



# Gallatin County, Montana

311 West Main Street, Bozeman, MT 59715



## Gallatin County Commission Meeting Minutes January 27, 2009

Description Gallatin County Commissioners' Journal No. 50 January 27, 2009

Date 01/27/2009 Location County Commission

Time	Speaker	Note
9:02:06 AM	Chairman White	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 Veniece Lindemulder.
9:03:13 AM	Chairman White	Announcement: Reminder to the public that the meeting is being recorded, televised live by Bresnan Communications and streamed over the internet.
9:03:39 AM	Chairman White	There was no public comment on any matters within the Commission's jurisdiction.
9:04:03 AM	Acting Clerk to the Board Veniece Lindemulder	Read the consent agenda as follows: 1. Approval of Claims, 2. Approval of Meeting Minutes from January 13, 2009, 3. Approval of Asset Disposals/Trade-Ins, 2007 Chevy Impala S-22, 2003 Ford Crown Victoria, Gateway Select SB Desktop
9:04:47 AM		There was no public comment.
9:04:54 AM	Commissioner Skinner	Move to approve the consent agenda as it was read into record.
9:04:58 AM	Commissioner Murdock	Second
9:05:01 AM		Motion passed unanimously.
9:05:09 AM	Chairman White	Public Hearing and Decision on a Resolution for \$32,000,000 of General Obligation Bonds for the Gallatin County Detention Center Project
9:05:21 AM	Finance Director Ed Blackman	Presentation
9:06:33 AM	Bridget Ekstrom, D.A. Davidson & Co.	Comments
9:07:29 AM		There was no public comment.
9:07:44 AM	Commissioner Murdock	I would move that we approve the certificate of Resolution and adopting the vote to sell these bonds as described in Resolution #2009-015.
9:07:58 AM	Commissioner Skinner	Second
9:08:02 AM		Motion passed unanimously.
9:08:23 AM	Chairman White	Public Hearing and Decision on a Resolution Regarding a Petition to Annex the Town of West Yellowstone into the Hebgen Basin Fire District - continued until February 19, 2009 in West Yellowstone
9:08:30 AM	Chairman White	Board Appointments
9:08:40 AM	Commissioner Skinner	Bridger Canyon Rural Fire District
9:09:22 AM		There was no public comment.
9:09:33 AM	Commissioner Skinner	Move to appoint Jerry Perkins to the Bridger Canyon Rural Fire District.

