



Gallatin County, Montana

311 West Main Street, Bozeman, MT 59715



Gallatin County Commission Meeting Minutes August 26, 2008

Description Gallatin County Commissioners' Journal No. 50 August 26, 2008

Date 08/26/2008 Location County Commission

Time Speaker Note

9:03:00 AM Chairman Murdock Call to Order, Moment of Silence, Pledge of Allegiance. Present were Commissioners Skinner, Murdock, and White, Deputy County Attorney Jecyn Bremer and Acting Clerk to the Board Melissa Rivnie.

9:03:53 AM Chairman Murdock Announcement: Reminder to the public that the meeting is being streamed over the internet.

9:04:03 AM Chairman Murdock Agenda Announcement: Public Hearing and Decision on a Request for Preliminary Plat Development Approval for the Waterstone Estates at Hebgen Lake Major Subdivision, Located within the Hebgen Lake Zoning District, Including a Variance Request from Section 7(J)3, Road Construction Standards of the Subdivision Regulations has been continued until September 9, 2008.

9:04:20 AM Chairman Murdock There was no public comment on any matters within the Commission's jurisdiction.

9:04:37 AM Acting Clerk to the Board Melissa Rivnie Read the consent agenda as follows: 1. Approval of Claims; 2. Approval of Contracts: Negotiated Agreement Between Gallatin County and Gallatin Rest Home Registered Nurses and Licenses Practical Nurses; 3. Decision on Common Boundary Relocation Exemption from Subdivision Review Request for Ecton (moved to the regular agenda)

9:05:15 AM Public Comment Deputy County Attorney Jecyn Bremer: requested consent agenda item #3 be moved to #1 on the regular agenda for further discussion.

9:05:39 AM Commissioner Skinner Move to approve the consent agenda as amended by moving agenda item #3 to the regular agenda.

9:05:48 AM Commissioner White Second

9:05:50 AM Motion passed unanimously.

9:05:57 AM Chairman Murdock Decision on Common Boundary Relocation Exemption from Subdivision Review Request for Ecton

9:06:08 AM County Planner Tom Rogers Staff Report

9:08:29 AM There was no public comment.

9:08:34 AM Commissioner White I would make a motion for the approval of the relocation of the common boundary for Ecton and then we can add some findings in discussion.

9:08:43 AM Commissioner Skinner Second

9:08:46 AM Board Discussion/Findings

9:09:29 AM Motion passed unanimously.

9:09:37 AM Chairman Murdock Board Appointment

9:09:42 AM Commissioner White West Yellowstone TV District

9:10:16 AM There was no public comment.

9:10:21 AM Board Discussion

9:12:42 AM Commissioner Skinner With that discussion, I'll move to appoint Jason Pond.

9:12:44 AM Commissioner White Second

9:12:48 AM Motion passed unanimously.

9:13:01 AM Chairman Murdock Signature of a Resolution of Adoption to Amend to the Gallatin County Subdivision Regulations Regarding Water Conveyance Facilities (Ditches, Canals, Etc.): amending sections 1, 5, 6, and Section 9 and creating Appendix K

9:13:27 AM County Planner Sean O'Callaghan Presentation

9:14:22 AM Discussion and Questions

9:14:28 AM There was no public comment.

9:14:47 AM Board Discussion

9:15:11 AM Commissioner Skinner I will move that we sign the Resolution #2008-098.

9:15:17 AM Commissioner White Second

9:15:27 AM Motion passed unanimously.

9:15:35 AM Chairman Murdock Public Hearing and Decision on a Common Boundary Relocation Exemption from Subdivision Review for Heath

9:15:45 AM Belgrade City-County Planner Heidi Jensen Staff Report

9:18:25 AM Discussion between the Commission and Deputy County Attorney Jecyn Bremer

