

CITY/COUNTY PLANNING BOARD

Meeting Minutes

April 7, 2009

Meeting Called to Order by President: Cal Oraw

Roll Call: Board Members Present: Cal Oraw, Lee Pourroy, Beth Redlin, Lonnie Price, Tony Barone, LeeRoy Reidle, Jim Duffey, Matt Schriver, and Ray Trumpower. **Board Members Absent:** Melissa Boyer, Bob Evans, Bill Linder, and David Seitz. **Staff Present:** City/County Planner Marcy Hamburg and VISTA Becky Hayes, Becky took the minutes.

Quorum verified: Need: Board-7, Sidney-5, and Fairview-5: Marcy stated the quorum for the full Board and both Jurisdictional Ares were met.

Approval of minutes preceding meeting: Cal entertained a motion for approval of the January 6 meeting minutes. *Beth made the motion to approve the minutes as written, Lee seconded the motion; motion carried.*

Petitions and communications from audience: Present was Russ Huotari from the Richland County Public Works Dept. **Introductions and comments:** Marcy stated Ray Mengel from Montana Department of Transportation was not able to make the meeting. She reported the MT DOT held a meeting on March 12 to gather public information on the proposed Truck Route. Marcy provided handouts to board members and displayed a copy of the map illustrating MT DOT's proposal. She said the plans may not go through due to opposition on the plans. She then explained about a year ago, they had 4 different route proposals, but after doing another traffic study, they eliminated most of the alternative routes. The MT DOT decided to go with the existing truck route as they own the rights-of-way along the route, the map showed an alternative route that would go around the high school. Marcy noted the MT DOT plans did not include the existing county road to the north. She indicate this did not make sense as the county all ready has a road along the route. It was mentioned this may be due to the impact it would have on the Pepsi's building. The railroad tracks were pointed out as another potential issue. Marcy provided the board members with a copy of the MT DOT comment form to send in their comments on. She also stated there was some discussion on the order for each portion for the project. Marcy said majority of the people wanted the current route upgraded, along with the Holly Street corridor; this would bring the road up to state safety standards (including modifying corners and putting a signal in at Central and Holly). Cal commented MT DOT has an overlay scheduled for Central and the current route to be done within the next two years (this may include widening the original truck route, but may have changed due to opposition). The board continued to discuss the project with input from Russ on how to ensure the turns are safe for the large trucks. It was suggested to see if Ray M could reschedule to come at another time.

Cal invited Russ to comment on the Public Works Dept projects. Russ reported the newest project will be the overlay and chip sealing to the streets in both Lambert and Savage. A while ago, the County was able to utilize some railroad funds to pay for the pavement of those roads, and they have only been chip sealed once. He said normally chip sealing is done every 7 years and overlaying is done every 15 years, but due to the oil impact to all county roads this has put them behind schedule. The roads were heavily

impacted were superseded by other projects including the coal mine road and County Road 328. He stated paving of a road is a long-term commitment. In 2004-2006, County Road 350 (AKA the Cemetery Road) was about to be turned back into gravel road, but the County was able to use oil monies to repave it. The Public Works Dept is also going to overlaying Sidney-Circle Subdivision at the same time as Lambert and Savage is completed. He said paving a road costs about \$1 million a mile. The County has 1240 miles of road and a few million dollars in the budget to spend, so prioritizing projects can be somewhat arbitrary. He has researched different options used around the State and found a new way to hard surface roads so they are relatively close to hard surface like asphalt. The road can be chip sealed twice, once with a coarse asphalt and second layer with smaller chips and rubber to make it resilient. Other counties have had good success and have been doing up to 30 miles a year. He has been to other towns where roads are holding up very well and he is impressed with the performance utilizing this method. The cost for this method is about \$200k per mile compared to \$1 million per mile. The Elmdale road, County Road 326, and Bronson school road repairs and upgrades will be done utilizing stimulus funds (\$162k) the County has already received. Russ stated the department will try to solve some of the drainage problems in Savage. Two other projects are the secondary road 480 (from polar bridge south two miles) and the end of highway 201, which will be contracted separately. A total of \$6 million has been set aside for the projects, with about \$2million of this for new hard surfacing if everything goes according to plan. He reported the county oil revenue check was not as low as expected, although oil production continues to decrease, production peaked about two years ago. Russ provided an update on the old Community Services (hospital) building, which Paul Groshart and the Housing Authority, are investigating; the clean up to resell is estimated at \$220,000; just to clean up and tear it down was estimated at \$180,000. He stated it is hard to retrofit the building due to low ceilings and floor layout. Marcy suggested checking into the Brownfields grant program. Cal expressed the board's appreciation for his attendance and the report he provided. Marcy asked about future building plans. Russ said the County is in the process of completing architectural plans on the new fair grounds building; they will evaluate the plans when they are done. Russ said he talked to DEQ last week about the old landfill; there are some concerns about groundwater contamination and the immediate effect on public safety and health is low. It has been monitored since 2001, with a methane gas extraction system on the deepest cell to help with the contamination, DEQ still says the effect is not fast enough, so the County has hired a consultant from Helena to do a corrective measures assessment about 5 years ago which provided a number of options. The County is gathering more data with new wells this summer and hopes to find a solution to meet DEQ standards.

