



Gallatin County, Montana

311 West Main Street, Bozeman, MT 59715



Gallatin County Commission Meeting Minutes March 23, 2010

Description **Gallatin County Commissioners' Journal No. 51 March 23, 2010**

Date 03/23/2010 Location County Commission

Time Speaker Note

9:03:05 AM Chairman Skinner Call to Order, Moment of Silence, Pledge of Allegiance. Present were Commissioners Skinner, White and Murdock, County Attorney Marty Lambert, Deputy County Attorney Jecyn Bremer, and Acting Clerk to the Board Veniece Lindemulder.

9:03:55 AM Chairman Skinner Announcement: Reminder to the public that the meeting is being recorded, televised live by Bresnan Communications and streamed over the internet.

9:04:15 AM Chairman Skinner There was no public comment on matters within the Commission's jurisdiction.

9:04:36 AM Acting Clerk to the Board Veniece Lindemulder Read the consent agenda as follows: 1. Approval of Claims, 2. Approval of Meeting Minutes from March 2 & 9, 2010, 3. Approval of Budget Transfer Within the Rest Home Budget from Capital Reserve to Equipment (\$1,500), 4. Approval of Contracts: Modification to Contract #2005-203 with Morrison-Maierle for Bidding and Acquisition of Snow Removal Equipment for Pogreba Field Airport (\$18,675), Approval of Inter-creditor Agreement/Financing of Hope House Project with Western Montana Mental Health Center and State of Montana, Interoperability Montana Site User Agreement, Court Services Community Service Placement Agreement 2010 with Sacks of Bozeman/Belgrade, Court Services Community Service Placement Agreement 2010 with Gallatin Gateway Community Center/WWLA, Inc., 5. Approval of the November 2009 Revision to the Gallatin County Multiple Patient Incident Plan

9:06:02 AM There was no public comment.

9:06:11 AM Commissioner White I'd make a motion to approve the consent agenda that Veniece just read into record.

9:06:15 AM Commissioner Murdock Second

9:06:17 AM Motion passed unanimously.

9:06:20 AM Chairman Skinner Agenda Announcement: Item #1, Public Hearing and Decision on Approval of a Contract with Prugh & Lenon Architects for Law and Justice Center Master Plan Phase I, has been continued to a date not specified at this time, and Agenda Item #2, Public Hearing and Decision Regarding a Common Boundary Realignment Exemption Request from Subdivision Review for Big Blue River, LLC, will be moved to the end of the agenda which will be heard tomorrow (Wednesday, March 24, 2010) after 1:30pm.

9:07:09 AM Chairman Skinner Public Hearing and Decision on a Resolution of Intent to Adopt the Proposed Southern Valley District, Map, Regulations, and Boundaries for Opencut Operations

9:07:34 AM County Planner Tom Rogers Staff report, submitted correspondence and photographs labeled Exhibit A, Item #3.

9:19:55 AM Discussion between the Commission, Tom Rogers and County Attorney Marty Lambert

9:28:50 AM Public Comment Dick Shockley-submitted correspondence labeled Exhibit B, Item #3, Walter Nixon-submitted correspondence labeled Exhibit C, Item #3, David Loseff-submitted correspondence labeled Exhibit D, Item #3, Tim Hiebert-submitted correspondence labeled Exhibit E, Item #3, Brad Parsch, Shawn Moran, Tom McGurk, Don Seifert, Susan Swimley-attorney for Ken LeClair, Debb Smith-submitted correspondence labeled Exhibit F, Item #3, Tom Ross, Carol Lee-Roark, Graciela Marin, Troy Bentsen-Montana Contractor's Association, Mike Newton-Fisher Sand and Gravel Co., Kathy Story-Kohlbeek, Dick Huttinga, Terri Nuss-submitted correspondence labeled Exhibit G, Item #3, and Doug Black submitted correspondence only labeled Exhibit H, Item #3.

10:25:37 AM Chairman Skinner Closed public comment.

