



Gallatin County, Montana

311 West Main Street, Bozeman, MT 59715



Gallatin County Commission Meeting Minutes December 2, 2008

Description Gallatin County Commissioners' Journal No. 50 December 2, 2008

Date 12/02/2008 Location County Commission

Time Speaker Note

9:01:58 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 Mary Miller

9:02:53 AM Chairman Murdock Agenda announcements: Noted that today's meeting would be adjourned at 1:45 pm due to scheduling conflict and continued at 1:30 pm Wednesday, if needed. Regular agenda Item #4, Public Hearing and Receipt of Petition to Annex the Town of West Yellowstone into the Hebgen Basin Fire District was continued until further notice.

9:04:13 AM Clerk & Recording Supervisor Eric Semerad Comments

9:04:42 AM Chairman Murdock There was no public comment on any matters within the Commission's jurisdiction.

9:04:59 AM Acting Clerk to the Board Mary Miller Read the consent agenda as follows: 1. Approval of Claims 2. Approval of Minutes from November 5, 12, 18 & 19, 2008 3. Approval of Contracts: Montana Department of Commerce Community Development Block Grant Program for the Architectural Design of and Expansion of the Belgrade Senior Center and County Road Construction & Maintenance Agreement (Stubler Road)

9:05:40 AM There was no public comment.

9:05:47 AM Commissioner White I'd make a motion to approve the consent agenda that Mary read into record.

9:05:50 AM Commissioner Skinner Second

9:05:55 AM Motion passed unanimously.

9:05:58 AM Chairman Murdock Proclamation Declaring December National Drunk and Drugged Driving Prevention Month

9:06:25 AM DUI Task Force Coordinator Jenna Caplette Read the Proclamation

9:09:58 AM Discussion and Questions

9:10:20 AM Richard Gale Comments

9:11:46 AM There was no public comment.

9:11:58 AM Commissioner Skinner I would move that the Commission sign this Proclamation.

9:12:02 AM Commissioner White Second

9:12:06 AM Board discussion

9:13:58 AM Motion passed unanimously.

9:14:05 AM Chairman Murdock Public Hearing and Presentation of Annual Report for the DUI Task Force

9:14:12 AM DUI Task Force Coordinator Jenna Caplette Presentation

9:19:34 AM There was no public comment.

9:19:51 AM Commissioner White I guess I'll make a motion to accept the report.

9:19:55 AM Commissioner Skinner Second

9:19:57 AM Board discussion

9:20:07 AM Motion passed unanimously.

9:20:20 AM Chairman Murdock Public Hearing and Decision on a Resolution for the Petition to Abandon a 30-foot Wide Portion of the Old Morgan Road, also known as old Springhill Road, in the SW1/4 Section 34 T2N, R5E

9:20:41 AM Clerk & Recorder Charlotte Mills Presentation

9:21:57 AM There was no public comment.

9:22:23 AM Commissioner Skinner Based on the recommendation of the viewing committee and their findings that this is feasible and desirable to grant this petition, I would move that we approve Resolution #2008-145.

9:22:37 AM Commissioner White Second

9:22:41 AM Board discussion

9:23:15 AM Motion passed unanimously.

9:23:26 AM Chairman Murdock Public Hearing and Decision on Release of Improvements Agreement for Spanish Peaks Resort Phase 1B and 1C

9:24:37 AM County Planner Tim Skop Staff report

9:26:22 AM There was no public comment.

9:26:30 AM Commissioner White I would make a motion to approve the release of the letter of credit for Spanish Peaks Phase 1B and 1C.

