Description	County Planning Board May 26, 2009		
Date	05/26/2009	**Location**	County Planning Board

Time	Speaker	Note
6:00:53 PM	President Kerry White	Call to Order. Members present: Kerry White, Marianne Jackson Amsden, C.B. Dormire, Don Seifert, Mike McKenna, Gail Richardson, Julien Morice, Susan Kozub, Byron Anderson, and Pat Davis. Staff present: Planners Randy Johnson, Sean O'Callaghan, Warren Vaughan and Recording Secretary Glenda Howze.
6:00:58 PM	President Kerry White	Public Comment.
6:01:19 PM		There was no public comment on matters not on the agenda.
6:01:22 PM	President Kerry White	Approval of May 12, 2009 Minutes.
6:01:37 PM		The minutes stand approved as presented.
6:01:49 PM	President Kerry White	Planning Department Update.
6:01:57 PM	Planner Warren Vaughan	Gave a heads-up to the Board that the Four Corners Zoning District/Zoning Regulation will most likely be coming to them at the first meeting in July. Also, a group in the north Gallatin Canyon, Beckman Flats area, are organizing and trying to put together a zoning regulation to address billboards. You might see that the last meeting of June.
6:03:10 PM		Questions and discussion with staff regarding the Beckman Flats and whether they will go through the neighborhood planning process (not this complete of a process); compromises to the zone regulations and when changes will come forward to the Planning Board and in what format; and boundaries of the Beckman Flat area.
6:07:39 PM	Mike McKenna	Requested a status on the Planning Department Activity Update that was requested at the last meeting. Also inquired about the subdivision rules and regulation changes from the last legislative session and when those would be made available to the Board.
6:08:24 PM		MAP, Montana Association of Planners, is putting something together as are the CTEP folks and when it is done it will be forwarded to the Board as well as the Planning Department. Noted

		that HB 486 has big changes in the Planning realm.
6:09:24 PM	Planner Randy Johnson	We are working on updating our County mapper which gives current subdivision activity on the GIS base. We are going through that and updating it. At the beginning of each month each staff person does their monthly update and this goes to the Commission and the County Administrator. This will also be made available to the Planning Board. This will be provided at the first meeting of the month with an update at the second meeting if there are any significant changes.
6:11:00 PM	President Kerry White	Inquired about the Commission's priority list that was discussed at the work session.
6:11:20 PM	Planner Randy Johnson	The draft is completed and it is under review by the Commission at this point. Offered to ask the Commission to make this priority list available to the Planning Board.
6:12:02 PM	President Kerry White	Regular Agenda
6:12:06 PM		a. Public Hearing and Decision on a recommendation to the County Commission for the Rodgers Zone Text Amendment to add an accessory dwelling as a permitted use in the Middle Cottonwood Zoning District.
6:12:20 PM	Amy Waring, Code Compliance Specialist	Presentation.
6:21:59 PM		Questions and discussion between the Board and staff including how to measure "subordinate" [dwelling], height restrictions in the District, the rental provision as suggested, the history of the District including reference to the affidavit from Clarice Dreyer regarding the original intent of the regulations, and regarding the notice of this application hearing and whether or not adequate and accurate notice was given.
6:31:07 PM	Marianne Jackson Amsden	It seems like it would be easier and have less outside effects to change the CUP and LUP definitions to allow guest, caretaker and efficiency housing.
6:31:37 PM	Amy Waring, Code Compliance	There are currently A-K uses listed requiring conditional use permit in Middle Cottonwood Zoning District. The original application that came in as a use by right which would not have required any permit. In talking we changed that to a use after approval of a land use

