



# Gallatin County, Montana

311 West Main Street, Bozeman, MT 59715



## Gallatin County Commission Meeting Minutes January 6, 2009

Description Gallatin County Commissioners' Journal No. 50 January 6, 2009

Date 01/06/2009 Location County Commission

### Time Speaker Note

9:02:08 AM Chairman White 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 Mary Miller

9:02:55 AM Chairman White Announcement: Reminder to the public that the meeting is being recorded, televised live by Bresnan Communications and streamed over the internet.

9:03:27 AM Chairman White There was no public comment on any matters within the Commission's jurisdiction.

9:03:49 AM Acting Clerk to the Board Mary Miller Read the consent agenda as follows: 1. Approval of Claims 2. Approval of Contract with Western Montana Mental Health Center to Provide Mental Health Services to the Residents of Gallatin County 3. Approval of Amended Streamline (Transit System) Advisory Board's By-laws, Which Include the "Public Stakeholder's Subcommittee."

9:04:25 AM There was no public comment.

9:04:32 AM Commissioner Skinner Move to approve the consent agenda as read into record.

9:04:37 AM Commissioner Murdock Second

9:04:47 AM Motion passed unanimously.

9:05:04 AM Commissioner Murdock Recused himself from Regular agenda Items #1, #2, and #3, as he was absent from prior hearings.

9:05:33 AM Chairman White Consideration and Decision on a Resolution Approving the Muldoon/Scherck Variance Request from Section 6.6 of the Trail Creek Zoning Regulations Regarding Trail Creek Road Setbacks (Public Hearing held December 11, 2008 at Planning & Zoning)

9:05:54 AM County Planner Tom Rogers Presentation

9:07:07 AM There was no public comment.

9:07:28 AM Board discussion

9:07:46 AM Commissioner Skinner Move to approve Resolution #2009-001.

9:07:54 AM Chairman White Second

9:07:56 AM Board discussion/Findings

9:08:53 AM Motion denied 0:2.

9:09:21 AM Chairman White Decision on a Resolution Adopting the North Pass LLC Non-conforming Lot Variance (I) from the Bridger Canyon Zoning Regulations (Public Hearing held December 11, 2008 at Planning & Zoning)

9:09:35 AM County Planner Ada Montague Presentation

9:10:04 AM There was no public comment.

9:10:17 AM Commissioner Skinner Move to approve Resolution #2009-002.

9:10:21 AM Chairman White Second

9:10:25 AM Board discussion

9:10:46 AM Motion passed unanimously.

9:10:55 AM Chairman White Decision on a Resolution Adopting the North Pass LLC Non-conforming Lot Variance (II) from the Bridger Canyon Zoning Regulations (Public Hearing held December 11, 2008 at Planning & Zoning)

9:11:15 AM County Planner Ada Montague Presentation

9:11:34 AM There was no public comment.

9:11:42 AM Commissioner Skinner Move to approve Resolution #2009-003.

9:11:49 AM Chairman White Second

9:11:57 AM Motion passed unanimously.

9:12:14 AM Chairman White Public Hearing and Decision on a Variance Request from Appendix I (Fire Regulation) of the Gallatin County Subdivision Regulations and Request for Preliminary Plat Approval of the Bocamo Business Park Subsequent Minor Subdivision (Continued from 11/25/08-Public Comment Regarding Fire Only)

9:12:31 AM Belgrade City-County Planner Heidi Jensen Staff report

9:14:05 AM Discussion and Questions

9:14:41 AM Jonathan Roen, Roen Inc Presentation on behalf of applicant Bridger-Montana Investments, LLC