9:26:41 AM Commissioner Skinner Second

9:26:45 AM Board discussion
9:27:47 AM Motion passed unanimously.
9:27:50 AM Discussion between the Commission and Tim Skop
9:28:19 AM Chairman Murdock Public Hearing and Decision Regarding an Improvements Agreement for Conditions No. 12, 15, 19, 23, 24, 26, and 44 for the Gallatin Heights Subdivision
9:28:34 AM Belgrade City-County Planner Jason Karp Staff report
9:30:50 AM Discussion and Questions
9:31:22 AM Spencer Thunell, Land Equity Partners Applicant presentation
9:33:39 AM Discussion and Questions
9:44:41 AM There was no public comment.
9:44:55 AM Spencer Thunell, Land Equity Partners Comments
9:45:02 AM Closed public comment.
9:45:06 AM Commissioner Skinner I would move to approve the Improvements Agreements for conditions #12, 15, 19, 23, 24, 26, and 44 for Gallatin Heights Subdivision as presented in the staff report.
9:45:21 AM Commissioner White Second
9:45:25 AM Board discussion
9:46:59 AM Motion passed unanimously.
9:47:04 AM Chairman Murdock Public Hearing and Decision Regarding an Escrow-Based Financial Guaranty Agreement for Impact Fees as Required by Condition No. 7 for the Gallatin Heights Subdivision
9:47:20 AM Belgrade City-County Planner Jason Karp Staff report
9:48:18 AM Spencer Thunell, Land Equity Partners Applicant presentation
9:49:04 AM There was no public comment.
9:49:18 AM Commissioner Skinner Move to approve the escrow-based financial guaranty agreement for impact fees as required by condition #7 in Gallatin Heights Subdivision and presented in the staff report.
9:49:30 AM Commissioner White Second
9:49:34 AM Board discussion with Deputy County Attorney Jecyn Bremer
9:49:54 AM Motion passed unanimously.
9:50:00 AM Chairman Murdock Public Hearing and Decision Regarding an Escrow-Based Financial Guaranty Agreement for Improvements Required by Condition No. 25 of the Gallatin Heights Subdivision
9:50:14 AM Belgrade City-County Planner Jason Karp Staff report
9:51:18 AM Discussion and Questions
9:52:05 AM There was no public comment.
9:52:15 AM Board discussion including Jason Karp
9:53:10 AM Commissioner White I'd make a motion to approve the escrow-based financial guaranty agreement for the improvements that was required in condition #25 the Gallatin Heights Subdivision.
9:53:23 AM Commissioner Skinner Second
9:53:27 AM Board discussion
9:53:57 AM Motion passed unanimously.
9:54:00 AM Chairman Murdock Public Hearing and Decision Regarding a Request for Final Plat Approval for Gallatin Height Subdivision Phase 1
9:54:07 AM Belgrade City-County Planner Jason Karp Staff report
9:55:00 AM Discussion and Questions
9:55:14 AM Spencer Thunell, Land Equity Partners Applicant presentation
9:55:35 AM Discussion and Questions
9:57:17 AM Voss Bowman, Keller Williams Real Estate Comments
9:57:42 AM Discussion between the Commission, Voss Bowman, and Spencer Thunell
9:59:31 AM There was no public comment.
9:59:40 AM Commissioner Skinner Comments, I would move that we approve the final plat for Gallatin Heights Subdivision Phase I.
10:00:05 AM Commissioner White Second
10:00:07 AM Board discussion
10:01:12 AM Motion passed unanimously.
10:01:36 AM Chairman Murdock Public Hearing and Decision on a Resolution of Road Name Change in Gallatin County Naming an Un-named Road off Bear Canyon Road to Old Country Road
10:01:56 AM GIS Coordinator Allen Armstrong Presentation, submitted map labeled Exhibit A, Item #10
10:03:09 AM There was no public comment.
10:03:38 AM Commissioner Skinner I would move to approve Resolution #2008-146, which would change the, would name an un-named road off Bear Canyon Road to Old Country Road.
10:03:51 AM Acting Chairman White Second
10:03:56 AM Motion passed unanimously.
10:04:01 AM Acting Chairman White Public Hearing and Decision on a Resolution of Road Name Change in Gallatin County Naming an Un-named Road off S. 19th Ave to Mountain Aire Lane
10:04:11 AM GIS Coordinator Allen Armstrong Presentation, submitted map labeled Exhibit A, Item #11
10:05:11 AM There was no public comment.
10:05:18 AM Commissioner Skinner Move to approve Resolution #2008-147, which is a resolution that would

change an un-named road off S. 19th Ave to Mountain Aire Lane.

10:05:28 AM Chairman Murdock Second

10:05:34 AM Motion passed unanimously.