	Specialist	permit. The distinction is that with a land use permit no public hearing is required, the permit is approved administratively without hearing or opportunity for public comment.
6:32:39 PM	Marianne Jackson Amsden	If we have an A-K we could have an A-L. It seems to me to be a big deal that could potentially not be in the best interest of everyone and could result in a lot more building activity out there.
6:33:15 PM		This could happen, but there was no public comment requesting it and this is a citizen petition district.
6:33:37 PM	Hertha Lund, Attorney for Applicant	Applicant's presentation including the reading of the affidavit of Clarice Dreyer.
6:36:13 PM	Public Comment	John Heilman, resident of Saddle Peak Ranch.
6:39:25 PM		Public comment closed.
6:39:35 PM	Hertha Lund, Attorney for Applicant	Rebuttal of public comment, noting that the covenants references a "principle residence," anticipating the potential for an accessory dwelling.
6:40:49 PM		Board discussion.
6:41:00 PM	Marianne Jackson Amsden	I think it is great to have a place for guests and other people to stay, I don't have a problem with that at all. But, it does seem like a big idea to have a significant number of acres, over night each of them being able to add a dwelling. I think we'd be better to revise the CUP and LUP requirements so that as people want to add them they can do a CUP and most likely add them if that is one of the permitted uses that they can apply for.
6:42:01 PM	Don Seifert	I move that we approve the zone text amendments for the Middle Cottonwood Zoning District as read into the record, the definition 4.8 the dwelling accessory and also the language to section 7-6, adding (c) "One accessory dwelling per each single family detached dwelling." Also, add the following conditions that the accessory dwelling shall not be rented or leased to the general public separate from the primary dwelling. Number two, on a parcel greater than or equal to 10 acres, the accessory dwelling shall not exceed 2000 square feet. On a parcel less than 10 acres, the accessory dwelling shall not exceed 1000 square feet. Number three, the accessory dwelling shall be located in close proximity to the primary dwelling.
6:43:40 PM	Gail	Second.

	Richardson	
6:43:50 PM		Board discussion.
6:43:55 PM	CB	In reading the added condition number one, we are in the position of having to react to things that are presented to us here at this meeting without having reflected on them. Susan made a very good comment about number one. The point she made was that this might permit the leasing of the primary dwelling rather than the secondary and if this is going to be approved number one would best be revised to say "Neither the primary dwelling nor the accessory dwelling shall be rented or leased to the general public separate from the other. I would move that the resolution be amended in that respect.
6:45:27 PM	Gail Richardson	Second.
6:46:20 PM	Mike McKenna	Requested a re-reading of the main motion.
6:46:46 PM	C.B. Dormire	Clarification of the motion: "Neither the primary dwelling nor the accessory dwelling (strike the word not) be rented or leased to the general public separate from the (strike the words primary dwelling) other."
6:48:34 PM		Vote: 7-3; Members Morice, Anderson and Davis opposed.
6:49:03 PM	Gail Richardson	I would like to propose another amendment to the proposed condition. On number two adding a sentence. the accessory dwelling must be smaller in size than the primary dwelling.
6:49:21 PM	Mike McKenna	Second.
6:49:30 PM		Discussion regarding the definition of "dwelling" and whether the structure is the dwelling or whether the living area of the second dwelling is to be smaller.
6:50:34 PM	Gail Richardson	Suggested other language for the motion to say: "The inhabitable space of the accessory dwelling must be smaller in size than the primary dwelling."
6:51:05 PM		Vote [amendment]: 0-10; All members voted in opposition.
6:51:40 PM	Gail	I would propose an amendment to number two stating the inhabitable space of the accessory dwelling must be smaller in size than the primary dwelling.
6:52:02 PM	Mike McKenna	Second.
6:52:13 PM		Discussion on word choice in the motion. The motion will stand as stated.