9:09:41 AM	Commissioner Murdock	Second
9:09:47 AM		Motion passed unanimously.
9:09:55 AM	Commissioner Murdock	Historic Preservation Board
9:10:23 AM		There was no public comment.
9:10:30 AM	Commissioner Murdock	I move that we accept the recommendation of the Historic Preservation Board and appoint Regina Demis.
9:10:38 AM	Commissioner Skinner	Second
9:10:42 AM		Motion passed unanimously.
9:10:54 AM	Chairman White	Public Hearing and Decision on a Resolution to Amend the Gallatin City-County Health Department FY 2009 Operating Budget to Include Unanticipated Revenues in the Amount of \$9,000 from Montana State University Napa Grant and \$20,000 from Montana State Health Dept - Montana Learning Collaborative to be Used for the Implementation of Educational Information and Improvement Processes
9:11:19 AM	Finance Director Ed Blackman	Presentation
9:12:12 AM		There was no public comment.
9:12:21 AM	Commissioner Skinner	I'll move to approve Resolution #2009-016 which would accept this \$29,000 in grants and add it to our Gallatin City-County Health Department budget.
9:12:35 AM	Commissioner Murdock	Second
9:12:41 AM		Motion passed unanimously.
9:12:48 AM	Chairman White	Public Hearing and Decision on a Resolution to Amend the Noxious Weed District FY 2009 Budget to Include Unanticipated Montana Department of Agriculture (MDA) Revenues in the Amount of \$1,785.72
9:13:03 AM	Finance Director Ed Blackman	Presentation
9:13:30 AM		There was no public comment.
9:13:39 AM	Commissioner Murdock	I move that approve this budget amendment which is Resolution #2009-017.
9:13:45 AM	Commissioner Skinner	Second
9:13:50 AM		Motion passed unanimously.
9:14:04 AM	Chairman White	Public Hearing and Decision on a Resolution of Intent to Revise the Gallatin County Growth Policy to Include the Proposed Gallatin Gateway Community Plan and Future Land Use Map (The Proposal is Available from County Planning [582-3130], or Online at <a href="http://www.gallatin.mt.gov">www.gallatin.mt.gov</a> )
9:14:28 AM	Planning Director Greg Sullivan	Comments
9:15:41 AM	County Planner Warren Vaughan	Staff report
9:16:16 AM		Discussion and Questions
9:18:59 AM	Dick Shockley	Presentation on behalf of Gateway Community Planners
9:29:17 AM	Christie Francis	Presentation on behalf of Gateway Community Planners
9:38:10 AM	Dick DeBernardis	Presentation on behalf of Gateway Community Planners
9:43:01 AM	Diane Volkorsz	Presentation on behalf of Gateway Community Planners
9:48:06 AM	County Planner Warren Vaughan	Comments, submitted surveys regarding rural Gallatin Gateway from January 30, 2008 meeting labeled Exhibit A, Item #6, meeting notes and comments from the May 18, 2007 kickoff meeting and August 15, 2007 downtown meeting labeled Exhibit

		B, Item #6, comments from the March 13, 2008 downtown meeting labeled Exhibit C, Item #6, Large Landowner Comments labeled Exhibit D, Item #6, various petitions and initial surveys labeled Exhibit E, Item #6, Guiding Principles Survey labeled Exhibit F, Item #6, results from the April 30, 2008 meeting on Hwy 191 policies labeled Exhibit G, Item #6, and comments from the June 4, 2008 meeting as well as various memos and information labeled Exhibit H, Item #6.
9:53:32 AM	Nikki Robbins	Presentation on behalf of school district
9:56:13 AM		Discussion between the Commission and Warren Vaughan. The following exhibits were submitted: A map of landowners opting out of the plan labeled Exhibit I, Item #6, testimony from Matt Donnelly and correspondence from Claire Gower with Montana Fish, Wildlife & Parks labeled Exhibit J, Item #6, a handout amending the Staff Report amendment on Policy 3.3.3 labeled Exhibit K, Item #6, additional public comment labeled Exhibit L, Item #6, a letter from David Loseff labeled Exhibit M, Item #6 suggesting changes to Policy 4.3.1, and added language to Item #1 on page 19 of the staff report, 'Staff Suggested Actions,' to add "... and whether or not to amend the text of the Growth Policy and whether or not to remove any landowners that wish to be removed."
10:26:07 AM	Public Comment	Clifford Walter Nixon, submitted testimony labeled Exhibit N, Item #6, Lonnie Sturgis, Margaret Jarrett, Richard Maus, Larry Johnson, Patti Steinmuller, Rocky Goertz, Wendy Hiebert, submitted surveys labeled Exhibit O, Item #6, Judy Hengel, Amy Davis, Debbie Alsop, read and submitted letter and map from Karen E. Davis labeled Exhibit P, Item #6, Terry Threlkeld, Ann Prescott, Jill Allen, Celia O'Connor, Rich Morse, Tim Roark, Kerri Payne, Deb Wahlberg, and Carol Lee-Roark.
11:21:46 AM	Chairman White	Closed public comment.
11:21:51 AM	County Planner Warren Vaughan	Comments
11:28:05 AM		Discussion and Questions
11:28:59 AM	Chairman White	Recess
11:42:06 AM	Chairman White	Reconvene to meeting. Board discussion including Warren Vaughan and Deputy County Attorney Jecyn Bremer.
12:06:31 PM	Commissioner Skinner	I would move that we adopt the boundaries that I previously outlined (see Exhibit Q, Item #6).
12:06:40 PM		Board discussion including Warren Vaughan
12:09:33 PM	Commissioner Murdock	Second
12:09:39 PM		Board discussion including Jecyn Bremer
12:10:24 PM	Chairman White	Recess
12:26:17 PM	Chairman White	Reconvene to meeting. Board discussion including Greg Sullivan.
12:27:50 PM	Commissioner Skinner	I didn't include the Alsop property in my motion but I will amend my motion to include that property.
12:27:57 PM	Commissioner Murdock	Second will agree.