10:05:44 AM Chairman Murdock Public Hearing and Decision on a Resolution of Road Name Change in Gallatin County Naming an Un-named Road off Dry Creek Road to Hamilton Ranch Road

10:05:59 AM GIS Coordinator Allen Armstrong Presentation, submitted map labeled Exhibit A, Item #12

10:06:55 AM There was no public comment.

10:07:15 AM Commissioner White I'd make a motion to approve Resolution #2008-148.

10:07:21 AM Commissioner Skinner Second

10:07:26 AM Motion passed unanimously.

10:07:45 AM Recess

10:20:27 AM Chairman Murdock Reconvene to meeting. Public Hearing and Decision on the Storey Gravel Pit Conditional Use Permit to Comply with the Gallatin County Interim Zoning Regulation for Operations that Mine Sand and Gravel or Operations that Mix Concrete or Batch Asphalt

10:21:12 AM Commission Summarized and acknowledged emails, phone calls, and letters which were entered into the record.

10:23:38 AM Discussion between the Commission, County Planner Tom Rogers, and Deputy County Attorney Jecyn Bremer. The meeting notice and requirements were outlined. The Commission and the County Attorney agreed this meeting was legally and properly noticed giving ample opportunity for public comment.

10:28:13 AM County Planner Tom Rogers Staff report

10:41:37 AM Discussion and Questions

10:46:40 AM Bob Lee, Land Use Planner, Morrison-Maierle, Inc Presentation on behalf of applicant TMC, Inc. Suggested condition #15 read as follows: "Prior to issuance of a Land Use Permit, drainage plans for the operation shall be submitted to the County and approved by MDEQ, if required."

11:07:13 AM Discussion between the Commission, Bob Lee, and Tom Rogers

11:20:05 AM Public comment Dave Pruitt, Marise Rowell, Carol Lee-Roark, and John Powers

11:36:35 AM Bob Lee, Land Use Planner, Morrison-Maierle Rebuttal

11:38:46 AM Closed public comment.

11:38:48 AM Board discussion including Bob Lee and Jerry Rice, TMC, Inc

11:52:07 AM Commissioner Skinner I'd move to approve the Conditional Use Permit for Story Gravel Pit with the staff suggested conditions and the Planning Board amendments with the amendment of condition #3 to add a "10-year review," to amend condition #7 to be "12 weeks in a 12 month period," to add to condition #15 to reinsert "if required." I was considering taking out condition #14 with the monitoring wells but I think after Mr. Connors (Mr. Powers) testimony I think it would, it would be good to leave that in there, Powers, excuse me. And then to add the conditions suggested by the applicant, well first the asphalt batch plants if they become permanent, to come in with a change of conditions, I don't know if that is needed because I think the condition of hours of operation address that but I don't it'd hurt to put that in there. They suggested it. And the condition adding that they require the gravel haulers to be restricted to 45 mph from Four Corners to the Copper Springs approach and I think that's all the ones that I had.

11:53:42 AM Chairman Murdock Are you two Commissioners satisfied with the language in here on the rolling reclamation? Are you clear on it?

11:53:52 AM Commissioner Skinner I think that is in the DEQ permit, I am fairly clear, I don't think it's what the neighbors exactly would want but I think for it to be functional I think it has to be worded that way.

11:54:03 AM Chairman Murdock I am in favor of everything you've suggested with the exception of the asphalt batch plant, would you humor me and make a motion on that condition to include it first? Comments

11:54:22 AM Commissioner Skinner Comments

11:54:29 AM Commissioner White Second

11:54:30 AM Chairman Murdock Comments, I am going to make a motion that we strike the asphalt batch plant language completely.

11:55:03 AM Commissioner Skinner Second

11:55:11 AM Motion failed 2:1. Commissioners Skinner and White opposed.

11:55:18 AM Chairman Murdock Now are we back to your original motion?

11:55:21 AM Commissioner Skinner Yes

11:55:23 AM Board discussion/Findings including Tom Rogers and Deputy County Attorney Jecyn Bremer

12:16:34 PM Motion passed unanimously.

12:16:43 PM Meeting adjourned.