Public hearings: It was noted no public hearing was scheduled.

Regular business:

- **2009-2010 Budget/Work Plan proposal:** Marcy went over the cover letter and plan (which is similar to last year) and the budget includes the projected expenses to be spent by the end of this fiscal year. The 2008-2009 total approved budgeted just over \$65,000; with about \$59,000 as the actual year-end amount. Marcy stated the budget was cut back some as not all conference funds were utilized this year, but wanted to ensure funding was still available next for a lunch speaker. Marcy said she would provide a break down of the Planning Board training fee and Conference fee for Sidney and Fairview before she presents it to the governing bodies. Beth asked if they want to do the Conference every year, responses from the participants. Marcy explained the evaluation results from the Conference showed 41 of 46 said they would like to see another Conference next year. Cal asked if the County would allow for carry over of funds. Marcy said she has not aware of any dept's having done this in the past. Beth asked if a poll of the attendees

via e-mail could be done, Marcy said she doesn't have the e-mails for everyone. Marcy said this event is a big part of the 2011 Growth Policy update; it reduces the number of meetings and public hearings needed during the updating process. Beth said this may be an issue to keep in mind and to leave it in the budget. Ray commented if it comes to the point where one is not needed every year, it should be obvious. Marcy stated there was some miscommunication where the conference budget funds would be housed (Planner Office or Health Dept.); she stated the County Commissioners previously stated it needs to stay in one budget. Marcy said the main issue this year ensuring all expenses not being paid out of the conference budget funds. A total of \$1775 was collected in registration fees, and \$250 in a mini-grant; total conference income was \$2,000. The registration funds will be applied to next year's Conference expenses. Beth asked what the bottom line will be, still \$65,000? Marcy said the request would \$49,000, compared to \$45,000 last year. The increase is for cost of living increase to wages. *Tony made the motion to accept the 2009 – 2010 Work Plan and Budget as presented, Matt seconded the motion, motion carried.* It was noted the Work Plan and Budget would require final approval from all three governing bodies.

- ***County/city/Town ordinance for decay/hazardous structures:*** Marcy explained this request came from Housing Committee and Growth Policy. The Housing Committee found there was no decay or hazardous building ordinance for the City of Sidney or the County, although Fairview uses the Universal Property Maintenance Code. Ray explained the terms of decay and hazardous structure code and how it works well for Fairview, but he is not unsure if you can implement only one piece of the code. The codes are used by other communities in Montana. The code has been used to tear down a few buildings in Fairview so far. Ray reminded the board the Fairview Planning Board members serve is the Fairview Board of Appeals. The way it works is the Town selects the property to deal with, and the property owner(s) receives a letter with directions. One town council member serves as the property maintenance person and works with the owner. If the owner doesn't bring the property up to code, then the council person can recommend to the council the property be torn down. If the property owner appeals, then it goes to the Fairview Planning Board members to decide if the building owner has adhere to the code. The town pays to have the building torn down. Lonnie asked how the target is determined, Ray said it's not formal, but the council is involved in the decision. The Board of Appeals consists of five members; Fairview members (Jim, LeeRoy, and Matt) plus two jurisdictional members from the County. Ray could not serve as he is the Town's Judge. The Housing Committee wanted guidance on how to get such an ordinance in place for the County and City of Sidney. Beth recommended sending a copy of Fairview's code to the group to see if this is what they want to pursue. So once they have considered the document then come back to the Planning Board for support.
- ***County-wide Conference - Staff Report and Final Report:*** Marcy stated one non-present board member wanted it noted in the final Conference document that it reflects the lack of governing body members present during the conference sessions; that only one commissioner was present for an afternoon session, Mayor Smelser only provided opening comments in the morning then left shortly thereafter, and that few Sidney council members were present. Lonnie said as it was stated in the evaluation portion, it was sufficient noted. *Lonnie made the motion to leave the reports (the Staff Report and Final Conference Report) as it is; Beth seconded the motion; motion carried.* Marcy stated she needed board approval to submit the document to the governing bodies and to add them to the planning website. *Lee made the motion to submit the*

approved document to the governing bodies and to add them to the website; Tony seconded the motion; motion carried.