12:27:59 PM		Board discussion including Greg Sullivan, Warren Vaughan, Jecyn Bremer and Wendy Hiebert.
12:37:26 PM		Motion passed unanimously.
12:37:44 PM	Commissioner Murdock	I would move that we approve the neighborhood plan as written and as amended by the staff report and Mr. Threlkeld's proposed language to (policy number) 3.3.3.
12:38:03 PM		Board discussion
12:38:12 PM	Commissioner Skinner	Second
12:38:20 PM	Deputy County Attorney Jecyn Bremer	I just wanted to clarify, would that be the staff report or the staff report addendum on 3.3.3?
12:38:29 PM	Commissioner Murdock	I am talking about Terry Threlkeld's memorandum which I don't think we gave an exhibit....
12:38:35 PM	County Planner Warren Vaughan	I don't think Terry Threlkeld had a memorandum. Terry Threlkeld did not have a memorandum.
12:38:40 PM	Deputy County Attorney Jecyn Bremer	That's staff's (memorandum).
12:38:41 PM	Commissioner Murdock	Oh, that's staff's. That's the one I was referring to. (See Exhibit K, Item #6).
12:38:44 PM	Deputy County Attorney Jecyn Bremer	Ok, thank you for that clarification.
12:38:48 PM		Board discussion/Findings including Warren Vaughan, Jecyn Bremer and Dick Shockley
12:51:51 PM	Commissioner Skinner	I would move to amend the motion and amend the plan by adding that statement to modify paragraph 4.3.1.a. (to say, "This policy is not intended to restrict any home occupations or businesses conducted by agricultural users or other diverse uses compatible with rural property").
12:52:09 PM	Commissioner Murdock	Second agrees
12:52:14 PM		Board discussion/Findings including Warren Vaughan and Dick Shockley
12:59:59 PM	Chairman White	I make a motion to amend your motion (to strike paragraph 7.3).
1:00:09 PM	Commissioner Murdock	Second, comments
1:00:16 PM		Board discussion including Warren Vaughan
1:02:47 PM		Motion failed 1:2. Commissioners Murdock and Skinner opposed.
1:02:57 PM		Board discussion/Findings including Jecyn Bremer. The motion on the table is to approve the neighborhood plan as written and as amended by the staff report and the proposed language in the memorandum (Exhibit K, Item #6) to (policy number) 3.3.3.
1:10:21 PM		Motion passed unanimously.
1:10:26 PM		Discussion between the Commission, Greg Sullivan and Jecyn Bremer.
1:12:19 PM	Commissioner Murdock	I will make such a motion that we adopt a resolution of intention, is there a number? Do we have a number or not? Resolution #2009-018 with the understanding that there will be, I'm going to call this Exhibit Z. We don't have a Z yet, can't I do Z?
1:12:50 PM	Chairman White	Uh, J.
1:12:54 PM	Commissioner Murdock	