6:52:42 PM	President Kerry White	I am going to vote against the amendment. This adds confusion and may be an enforcement nightmare.
6:53:46 PM		Vote: 5-5; Members Anderson, Davis, Seifert, Morice and White opposed.
6:54:09 PM		Board discussion on main motion.
6:54:16 PM	Marianne Jackson Amsden	Questioned whether we need to be concerned with water and sewer and whether a condition should be added to require them to hook into the existing well and sewer of the main dwelling if they are in close proximity?
6:54:47 PM	Byron Anderson	I'm going to vote against this motion under the conditions of staff suggested action number one, is the amendment compatible with existing land uses, in listening to Mr. Heilman's comments and concerns. I would also site number five does the proposed zone text amendment benefit a small area and only one or a few landowners, or does the requested zoning text amendment benefit the surrounding neighborhood, community and the general public (spot zoning). Another reason for voting against it was the public comment received in favor of the proposed text amendment - how does public comment factor into the final decision and I'm going to go with the public comment that there is probably another approach to this so I plan on voting against it.
6:55:49 PM	Gail Richardson	We need to take into account the fact that people have aging family members that often times they need to care for: in-laws, seasonal guests, that type of thing. I think this proposed text amendment does serve the public interest in that it would allow anyone in this AR zoning district to take advantage of this and add value to their property. I think as far as the water and sewer goes, even though it is an accessory dwelling it still has to pass muster to get the permits for the water and sewer. That is an issue for me too, having more individual water and sewer but in some cases they may be able to hook up. It is compact infill the way I look at it. I don't see this additional option harming the rural residential character of this area. I live adjacent to this district and I think it is an appropriate use. I think it passes Growth Policy muster and it is compatible with existing uses and I will be voting for it.
6:57:46 PM	Mike McKenna	I would also agree with Gail but I also think that we have an opportunity here to benefit a large group of the public in the fact that it does give the property owners an additional option for the use and improvement of their property without harming the rural residential character of the District. Also, people as they age want to leave for the winter they can have someone stay on the property without staying in their home or locking things up. They can have someone

		caretake for them. This is a use that has been included in other zoning districts so I would agree and I would vote for this proposal.
6:58:50 PM	C.B. Dormire	I am more inclined to share the views of the vice chairman and feel that the burden is on the applicant to show that this is in the public interest and is to the landowner's benefit. That all depends on your point of view as to the kind of area in which you want to live. It could be that they are right or it could be that they're not and Mr. Heilman is right, it depends on your point of view. Because the applicant has the burden of proof, unless one has established that, we have to be very careful about imposing our views on those that live in that area. I'm not entirely happy with the way these things come to us and the results of strict adherence to the legal requirements for bringing forth this kind of proposal to the Planning Board. I think this is something that would have been better studied by a committee of the Planning Board. We are talking about zoning here and when we get to approving zoning districts we go through substantial procedures to make sure that we are doing the right thing. This application may be the right thing, I'm not persuaded that it is. At this stage I think that we don't have enough feel for what is the desires of the people that live in that zoning district. I think it is premature for us to approve this. On that basis I will vote against it if we proceed to a vote on this.
7:01:54 PM	Mike McKenna	The Saddle Peak Ranch Owners' Association, who represents forty individuals, property owners on 500 acres, have given us a letter in support based on proposed changes that they were agreed to. So I think that in and of itself is best money in favor for the proposal.
7:02:29 PM	Gail Richardson	I think the affidavit of Clarice Dreyer also talks about the fact that the zoning regulation has no provision for accessory dwellings and accessory dwellings are neither allowed nor disallowed as a permitted use in the Middle Cottonwood Zoning District. She further says that it was not her "intent to disallow accessory dwellings such as guesthouses, caretaker's residences and in-law suites." She believes that amending the Zoning Regulation to include accessory dwellings as a use allowed as a matter of right in the AR Zoning District would serve the public interest and promote the health, safety, morals and general welfare would be consistent with the purpose of the Zoning Regulation and the character of the District. This is a woman who was part of the original group of residences who petitioned for the creation of the zoning district and it seems to me that the preponderance of the public testimony is heavily in favor of this.
7:04:03 PM	Marianne Jackson Amsden	I have worked with Amy before and she does a very thorough job and is very conscientious. I want to commend her for going above what was required by the State and posting this in public places. In