9:19:25 AM There was no public comment.
9:19:32 AM Commissioner Skinner Move to approve.
9:19:34 AM Commissioner White Second
9:19:37 AM Board Discussion including Jecyn Bremer
9:20:38 AM Motion passed unanimously.
9:20:43 AM Chairman Murdock Public Hearing and Decision on a Resolution for the Morningstar Montessori Revenue Bond Calling for Public Hearing on September 23, 2008
9:20:59 AM Finance Director Ed Blackman Presentation
9:24:11 AM Discussion and Questions
9:28:58 AM Public Comment Laura Sacchi
9:30:54 AM Discussion between the Commission and Deputy County Attorney Jecyn Bremer
9:31:20 AM Commissioner Skinner I was in the middle of saying I was hesitant to do this, I'm not hesitant to set a hearing, because I think if there's a reason that we shouldn't be doing this, that'll give the public a chance to tell us that, and so I would support this resolution (#2008-099).
9:31:36 AM Commissioner White Second
9:31:38 AM Chairman Murdock That was a motion to put it to a public hearing on September 30?
9:31:39 AM Commissioner Skinner Yeah, I will make that a motion.
9:31:47 AM Board Discussion
9:32:46 AM Motion passed unanimously.
9:32:56 AM Chairman Murdock Public Hearing and Consideration of the Four Corners County Water & Sewer District Tax Levy Request
9:33:06 AM Attorney Susan Swimley Presentation; submitted Four Corners Water & Sewer District Boundary map labeled Exhibit A, Item #5
9:37:24 AM Discussion between the Commission, Susan Swimley, and Deputy County Attorney Chris Gray
9:44:52 AM Public Comment Attorney Winston Marosek on behalf of Zoot Properties
9:46:47 AM Board Discussion including Chris Gray and Susan Swimley
9:49:58 AM Commissioner Skinner I'll move to adopt resolution, the draft resolution as presented. (Resolution was passed without a number)
9:50:01 AM Commissioner White Second
9:50:22 AM Motion passed unanimously.
9:50:28 AM Chairman Murdock Public Hearing and Decision on Resolution Setting the Boundaries and Calling for an Election for the Creation of the Gallatin Gateway Water and Sewer District
9:50:42 AM Clerk and Recorder Charlotte Mills Presentation, Read into record letters of support from the Gallatin Gateway Community Plan Committee and the Gallatin City-County Health Department
9:53:39 AM Discussion and Questions
9:54:36 AM Public Comment Kevin Lauer; Matt Donnelly; and County Planner Warren Vaughn
9:57:09 AM Board Discussion
9:59:21 AM Commissioner Skinner I'll move to approve Resolution #2008-100 creating this district in Gallatin Gateway.
9:59:28 AM Commissioner White Second
9:59:34 AM Motion passed unanimously.
9:59:50 AM Chairman Murdock Public Hearing and Decision on a Resolution Establishing the Gallatin County Gravel Pit Interim Zoning Task Force
10:00:06 AM Belgrade City-County Planner Heidi Jensen Presentation
10:01:30 AM Discussion between the Commission, Heidi Jensen, Planning Director Greg Sullivan, and Deputy County Attorney Chris Gray
10:10:08 AM Public Comment Jerry Rice
10:11:27 AM Commissioner White I would make a motion to approve the resolution that would create the gravel pit task force (2008-101).
10:11:31 AM Commissioner Skinner Second
10:11:39 AM Board Discussion including Greg Sullivan
10:15:08 AM Motion passed unanimously.
10:15:19 AM Chairman Murdock Public Hearing and Decision on a Request for Preliminary Plat Approval Extension for Phase 2 of the Spain Bridge Meadows Major Subdivision
10:15:34 AM Belgrade City-County Planner Jason Karp Staff Report
10:18:23 AM Discussion and Questions
10:19:29 AM There was no public comment.
10:19:37 AM Commissioner White I would make a motion for the approval of the request for one year extension on preliminary plat for Phase 2 Spain Bridge Meadows Subdivision.
10:19:47 AM Commissioner Skinner Second
10:19:51 AM Motion passed unanimously.
10:19:59 AM Chairman Murdock Public Hearing and Decision on a Request by RealCom Associates on Behalf of Verizon Wireless to Obtain Preliminary Plat Approval for a Subdivision by Lease to Accommodate a Telecommunication Tower on a 2,996 square foot Lease Lot from a 42-acre Lot in Gallatin Gateway
10:20:27 AM County Planner Ada Montague Staff Report, submitted e-mail exchange and revised condition #4

labeled Exhibit A, Item #9

10:26:38 AM Discussion and Questions

10:31:12 AM Paul Slotemaker, RealCom Associates LLC Presentation on behalf of applicant, Verizon Wireless

10:34:20 AM Discussion and Questions

10:44:10 AM Public Comment Communication Services Director Ben Hess; and Kevin Lauer

10:54:46 AM Paul Slotemaker, RealCom Associates LLC Closing Comments

10:56:33 AM Discussion and Questions

10:57:48 AM Closed public comment.

10:57:53 AM County Planner Ada Montague Comments

10:58:33 AM Board Discussion including Ada Montague and Deputy County Attorney Jecyn Bremer; Condition #2 change the language to "Applicant shall record with the Clerk & Recorder's Office an explanation regarding proposed Lot L and the dissolution of such 'lot' upon termination of the use as a wireless facility"; Condition #13(a) change the language to standard language for subdivisions without a homeowners association, change the language from "property owners association" to "lessee".

11:07:24 AM Commissioner White I would make a motion for the, for the approval of this.

11:07:28 AM Chairman Murdock With what kinds of conditions?