		Would J be the right one? Exhibit J (now labeled Exhibit Q, Item #6), which is our best stab at a revised boundary with a legal description to follow as a pending resolution next week.
1:13:05 PM		Discussion between the Commission, Jecyn Bremer and Greg Sullivan. Resolution #2009-018 will be corrected and be on next week's agenda as a pending resolution. Commissioner Skinner verified that the amended map (Exhibit Q, Item #6) reflects his motion.
1:19:56 PM		No action taken on the approval of Resolution #2009-018.
1:20:16 PM	Chairman White	Recess
1:33:22 PM	Chairman White	Reconvene to meeting. Public Hearing and Decision on a Conditional Use Permit for the Huttinga Gravel Pit to Comply with the Gallatin County Interim Zoning Regulation for Operations that Mine Sand and Gravel or Operations that Mix Concrete or Batch Asphalt
1:33:38 PM	Chairman White	Announcement: Reminder to the public that the meeting is being recorded, televised live by Bresnan Communications and streamed over the internet.
1:34:00 PM	County Planner Tom Rogers	Staff report, submitted correspondence labeled Exhibit A, Item #7. A correction to the staff report was noted on page 18, at the end of the fourth paragraph it should read, Conditions 12 & 17.
1:46:12 PM		Discussion and Questions
1:49:19 PM	Ray Center, Rocky Mountain Engineers, PLLC	Presentation on behalf of applicant Richard Huttinga. Requests first sentence of Condition #11 to read, "Mining shall at all times maintain a 3-foot vertical separation between annual high ground water level and lowest level of mining activity" and add the language, "This would exempt or except the area within the permitted pond on the property," requests modification to Condition #13 to strike the word "quantity" and replace it with "groundwater level" and the next sentence to read, "Applicant shall collect water samples and test for extractable petroleum hydrocarbons..."
1:56:35 PM		Discussion and Questions
1:56:51 PM	Ray Center, Rocky Mountain Engineers, PLLC	Presentation continued. Requests Condition #20 be deleted and the third paragraph of Condition #32 be deleted.
2:01:59 PM		Discussion between the Commission, Ray Center and Tom Rogers. Commission recommends #18 say "No Through Trucks."
2:04:45 PM	Public Comment	Dick Shockley, Dick DeBernardis, Margaret Jarrett, Celia O'Connor, Christie Francis, Judy Hengel, Debb Smith, Tammy Alvorson representing the Badgley Family Ranch, Marti Klette, read a letter from Toni Donnelly owner of Stacey's in Gallatin Gateway, Tom McGurk, Susan Rabatin, submitted letter labeled Exhibit B, Item #7, Katie Harvey, Susan Hellier, Carol Lee-Roark, Rich Morse, Lee Hart and Wendy Hiebert.
2:50:07 PM	Ray Center, Rocky Mountain Engineers, PLLC	Rebuttal
2:51:28 PM	Chairman White	Closed public comment.
2:51:35 PM		Board discussion including Tom Rogers and Ray Center
3:05:15 PM	Commissioner Murdock	I move that we approve the gravel pit, the Huttinga Gravel Pit as presented with the conditions suggested by the staff with the following amendments: #11 to be amended as requested by the applicant and that was changing 4-foot to 3-foot and to add some other words about except the area within the permitted pond, I think. I don't have the exact language but Tom, I hope you do
3:05:48 PM	Chairman White	Exempt the existing pond.