10:25:50 AM Discussion between the Commission, Tom Rogers and Marty Lambert

10:40:30 AM Recess

10:55:18 AM Chairman Skinner Reconvene to meeting. Board discussion

11:03:23 AM Commissioner Murdock I will move that we adopt the gravel pit regulation as presented to us by the staff. The one change that I'm aware of now that I would include in my motion, and that would be Resolution #2010-031, comments.

11:03:55 AM Board discussion

11:04:57 AM Chairman Skinner Second

11:05:02 AM Board discussion/Findings including Marty Lambert

11:19:42 AM Chairman Skinner I would move that we amend Section 2.2.1. with three changes. I know, I heard last Thursday extensively from people that, there's a lot of heartburn out there with the reference to lot uses and structures, I would suggest that we strike from 2.2.1. the reference to lot uses and structures from the first and

second sentences and replace with opencut operations, I would suggest that we strike the last sentence of the first paragraph because it really doesn't apply to open pit mining, and that we would re-write the second paragraph to refer only to opencut operations. So I would move to amend with those changes.

11:20:50 AM Commissioner Murdock Second

11:20:57 AM Motion passed 2:1. Commissioner White opposed.

11:21:03 AM Board discussion including Marty Lambert and Tom Rogers

11:23:16 AM Chairman Skinner I'll move to amend (Section 2.2.2.A. to add a line saying that a non-conforming pit may be enlarged, increased, etc. as long as it is within the terms of original DEQ permit).

11:23:19 AM Commissioner Murdock Second

11:23:23 AM Board discussion including Tom Rogers and Marty Lambert

11:24:53 AM Motion passed unanimously.

11:24:59 AM Board discussion including Tom Rogers

11:25:39 AM Chairman Skinner I would move to replace it (Section 2.2.2.C.) with the suggested language, "For opencut operations only (strike 'non-conforming use of land') ceases for any reason (strike 'for a period of 180 days'), and replace with "upon expiration of approved MDEQ opencut permit."

11:26:01 AM Board discussion including Tom Rogers

11:27:41 AM Chairman Skinner I would move for that amendment.

11:27:43 AM Commissioner Murdock Second

11:27:47 AM Motion passed unanimously.

11:27:53 AM Chairman Skinner Comments, I would move to amend the regulation by striking any reference to structures in (Section) 2.2.3.

11:28:16 AM Commissioner Murdock Second

11:28:21 AM Motion passed unanimously.

11:28:28 AM Board discussion, suggests adding Section 2.2.4. stating that if the CUP expires before an applicant finishes a job, they may extend the CUP if, 1. They demonstrate they are within the limits of the original CUP, 2. They demonstrate that they are still within the limits of the state DEQ permit, 3. They demonstrate nothing substantive has changed and the only thing being amended is the time frame, 4. They have a public hearing to allow the public to comment, and 5. They have satisfactorily met all conditions imposed with the initial CUP.

11:30:44 AM Chairman Skinner I would move to amend with that language, with your (Commissioner Murdock's) added language.

11:30:49 AM Commissioner Murdock Second

11:30:51 AM Board discussion including Tom Rogers and Marty Lambert

11:34:06 AM Motion passed unanimously.

11:34:12 AM Board discussion including Tom Rogers and County Planner Sean O'Callaghan, suggests striking Section 2.4.1.D. "Protect and perpetuate the taxable property value of the regulated property and adjacent and neighboring properties," and striking #12 in Exhibit F which states, "Analysis of impacts of the proposed operations on the monetary values of adjacent and neighboring properties."

11:37:41 AM Chairman Skinner Move to amend with those changes.

11:37:43 AM Commissioner Murdock Second

11:37:48 AM Motion passed unanimously.

11:37:52 AM Board discussion including Tom Rogers, suggests striking the last sentence of #2 in Exhibit F which states, "This term is not intended to include a 'watercourse' as defined in these regulations or any man-made structure the primary purpose of which is to convey stormwater."

11:39:13 AM Chairman Skinner I would move to amend with staff-suggested changes to Section 2.4.2.C. and Section 4.12. considering the elimination of the last sentence of that definition.

11:39:31 AM Commissioner Murdock Second

11:39:35 AM Motion passed unanimously.

11:39:47 AM Board discussion/Findings including Tom Rogers and Marty Lambert. Commissioner White was excused due to a family emergency.