9:19:59 AM Discussion and Questions

9:23:36 AM Assistant Chief Central Valley Fire District Bryan Connelley Comments

9:28:14 AM Jonathan Roen, Roen Inc Rebuttal

9:30:36 AM Discussion and Questions  
9:37:11 AM Closed public comment.  
9:37:14 AM Board discussion including Bryan Connelley and County Attorney Marty Lambert  
9:54:17 AM Commissioner Murdock I move that we approve the variance request.  
9:54:21 AM Commissioner Skinner Second  
9:54:25 AM Board discussion/Findings including Heidi Jensen and Marty Lambert  
9:59:57 AM Motion passed 2:1. Commissioner Skinner opposed.  
10:00:08 AM Commissioner Murdock I move that we approve this subdivision with the conditions as written by staff and I think, Heidi don't we have to amend some based on the variance we just granted, or do we not?  
10:00:23 AM Belgrade City-County Planner Heidi Jensen Yes, we do. Remove condition #4, since there won't be any sprinkler testing, #3 will be as stands, they still need to submit it and have it reviewed.  
10:00:38 AM Discussion between the Commission and Heidi Jensen  
10:01:23 AM Commissioner Skinner Second  
10:01:32 AM Chairman White And so your motion strikes #4, condition #4?  
10:01:36 AM Commissioner Murdock Yes it does, and I would observe that it includes all the other conditions in the staff and if it's any small consolation to Bryan Connelley under the required covenants C & D are still intact, comments.  
10:02:07 AM Board discussion/Findings  
10:03:06 AM Motion passed unanimously.  
10:03:19 AM Chairman White Public Comment on Proposed Settlement Conditions of Spanish Peaks Sand and Gravel, LLC v. Gallatin County, to be Followed by a Commission Decision on the Proposed Conditions  
10:03:47 AM County Attorney Marty Lambert Presentation  
10:12:50 AM Discussion and Questions  
10:14:00 AM County Attorney Marty Lambert Suggested striking the words "Prior to hauling material offsite" from the beginning of paragraph #28 in Exhibit "A" of the Spanish Peaks Sand and Gravel, LLC agreement, comments.  
10:16:34 AM Public comment James Shuler, representing Spanish Peaks Sand and Gravel, LLC, Karen Semerau, Bruce Muhlbradt, Shane Skinner, Betty Conard, and Drew Jenkins  
10:29:26 AM Closed public comment.  
10:29:28 AM Board discussion including Marty Lambert  
10:38:16 AM Commissioner Murdock I move to approve it with the one clause struck on condition #28.  
10:38:23 AM Commissioner Skinner Second  
10:38:33 AM Motion passed unanimously.  
10:38:40 AM Chairman White Public Comment on Proposed Settlement Conditions of Cameron Springs, LLC v. Gallatin County, to be Followed by a Commission Decision on the Proposed Conditions  
10:38:58 AM County Attorney Marty Lambert Presentation  
10:40:31 AM Public comment Betty Conard, Shane Skinner, Attorney Susan Swimley representing Cameron Springs, LLC, and Karen Semerau  
10:59:26 AM Commissioner Skinner Comments  
11:00:42 AM Closed public comment.  
11:00:50 AM Commissioner Skinner I'll move to approve the proposed settlement conditions for Cameron Springs, LLC and to use those as settlement in this lawsuit.  
11:01:01 AM Commissioner Murdock Second  
11:01:06 AM Board discussion  
11:01:56 AM Motion passed unanimously.  
11:02:10 AM Chairman White Board Appointment Recommendation for the County Position of the Bozeman City Planning Board  
11:02:20 AM Commissioner Murdock Bozeman City Planning Board  
11:03:07 AM There was no public comment.  
11:03:16 AM Commissioner Murdock I move that we reappoint Bill Quinn.  
11:03:19 AM Commissioner Skinner Second  
11:03:24 AM Commissioner Murdock Excuse me, I don't know it that's an appropriate recommendation. I think we recommend to the City of Bozeman that they reappoint Bill Quinn.  
11:03:32 AM Commissioner Skinner I adjust my second.  
11:03:40 AM Motion passed unanimously.  
11:03:49 AM Meeting adjourned.