		this case I don't believe that what the State required was adequate because it could drastically change the landscape out there now to have everyone be able to have a whole new building of 1000 to 2000 square feet. I would like to see a way for them to have in that District accessory dwelling units, I'm just not quite sure that this is the way to do it. It is compelling that other districts allow accessory dwellings. The Saddle Peak Subdivision is just a portion of the overall District, so less than a quarter of the residents have really responded to this. For an order of this magnitude it should go through more of a neighborhood planning process and really make sure the residents out there know what is happening. I think it is too large of a thing to be handled this way.
7:06:04 PM	Pat Davis	I have one comment on the lack of public comment - if they aren't here, I assume they are for it.
7:06:20 PM	President Kerry White	Referring to page two, statement addressing zoning amendment evaluation criteria. I do believe that it does meet the criteria in 76-2-201, I think it was adequately noticed. I disagree with the spot zoning as it applies to the entire zoning district. I disagree with Marianne and the neighborhood planning process - neighborhood planning proceeds the creation of a district. We are looking now to zone text change. On the 5th bullet down on page two "The District mostly consists primarily of parcels greater than 20 acres in size, many of which are small, family-owned ranch operations suitable for accessory dwellings." That is what the majority of this property is out there - small ranchettes, a few horses, put up a little bit of hay. In the spirit of trying to keep those small ag operations in business maybe with a barn or milk house or accessory home for their parents to spend the later part of their days, I think it is an appropriate zone map change and I think there is adequate public comment in favor with all due respect to John and his opinion. I am going to vote in favor of this.
7:08:01 PM		Vote: 7-3; Members Anderson, Dormire, and Amsden opposed.
7:08:37 PM		b. Discussion and Decision on a Recommendation to the County Commission regarding a request from the Gallatin Gateway Sewer and Water District (letter dated May 5, 2009) for $15,000 from Gallatin County in matching funds for the purpose of financing a preliminary engineering review for wastewater collection and treatment in the GGWS District.
7:09:07 PM	President Kerry White	Opening comments.
7:10:01 PM	Sean O'Callaghan	Confirmed receipt of a letter set to the Planning Board by the County Commissioners regarding this item.

7:11:41 PM		Break.
7:15:41 PM	Matt Donnelly, General Manager Gallatin Gateway Water & Sewer District	Presentation and request for support for the $15,000 request to match the TSEP funds that were applied for.
7:21:08 PM		Questions and discussion with Mr. Donnelly and between Board members on the work that will be done with the requested funds, the TSEP application and matching fund requirements, and current and future year budget considerations.
7:32:11 PM	Byron Anderson	What would stop us from making a motion requesting the Commission appropriate the $15,000 out of our current, existing budget on the condition that the Gallatin Gateway Water and Sewer District being awarded the TSEP grant that they've applied for. It would still come out of this year's budget, wouldn't affect next year's budget, and the money is there. Is that appropriate?
7:32:54 PM	President Kerry White	I think the Board can do whatever we wish in the motion and the Commission will do what they wish.
7:32:59 PM	Gail Richardson	I totally support what Byron just said and also reiterate that this exactly the kind of use of Planning Board funds that we need to be spending for implementation of the Growth Policy. This is such a crucial area for water and wastewater and contamination of the Gallatin River. I feel strongly that we go on record supporting this in lieu of them getting the TSEP funds.
7:33:46 PM	Julien Morice	Asked Mr. Donnelly if this were formatted the way we are suggesting, is that going to cause you difficulty getting the funds allocated from the Grant?
7:34:12 PM	Matt Donnelly, General Manager Gallatin Gateway Water & Sewer District	Not at all. We would be fine with that provision and anticipate having the TSEP funds by July 31st.
7:34:29 PM	Mike	I would not be opposed to give them the money whether they get the

	McKenna	TSEP funds or not. This is exactly the type of thing that we should be doing as a Planning Board. They are trying to do the right thing to get their District together. It is an allocation of funds and we need to support their application and we also need to show the County Commissioners and the rest of the County that this is the kind of thing that we are behind.
7:35:13 PM	C.B. Dormire	I agree with everything that has been said but I have some more to say. I think we have more work to do before we can decide whether to support this or not. I think it is very important that waste water be disposed of properly in the County. I also think it is important that public funds be spent usefully and properly. I do think this would be a useful expenditure of funds but need to focus now on the 'properly' point. Assuming that the Board has legal authority to spend its monies on such things, as was pointed out, there is a question of precedent that we need to think about. [example] In regards to wastewater, one of the things I think it would be fair to think about is whether if we were to view this as something the Planning Board should do whether it would apply only to water and sewer districts or to other improvement districts, homeowners' associations, etc. Why one group of people in the County versus another? How is an individual septic system different or is it? What kind of costs - formation costs, studies, designs, feasibility, construction, operation - where would be the right thing to decide? If we were to give $15,000 here, other people are going to want money so we ought to be prepared to know what we are going to say. We also will have procedures for reimbursements also. I don't know if the Commissioners have thought about such kinds of things - they should, I would think. There is also the question as to whether we have the legal authority. Water and sewer districts are legal entities. They are a separate legal entities, not part of the County, not subject to County control after they are formed. They are actually a political subdivision of the State, I think. I don't know if that is an important distinction in terms of expenditure of county funds, which Planning Board monies are, but the first question would be whether the county can pay for the facilities of a separate political subdivision. I'm not raising the question of whether it is a good idea. I am raising the ques
7:47:18 PM	Mike McKenna	I would like to respond to 3 things: 1) Separate legal subdivision - We as a Planning Board and County Commissioners are approving neighborhood plans, we need to think about is if we're going to approve these plans and we know they will need money to complete these kinds of things, maybe before the plan gets approved they will have show that they have the money to complete the study before it gets approved. 2) We have already approved this neighborhood plan, they have no funding sources. I agree that it would be nice to have a