11:07:30 AM Commissioner White With the conditions, the modifications that we've talked about which was the, we had a modification to condition #2, which was for the termination part of that, and we have the language into record, we have a modification to #13(a) regarding the lessee, we have, we have the modification of condition #4 and my motion would include striking "within equipment structure", I don't know if there's some language that could be put in there to just open up some dialogue.

11:08:18 AM Chairman Murdock Do you entertain Jecyn's language?

11:08:22 AM Commissioner White Yes.

11:08:23 AM Deputy County Attorney Jecyn Bremer It would be in "within the leased area."

11:08:25 AM Commissioner White Yeah, "within the leased area," correct.

11:08:28 AM Deputy County Attorney Jecyn Bremer That would be the revised condition that was provided by Ada, correct?

11:08:31 AM Commissioner White Yes. And I think I said #13(c) which was the striking "galvanized finish" and to "be painted in neutral colors".

11:08:45 AM Commissioner Skinner Second

11:08:50 AM Board Discussion/Findings

11:11:04 AM Motion passed 2:1. Chairman Murdock opposed.

11:11:14 AM Recess

11:17:20 AM Chairman Murdock Reconvene to meeting.

11:18:22 AM County Planner Tim Skop Public Hearing and Decision on a Request for Preliminary Plat/Planned Unit Development Approval, Including Three Waivers to the Design Standards (Section 7.A.7 Second Access, Section 7.A.6 Dead End Cul-De-Sac, Section 6.D.2 Utility Easement Location) of the Subdivision Regulations for Phase 7 of the Spanish Peaks Resort Planned Unit Development/Major Subdivision

11:18:51 AM County Planner Tim Skop Staff Report

11:29:59 AM Discussion and Questions

11:30:28 AM Lauren Waterton, American Land Development Presentation on behalf of applicant, Spanish Peaks Holdings, LLC

11:34:29 AM Discussion and Questions

11:42:40 AM Bob Lee, Morrison Maierle Comments

11:46:07 AM Lauren Waterton, American Land Development Comments

11:50:17 AM There was no public comment.

11:50:38 AM Closed public comment.

11:50:40 AM Board Discussion/Findings including Tim Skop, Lauren Waterton, and Deputy County Attorney Jecyn Bremer

12:10:59 PM Commissioner White I would make a motion for the approval of the three waivers.

12:11:06 PM Commissioner Skinner Second

12:11:12 PM Board Discussion/Findings including Jecyn Bremer

12:11:17 PM Deputy County Attorney Jecyn Bremer I think you do the waiver part as part of the PUD approval, under PUD criteria, you may establish or approve a PUD and waiver modify the standards, so you could do that as one motion.

12:11:33 PM Commissioner White So moved.

12:11:35 PM Commissioner Skinner Second

12:11:37 PM Motion passed unanimously.

12:11:40 PM Board Discussion/Findings including Jecyn Bremer

12:14:39 PM Chairman Murdock We're going to get a motion to approve the subdivision with conditions as revised, please.

12:14:45 PM Commissioner White I would make that motion, with that motion will be conditions that will go with it.

12:15:02 PM Commissioner Skinner Second

12:15:05 PM Board Discussion/Findings including Bob Lee and Jecyn Bremer; Changes and additions to conditions as follows: added to motion, condition #11 add to the first sentence in paragraph 6 "or approval" after

MOA, #20 add the language at the end of the first sentence to read, "for in the form of an MOU with the district", add a condition that reads "A second access shall be provided prior to issuance of a certificate of occupancy for any more than 6 residential units"

12:20:38 PM Motion passed unanimously.

12:21:08 PM Chairman Murdock Public Hearing and Decision on a Resolution to Levy and Assess a Tax on Maintaining Improvements within All Rural Improvement Districts in Gallatin County, Montana

12:21:20 PM Finance Director Ed Blackman Presentation

12:23:14 PM Clerk & Recorder Recording Supervisor Eric Semerad Presentation

12:24:00 PM Finance Director Ed Blackman Comments

12:24:18 PM Public Comment Nick Savko; and Jack Schunke, Morrison Maierle

12:29:45 PM Discussion between the Commission, Jack Schunke, and Ed Blackman

12:32:34 PM Public Comment Mary Dalla Betta

12:34:25 PM Commissioner Skinner I'll move to approve Resolution #2008-102 that, that levies and assesses a tax on the rural improvement districts within Gallatin County.

12:34:38 PM Commissioner White Second

12:34:48 PM Motion passed unanimously.

12:34:53 PM Chairman Murdock Resolution #2008-099 was the Morningstar Montessori revenue bond.

12:35:20 PM There were no Pending Resolutions .

12:35:23 PM Meeting Adjourned.