3:05:50 PM	Commissioner Murdock	Exempt the existing pond. Number 13 as amended by the proposal by the applicant to get rid of the words quantity and substitute with groundwater levels and then to add after, no less, what is it then, extractable petroleum hydrocarbons instead of, or that, exactly where that went but Tom, do you have that change?
3:06:19 PM	County Planner Tom Rogers	I do. I was just going to suggest on that same spot that you had quality and groundwater level "on no less than a six-month basis during the course of the operation testing for extractable petroleum hydrocarbons."
3:06:35 PM	Commissioner Murdock	That works. On Condition #18 to amend the "No Trucks" sign to say "No Through Truck Traffic" and I'd suggest deleting #19.
3:06:48 PM	Chairman White	I think we talked about "No Haul Trucks."
3:06:50 PM	Commissioner Murdock	Okay, "No Haul Trucks," I don't care, as long as the message gets out there that local truck traffic's okay and through trucks aren't okay. And eliminating #19?
3:07:03 PM	Chairman White	Uh, that's what we talked about. We didn't talk much about it.
3:07:07 PM	Commissioner Murdock	I think we should eliminate it based on the public comment. We've had lots of testimony over years past about trucks on the spur road and this would really solve that problem. Mr. Huttinga is on the record as agreeing to that.
3:07:26 PM	Chairman White	And strike #20?
3:07:27 PM	Commissioner Murdock	Strike #20, comments. Noxious weed management per the request of the applicant to delete paragraph #3 in Condition #32. I think that's it.
3:08:26 PM	Commissioner Skinner	Second
3:08:33 PM		Board discussion/Findings
3:13:13 PM		Motion passed unanimously.
3:13:55 PM	Chairman White	Recess
3:22:04 PM		Reconvene to meeting. Chairman White has asked to be excused and Commissioner Skinner will act as Chairman.
3:22:18 PM	Acting Chairman Skinner	<b>Public Hearing and Decision on a Request for Preliminary Plat Approval for the Windmill Acres Subsequent Minor Subdivision, Including a Variance Request from Section 7.F.1 of the County Subdivision Regulations Regarding Right-of-way Width of an Access Road</b>
3:22:47 PM	County Planner Christopher Scott	<b>Staff report, submitted correspondence labeled Exhibits A and B, Item #8. Noted changes to the condition referenced in the following staff findings: 2. (See Condition 28d), 3. (See Conditions 7, 8, and 28a), 5. (See Condition 24) &amp; (See Conditions 25 and 26), 7. (See Condition 19), 9. (See Condition 20), 10. (See Condition 21), 11. (See Condition 27). Noted changes to the condition reference in the following Primary criteria: 1. Agriculture (See Conditions 28 b, c, and g), Fire Protection (See Conditions 12, 22 and 23), Natural Environment (See Conditions 7-9 and 28 a and i), Wildlife and Wildlife Habitat (See Conditions 28 e, f, g, and h) and Public Health and Safety (See Conditions 22-26) and 4. (See Condition 21).</b>
<b>3:39:10 PM</b>		<b>Discussion and Questions</b>
<b>3:39:47 PM</b>	<b>Dennis Foreman, Gaston Engineering &amp; Surveying</b>	<b>Presentation on behalf of applicant Mark Martello.</b>
<b>3:40:58 PM</b>		<b>Discussion and Questions</b>
<b>3:46:14 PM</b>	<b>Public comment</b>	<b>Randy Visser and County Planner Warren Vaughan</b>
<b>3:48:56 PM</b>	<b>Dennis Foreman, Gaston Engineering &amp; Surveying</b>	<b>Rebuttal</b>
<b>3:49:39 PM</b>		<b>Board discussion</b>

3:51:43 PM	Commissioner Murdock	I'll move that we grant the variance.
3:51:44 PM	Acting Chairman Skinner	Second
3:51:47 PM		Board discussion/Findings including Deputy County Attorney Jecyn Bremer
3:52:55 PM		Motion passed unanimously.
3:53:01 PM		Board discussion/Findings
3:54:42 PM	Commissioner Murdock	I move that we approve this subdivision subject to the conditions as presented by staff and amended as follows: Condition #11 to add the words "...with the exception of access to Lot #5," delete Condition #19, add to Condition #20, or change to Condition #20 "...prior to final plat of phase one..." instead of that saying "...prior to final plat of phase two..." deleting #24 because I am complete, in complete agreement with Dennis Foreman. I think #26 takes care of it, comments.
3:55:35 PM	Acting Chairman Skinner	Second
3:55:43 PM		Motion passed unanimously.
3:55:51 PM		Meeting adjourned.