11:55:34 AM Chairman Skinner We have a motion to adopt Resolution #2010-031 with amendments that we have put on record.

11:55:47 AM Motion passed 2:1. Commissioner White was opposed by proxy with Chairman Skinner.

11:56:58 AM Recess

12:10:56 PM Chairman Skinner Reconvene to meeting. Board discussion including Marty Lambert

12:12:37 PM Chairman Skinner I guess I begin by moving to remove the LeClair property from the boundary as described in Susan Swimley's letter and memo and as she described on the record.

12:12:52 PM Commissioner Murdock Second

12:12:57 PM Board discussion

12:14:52 PM Motion failed 1:1. Commissioner Murdock opposed.

12:15:01 PM Board discussion including Marty Lambert

12:15:29 PM Chairman Skinner I would move to remove (properties requesting out of the boundary limits).

12:15:37 PM Commissioner Murdock Second

12:15:42 PM Board discussion including Tom Rogers

12:16:09 PM Motion failed 0:2.

12:16:35 PM Chairman Skinner Public Hearing and Decision on a Resolution of Intent to Adopt the Proposed Amsterdam/Churchill Zoning District, Map, Regulations and Boundaries for Opencut Operations

12:16:52 PM County Planner Tom Rogers Staff report, submitted correspondence labeled Exhibit A, Item #4.

12:23:16 PM Discussion between the Commission, Tom Rogers and County Attorney Marty Lambert

12:25:41 PM Walter Sales Presentation, submitted correspondence labeled Exhibit B, Item #4.

12:28:36 PM Discussion and Questions

12:29:45 PM Public Comment Robert Urich, Troy Bentsen-Montana Contractor's Association, Mike Newton-Fisher Sand and Gravel, submitted Operator Application Checklist and photographs labeled Exhibit C, Item #4, Don Seifert, Brent Sinnema and Senator Gary Perry

12:59:31 PM Closed public comment.

12:59:45 PM Discussion between the Commission, Tom Rogers and Marty Lambert

1:01:04 PM Commissioner Murdock I move that we adopt Resolution #2010-032 which would adopt the Amsterdam/Churchill Zoning District Regulation and Map regarding the gravel pit regulation.

1:01:20 PM Chairman Skinner Second

1:01:23 PM Board discussion

1:02:01 PM Chairman Skinner I'll make a motion to amend the resolution and the regulations with the same changes that I made in the previous hearing, all the same changes that we talked about. And we haven't determined that exact language yet but I think the intent is clear, including the non-conforming use issue, the 180 days and including the water conveyance change, and I would also put in that amendment the changes that were discussed at this hearing on the amount of time, the review timeline.

1:02:39 PM Discussion between the Commission, Tom Rogers and County Planner Sean O'Callaghan

1:03:34 PM Commissioner Murdock Second

1:03:44 PM Motion passed unanimously.

1:03:47 PM Board discussion/Findings including Tom Rogers and Marty Lambert

1:10:25 PM Motion passed unanimously.

1:11:05 PM Recess

1:27:09 PM Chairman Skinner Reconvene to meeting. Public Hearing and Decision on a Resolution of Intent to Adopt the Proposed Manhattan Zoning District, Map, Regulations and Boundaries for Opencut Operations

1:27:29 PM Ralph Johnson, Planning Consultant for Town of Manhattan Staff report

1:32:03 PM Discussion and Questions

1:33:53 PM Public Comment Troy Bentsen-Montana Contractor's Association and Mike Newton-Fisher Sand and Gravel

1:44:34 PM County Planner Tom Rogers Comments

1:46:44 PM Board discussion including Tom Rogers

1:50:07 PM Commissioner Murdock I move that we adopt (Resolution) #2010-033 which would adopt the Gallatin County-Manhattan Zoning District Regulation and Map, and I believe there's a legal description in the map, and I don't believe we've received any petitions to either be excluded or included, comments.

1:50:40 PM Chairman Skinner Second

1:50:42 PM Board discussion/Findings

1:54:58 PM Motion passed unanimously.