		list of criteria before approving this, but we have approved the neighborhood plan and they have no method for raising the funds. We've approved it and the County Commissioners have approved it, then we should help them in whatever way that we can. 3) Wastewater Study - Commissioner Murdock stated that he would like to see the Planning Board determine where those water and sewer treatment plans should be but not in the engineering aspect - leave that to the Health Department.
7:50:29 PM	President Kerry White	I agree with everything that has been said. I don't see the benefit to the entire County as a tax payer except the fact of possible pollution to groundwater and the situation out there in Gallatin Gateway. (examples of other areas possibly requesting money to help fund improvements to their communities) I question if this is a proper expenditure of tax dollars that are being collected all over the County to pay for this. I struggle with the chance that there are a lot of other entities out there that are struggling with money right now that might have projects that would meet the criteria (and I think that we should have a criteria set before we allocate money). Then we have criteria set forth to base other requests in the future. After I received this letter from the Commission, I wrote a letter back to the Commission and I asked them those two questions - is it now the policy or proposed policy from the County to do this. In my thought it is the County Commission's decision and policy with what they want to do within the county with the funds of the taxpayers. I have this fear that we send a recommendation to the Commission that says go ahead and take this out of our budget and then next week there are a hundred letters to the editor about spending tax dollars in this fashion.
7:55:33 PM	Pat Davis	The west Gallatin River runs 40 miles through the valley.
7:55:53 PM	Susan Kozub	I agree with Pat. In approving the neighborhood plan as a subset of the Growth Policy, I feel comfortable in the absence of specific criteria for funding that we do have something that we're looking at as criteria, such as it is implementing the Growth Policy. I agree with recommending approval of using $15,000 of our money either out of this year's budget or next year's budget.
7:56:35 PM	President Kerry White	There was a response from Dave Aune with Great West regarding the RFP that the wastewater committee had submitted to him. In that was a question about Gallatin Gateway and the smaller systems. His response was that to do small, local studies such as Gallatin Gateway versus an overall regional study, the cost of the smaller studies would raise the cost of the overall project of the regional by doing it piecemeal. Commissioner Skinner had requested when we first started the wastewater committee that he wanted the location of these systems, pipe, sizing, as part of the analysis on the second part

