator Mike Harris  
Presentation  
1:14:01 PM  
Richard Smith, Chair, Impact Fee Advisory Committee  
Comments  
1:15:36 PM  
Public Comment  
Attorney Brian Gallik on behalf of Simkins Holdings, submitted letter from Jim Barr Coleman, dated November 20, 2007, labeled Exhibit A, Item #6., Dennis Carlson, Government Affairs Director, Gallatin Association of Realtors, Bill Simkins, Town Center Development, Randy Carpenter, Susan Swimley, and Dennis Hardon  
1:41:56 PM  
Richard Smith, Chairman, Impact Fee Advisory Committee  
Rebuttal  
1:43:54 PM

Discussion between the Commission, Richard Smith, Mike Harris, and County Attorney Marty Lambert,

1:55:36 PM

Board Discussion including Marty Lambert and Mike Harris  
2:17:24 PM  
Commissioner Murdock  
If I may, I like to move that we adopt a Impact Fee schedule for transportation impact fees, based on the recommendations of the committee and the revised Impact Fee Rate Comparison chart, dated 11/20/2007 corrected, so that's this, so we are all looking at the most recent one, that we adopt a fee \$2,081.20 for detached housing, and \$1,228.01 for attached housing, and then take the recommendations of the Impact Fee advisory committee, which I erroneously attributed all of that to Swimbria, if that was the Impact Fee advisory committee, I'm sorry, I was reading from the wrong one. I'd give them credit for a terrific job, but have them back fill that legal issue we'd have with not imposing any commercial or non-residential fees with a combination including but not limited too their recommendations here, tax-increment financing districts in the appropriate area, business improvement districts, a local option gas tax, RID's, local option tax, off-site mitigation to build excess capacity and proportional reimbursement system for excess capacity, it's going to be a combination of all those, some we might not have the legal authority to do, but I'm putting findings in the motion. The motion is residential only, no commercial, no non-residential.  
2:19:05 PM  
Commissioner White  
Second  
2:19:09 PM

Board Discussion/Findings  
2:20:03 PM

Motion passed 2:1. Commissioner Skinner opposed.

2:20:08 PM

There were no Pending Resolutions.

2:20:09 PM

2:20:09 PM

Meeting Adjourned.