- ***Growth Policy implementation documentation:*** Marcy stated the Growth Policy committee will need to be reinstated to determine if the data collected at the Conference could be used to determine if the Growth Policy was being implemented and to identify any updates for the growth policy. Beth asked when it this needs to be done; Marcy said by the last required meeting in October; Beth volunteered. *Tony made the motion to have any volunteers and the Executive Board serve as this review committee; Lonnie seconded.* It was noted Cal, Ray, David Seitz, Lee Pourroy are on executive. *Motion carried.*

Reports from Planning Board Committees:

- ***Executive Committee – Chair Cal: Amended Fee Schedule-County:*** Cal referred this to Marcy, Marcy stated the County held their public meeting on Monday, February 23, and the Commissioners wanted to wait to see what direction the City of Sidney and Town of Fairview would take with this, but indicated they were ready to move forward. ***Bylaw Revisions:*** Cal referred this to Marcy; Marcy commented the Board would need to reinstate the Committee during the October meeting to go through the Bylaws to ensure they meet newly adopted state regulations.
- ***Sidney Jurisdictional Area – Chair Lee: Amended Fee Schedule:*** Lee referred this to Marcy. Marcy stated she did present the recommendation to the City Council, Mayor directed the recommendation to a City Council Committee. Marcy indicated she has not heard any news on the City's direction, but will check with the Mayor. ***Zoning Land Use map update:*** Marcy stated as city funding may become limited this year, she stated the board may be able to utilize grant funding options to complete this project, during the next fiscal year.
- ***Fairview Jurisdictional Area – Chair Ray: Amended Fee Schedule:*** Ray stated the Town Council held their public hearing last month; and that they still need to have a resolution worked up officially which is near to approving.

Written communications: It was noted there were no written communications.

Staff reports:

- Sanitation - Kelly Logan: It was noted Kelly was present to provide a report.
- City/County Staff Report: Marcy reported Conference Report will be on the website, she asked if the board would like a press release to the fact. Marcy noted that Tester's and Rehberg's offices went out of their way to have people at the Conference. Cal said the press release will need to be reviewed by him and Ray before publishing. Marcy explained the Water group, now the Natural Resources group helped create a water brochure, provided board members a copy. Marcy stated the Housing Group is looking at creating a land trust program and a developer's package. The Committee has targeted Sidney as the area to begin in, due to the demand for housing and employees. The land trust program will start with a feasibility study to see if this program will work for Richland County. Marcy reported she is preparing a CDBG grant on behalf of the Committee, which is due on May 15th; the project has been approved by both the City of Sidney and County for the 1:1 match. Grant funds request are \$11,100, total project is \$22,500. Marcy stated the Committee is also working on a developer's package which may include incentives such as tax abatement. She also stated the county is researching the legal part of their

involvement. Marcy requested a letter of support from the Planning Board to be signed by Cal and Ray, for the feasibility study for the land trust. Tony made the motion to write the letter; Lee seconded the motion; motion carried. Ray noted the funds may need to be moved through the Planning Board budget, the only increase in the Planning Budget for this would be the office supplies. Marcy noted the person hired to complete the study may be working at the extra desk in the Planner's office which may require a year-end amendment if the grant is awarded. Marcy stated the board training session is tentatively scheduled for May 30th of May; all board members are encouraged to attend as their expenses will be paid for with the Planning Board training funds. The training session will cover planning board issues only, including ethics, codes and state laws, to be held in Sidney, and facilitated by CTAP. Marcy also stated MAP will have a mini-conference in eastern Montana at the end of May first part of June, Board members are welcome to attend and their expenses will be paid covered by the Planner Office. The training will take place in Miles City, for (tentative) 2-3 days. Marcy reported she will be attending a grant writing course the first week in June at Cheyenne, WY.

Adjourn: Beth moved to adjourn, all in favor.

Next Meeting: Tuesday, May 5, 2009 @ 7:00 p.m. at the USDA-ARS meeting room; next mandated meeting is scheduled for Tuesday, July 7, 2009.

President, Cal Oraw

Date