		of the Great West study to build on the first part. Also, the area that surrounds Gallatin Gateway and is above Gallatin Gateway is included in that boundary for the study. If the funding doesn't come from this to Gallatin Gateway and we do proceed with the wastewater study, it includes that part of the valley that will show location and sizing for these sewer treatment facilities.
7:58:52 PM	Don Seifert	I feel sorry for you guys. This is a project that is definitely worth doing. You have come at a critical time. The County Commission has asked us to do more and more with less and less. My feeling is that it would benefit the whole valley. Using tax dollars for this is legitimate. However, the timing is off and the same things that you would get with your study, we are in the process of doing with wastewater treatment study that we are attempting to get an RFP for. It is just a disconnect to me. These indeed are the types of things that the Planning Board should be doing, but we get less and less in our budget. It is a disconnect why we are asked to do these things with less and less. There comes a point where we have to say that we can't do it, you have not given us enough funds to do it. I firmly believe in your study and believe that it is something that needs to be done. However, we have not been given the funds needed to get everything done that needs to be done and the County has taken funds away from us for exactly this type of thing.
8:01:07 PM	Gail Richardson	It is my understanding that we do have the funds rolling over from 2009. We do have about $60,000, I think.
8:01:21 PM	President Kerry White	The funds for this project would probably come from the FY 2010 budget which isn't set until August. We don't know what monies are in there. We put in $35,000 for the funding of the additional, subsequent study from Great West, $7,000 for Growth Policy review, $7,500 for neighborhood planning, and $5,000 for the Gallatin Valley Interconnect. We've set aside those funds for those projects coming forward and if we take $15,000 out of our 2010 budget after it is set, we don't know what will be left in our 200 account.
8:03:11 PM	Mike McKenna	If the County Commission chose to use all of our mills that would be $203,000 plus and would be enough money for sure to allocate the $15,000 for this purpose. In our motion we can say that we'd like our budget increased to fund this as we see it as a priority. This is the golden triangle area. This is the area that we have talked about focusing our efforts on for planning. If we are going to be concerned about our transportation, our emergency services, our water and sewer, those are the areas that we want to focus on. If you're in the golden triangle we are concerned and want to see these things happen. I think we can justify that in our minds.

8:05:02 PM	C.B. Dormire	Is it possible to get from County Commission the answers to some of these questions on policy and legal authority before making a decision?
8:05:47 PM	President Kerry White	Clarified C.B.'s comments about delaying a vote on this matter.
8:06:40 PM	Marianne Jackson Amsden	I agree with a lot of the comments made. This is one of the most important waterways in our valley and that should definitely be a priority. I'm comfortable proceeding without criteria for allocating funds with that argument and the golden triangle argument. I think we should qualify our recommendation to the Commission with a note that we'd like to see an increase in our budget and also use this as a signal to develop the criteria for the future.
8:08:25 PM	Byron Anderson	I had a motion all written out to to move to approve this. I had a copy of our budget pulled and had an idea of where to fund it from. There has been a lot of discussion so I don't know that I want to do that now. We have $35,000 in professional services to pay for our own study and I find it hard to believe that we aren't going to get that implemented before the budget goes away. We also have $18,000 in purchased and contracted services which could fund this as well. I've thought about something else because there are legitimate concerns that have been expressed about others coming to us and us not having provisions in place for how we choose what we are going to fund. This is a worthy program that somehow needs to receive this money. We don't want to jeopardize that TSEP grant. In the past the Commission has come to us and requested we roll over a certain amount of our carry over. What if we just request to roll over a certain number of dollars from our carry over with no specific purpose for that money then no one can say that you funded that project and we're asking you to fund this project now too. The Commission will be the one that has to make the approval anyway. They have to be the ones to allocate the monies as well. This will give us time to do as C.B. has suggested and review how we go about doing this in the future. I would absolutely want to see that money come out of our existing budget and not our 2010 budget because we don't have the money there. The money does exist here and we should be able to find a way to allocate that money from our existing budget rather than impact our next budget that doesn't have any additional funds.
8:11:03 PM	Don Seifert	Would it be possible for the budget committee to meet with the Commissioners to figure out how to do that? I think we all want to approve this but don't want to if it puts our other projects in jeopardy for 2010. We need to reach some sort of consensus that while we want to fund it, we don't want to be short changed down the road on