1:55:17 PM Recess

2:06:35 PM Chairman Skinner Reconvene to meeting. Public Hearing and Decision on a Resolution of Intent to Adopt the Proposed Belgrade Zoning District, Map, Regulations and Boundaries

2:06:48 PM Belgrade City-County Planner Jason Karp Staff report

2:38:49 PM Discussion between the Commission, Belgrade City-County Planner Heidi Jensen and Jason Karp

2:41:11 PM Public Comment Keith Mainwaring, Robert Urich, Pete Rothing-submitted petitions labeled Exhibit A, Item #6, Troy Bentsen-Montana Contractor's Association, Mike Newton-Fisher Sand and Gravel and Elizabeth Marum

3:11:59 PM Recess

3:15:01 PM Chairman Skinner Reconvene to meeting. Public Comment: Cody Balke, Jim Bryson, Jerry Rice, Mike Haugan, Jackie Flikkema, Sandy Lee-submitted a brochure labeled Exhibit B, Item #6.

3:36:35 PM Closed public comment.

3:36:41 PM Discussion between the Commission, Jason Karp and County Attorney Marty Lambert

3:47:01 PM Commissioner Murdock I will make a motion to adopt (Resolution) #2010-034 as presented to us by the staff and with a bunch of changes that we're probably going to make. Similar to the last one and then some unique ones.

3:47:17 PM Chairman Skinner Second

3:47:21 PM Board discussion

3:48:44 PM Commissioner Murdock Then I would also move to amend that motion to include the boundaries as recommended by the Belgrade City-County Planning Board.

3:48:54 PM Chairman Skinner Second

3:48:57 PM Motion passed unanimously.

3:49:17 PM Chairman Skinner I'd like to move to amend the regulations by putting in all the changes that we previously made to the CUP for open pit mining, the changes that we made in the Churchill draft, encompassing all those changes.

3:49:36 PM Discussion between the Commission and Heidi Jensen

3:50:21 PM Commissioner Murdock Second

3:50:23 PM Motion passed unanimously.

3:50:32 PM Discussion between the Commission, Marty Lambert and Jason Karp
3:57:14 PM Chairman Skinner I would move to adopt the airport staff recommended map amendments as presented on page 11 of the Staff Report.
3:57:25 PM Commissioner Murdock Second
3:57:28 PM Motion passed unanimously.
3:57:32 PM Chairman Skinner I would also move to make the correction to the map legend as described on page 12 of the Staff Report, #3.
3:57:42 PM Commissioner Murdock Second
3:57:46 PM Motion passed unanimously.
3:57:53 PM Chairman Skinner I would move to accept the Dykstra Farm map amendment as presented on Page 12 of the Staff Report, #4.
3:58:03 PM Commissioner Murdock Second
3:58:07 PM Motion passed unanimously.
3:58:11 PM Chairman Skinner I would move to grant the request by Peter Rothing to change that property along Amsterdam Road, all those properties right next to the road in that Section, and I can point these out to Jason, to change them to mixed-use.
3:58:31 PM Commissioner Murdock Second
3:58:33 PM Board discussion
3:59:44 PM Motion passed unanimously.
3:59:52 PM Board discussion
4:00:16 PM Commissioner Murdock I'll make a motion in the affirmative, I'll be voting against it though. I'll make a motion in the affirmative that we grant all requests that were made to us in writing to be removed from the district.
4:00:28 PM Chairman Skinner Second
4:00:31 PM Board discussion
4:00:45 PM Motion failed 0:2.
4:01:03 PM Discussion between the Commission, Jason Karp and Marty Lambert
4:01:29 PM Chairman Skinner I would move to adopt the staff-suggested conditions that describe water courses and water conveyance.
4:01:40 PM Commissioner Murdock Second
4:01:44 PM Motion passed unanimously.
4:01:53 PM Board discussion/Findings including Jason Karp and Marty Lambert
4:08:26 PM Motion passed unanimously.
4:08:51 PM Chairman Skinner Will reconvene tomorrow at 1:30pm to hear Public Hearing and Decision Regarding a Common Boundary Realignment Exemption Request from Subdivision Review for Big Blue River, LLC
4:09:14 PM Meeting adjourned.