		our other priority projects.
8:11:57 PM	Julien Morice	I'm totally for this request. It is spelled out clearly in letter from the Commission what they'd like to see. The legalities of it, whether there are conditions on it, I look to put in their hands. I don't view Gallatin Gateway as a subdivision asking for help. It is in the Growth Policy, one of our focuses. It is an old growth community with severe water and sewer problems. Clearly the policies and the Commission want to see this happen. I would vote for it with no conditions at all.
8:13:00 PM	President Kerry White	If Logan came to us and requested us to supply them with drinking water because theirs is polluted, or other communities doing the same, my question is under what criteria do we as a Planning Board review the need? I agree with what C.B. has said, with no criteria, no policy in place - I wrote to the Commission and asked them about this but didn't get an answer.
8:14:43 PM	Julien Morice	The difference I see is that the Commission has asked us to look at Gateway to approve it. Secondly within the Growth Policy, the Four Corners District, Amsterdam/Churchill, Gateway, there are areas that they want to see and promote growth. To do that in that area you are going to need a water and sewer district or it can't happen. Under the undertones of the policy, it is clear that this is an area that we should support.
8:15:26 PM	Mike McKenna	The other thing is that they have no no way to tax themselves, they have no way to raise money. I agree with C.B. that we need to think about this if we are going to approve neighborhood plans, maybe we need to make it clear that they need to have money in place prior to that approval to fund this type of thing. It could be a criteria. In this case they have no way of raising the money, we've already approved the plan, it is in the Growth Policy and they need this system in place.
8:16:08 PM	C.B. Dormire	They do have a way to raise the money they just have a timing problem. Statute is replete with the authority to levee taxes, make special assessments, etc. Other areas could very well come to us for funds just as this (Logan, Four Corners, etc.). All of these are good things and I'm not opposed to the County figuring out how to help people in the County that need help. I'd like to make a motion, I would move that we request the Commission to give the Planning Board both policy and legal guidance to apply to evaluating the request that they have made and that the District has made that we fund that particular project. [end of motion] So that we don't end up finding ourselves in the position of trying to figure out how to say no to someone else that is in exactly the same circumstances except that they came in second and the money is gone because we only

		had that much. We can't put ourselves in that position.
8:18:47 PM	Mike McKenna	Second.
8:18:57 PM		Board discussion.
8:19:00 PM	Mike McKenna	I think it is good policy for them to give us guidance in this particular instance. I am going to make a motion that we as a Planning Board recommend to the Commissioners that if we have legal authority to give this money to Gateway then they take it out of our funds and if we don't then we recommend they fund it in any way that they can.
8:19:39 PM	Julien Morice	Is that even an argument? Can't they do whatever they want with the funds anyway?
8:19:49 PM	President Kerry White	Yes. They have full authority over the spending of our funds. They are asking for our input. I think they'll be interested in hearing the discussion on both sides of the issue.
8:20:06 PM	Marianne Jackson Amsden	My motion would be that we recommend that they allocate the monies from our budget to fund this provided that it comes from our 08/09 budget or they increase our 09/10 budget.
8:20:38 PM	President Kerry White	That is exactly what I asked the Commission to respond to when I got this letter. I think it is up to the Commission as to the policy. They haven't given us any policy guidance on how they want us to handle this. I'm not a lawyer, but in speaking with County Attorney Lambert, a sewer and water district is a separate political subdivision of the State. Once the District is created and the Board is appointed by the Commission, the Commission has no control over the District. They operate completely independent of the County Commission. The Commission does have the ability to appoint the board members, that is their only affiliation.
8:21:47 PM	Matt Donnelly	The District Board is elected by the people.
8:22:48 PM		Vote: 4-6, failed; Members Richardson, Morice, Seifert, Kozub, Amsden, and Davis opposed.
8:23:36 PM	Marianne Jackson Amsden	I move that this Planning Board request that the Commission fund the proposal from the Gallatin Gateway County Water and Sewer District for $15,000 providing that the money comes from our 2008/09 budget or that they increase our 2009/10 budget by this amount.
8:24:16 PM	Gail Richardson	Second.
8:24:23 PM		Vote:7-3; Members Anderson, Dormire and President White

		opposed.
8:25:45 PM		Other.
8:25:47 PM		Discussion regarding an invitation from the Jefferson County Planning Department invitation.
8:26:02 PM		Planning Board attendees: Don Seifert, Mike McKenna, and possibly Julien Morice, Byron Anderson and Kerry White.
8:27:05 PM	Don Seifert	In reference to C.B.'s motion, I think it is entirely appropriate to ask the County Commission to give us the criteria to apply when making this type of decision.
8:27:50 PM	President Kerry White	Requested Glenda to pass this request on to the County Commission.
8:28:02 PM	Marianne Jackson Amsden	I think we have to be prepared for the sound of silence. I think we should proceed on our own to come up with policy. We can request assistance from the County Attorney on this matter. We need a plan B.
8:28:37 PM		There were no committee reports for this meeting.
8:28:55 PM		Meeting adjourned.

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