

MINUTES OF THE CITY COUNCIL OF LAUREL

June 14, 2022

A regular meeting of the City Council of the City of Laurel, Montana, was held in the Council Chambers and called to order by Mayor Dave Waggoner at 6:29 p.m. on June 14, 2022.

COUNCIL MEMBERS PRESENT: *Michelle Mize* ^{POM} Emelie Eaton Heidi Sparks
~~Bruce McGee~~ Richard Herr
Casey Wheeler Irv Wilke
Richard Klose ~~Don Nelson~~ *Bill Mountsier KS*

COUNCIL MEMBERS ABSENT: None

OTHER STAFF PRESENT: Kurt Markegard, Public Works Director
Kelly Strecker, Clerk/Treasurer (Left 6:57)
Stan Langve, Police Chief
Amber Hatton, Accounts Payable (Left 6:57)
Juliane Lore, City Prosecutor
Michele Braukmann, Civil City Attorney

Mayor Waggoner led the Pledge of Allegiance to the American flag.

MINUTES:

Motion by Council Member Wilke to approve the minutes of the regular meeting of May 24, 2022, as presented, seconded by Council Member Sparks. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

CORRESPONDENCE:

- Police Monthly Report – May 2022
- Fire Monthly Report – May 2022
- Reappointment of Judy Goldsby to the Laurel City/County Planning Board
- Resignation of Dennis Eaton from the Laurel Urban Renewal Agency

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None.

PUBLIC HEARING.

- **Public Hearing: Resolution Of The City Council Approving An Application For Special Review For S2 Properties, Llc, D/B/A Your Pie, Authorizing The Sale And Consumption Of Beer And Wine On Premises, Within An Existing Structure Located At 102 South 1st Avenue, City Of Laurel, Mt.**

Mayor Waggoner stated this is the time and place set for the public hearing on the City of Laurel's Resolution Of The City Council Approving An Application For Special Review For S2 Properties, L.L.C., D/B/A Your Pie, Authorizing The Sale And Consumption Of Beer And Wine On Premises, Within An Existing Structure Located At 102 South 1st Avenue, City Of Laurel, MT.

Mayor Waggoner opened the public hearing and asked Staff to present the item.

Kurt Markegard, Public Works Director, briefly reviewed the attached Staff report.

Mayor Waggoner opened the floor for public comment and stated that copies of the rules governing the public hearing were posted in the council chambers.

Mayor Waggoner asked if there were any proponents.

Parker Swenson, 4116 Corbin Drive, stated he brought designs and is available to answer any questions.

DW

Mayor Waggoner asked two (2) additional times if there were any proponents. There were none.

Mayor Waggoner asked three (3) times if there were any opponents. There were none.

Mayor Waggoner stated that he would not have Staff respond to questions as there were none.

Mayor Waggoner closed the public hearing.

- **Public Hearing: Resolution Of The City Of Laurel City Council Granting A Variance From The City's Zoning Regulations To Allow The Property Owner To Construct An Addition On The Home At 319 3rd Avenue, Laurel Mt, Which Shortens The Twenty-Foot Setback To A Six-Foot Setback**

Mayor Waggoner stated this is the time and place set for the public hearing on the City of Laurel's Resolution Of The City Of Laurel City Council Granting A Variance From The City's Zoning Regulations To Allow The Property Owner To Construct An Addition On The Home At 319 3rd Avenue, Laurel Mt, Which Shortens The Twenty-Foot Setback To A Six-Foot Setback.

Mayor Waggoner opened the public hearing and asked Staff to present the item.

Kurt Markegard, Public Works Director, briefly reviewed the attached Staff report.

Mayor Waggoner opened the floor for public comment and stated that copies of the rules governing the public hearing were posted in the council chambers.

Mayor Waggoner asked if there were any proponents.

Cassie Page, 319 3rd Ave, clarified that the addition would be straight back from the house but would be six feet from the sidewalk. She is in favor of this variance.

Mayor Waggoner asked two (2) additional times if there were any proponents. There were none.

Mayor Waggoner asked three (3) times if there were any opponents. There were none.

Mayor Waggoner stated that he would not have Staff respond to questions as there were none.

Mayor Waggoner closed the public hearing.

CONSENT ITEMS:

- **Claims entered through June 10, 2022.**
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Approval of Payroll Register for P.P.E. 5/29/2022 totaling \$211,291.94.**

The Mayor asked if there was any separation of consent items. There was none.

Motion by Council Member Klose to approve the consent items as presented, seconded by Council Member Sparks. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS:

- Budget/Finance Committee Minutes of May 24, 2022.
- Park Board Minutes of May 5, 2022.
- Emergency Services Committee Minutes of April 25, 2022.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

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SCHEDULED MATTERS:

- **Appointment of Casey Wheeler to the Vacant Ward 3 Seat.**

Motion by Council Member Sparks to approve the Mayor's appointment of Casey Wheeler to the vacant Ward 3 seat, seconded by Council Member Wilke. There was no public comment.

Council Member Eaton stated there was an ex-parte communication between Council Members after the last Council meeting. There was concern over how this appointment was brought forward and whether Mr. Wheeler would be included by his father, who works for the City.

Mayor Waggoner reminded Council that each of them is one of eight, and it takes all eight to pass a resolution or ordinance.

A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

Mr. Wheeler was sworn into office.

- **Appointment of Josh Featherly to the Laurel Police Department.**

Motion by Council Member Herr to approve the Mayor's appointment of Josh Featherly to the Laurel Police Department, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Appointment of Kurt Markegard as Building Official.**

Motion by Council Member Sparks to approve the Mayor's appointment of Kurt Markegard as Building Official, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Appointment of Kelly Strecker to Clerk/Treasurer.**

Motion by Council Member Mize to approve the Mayor's appointment of Kelly Strecker to Clerk/Treasurer, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Motion to allow Council Member Mize to be absent from the City of Laurel for more than ten days. (LMC 2.12.060)**

Motion by Council Member Eaton to approve Council Member Mize to be absent from the City of Laurel for more than ten days, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. Council Members Sparks, Herr, Wilke, Mountsier, Klose, Wheeler, and Eaton voted aye. Council Member Mize abstained. Motion carried 7-0.

- **Resolution No. R22-28: A Resolution Of The City Council Authorizing The Mayor To Execute An Extension Of The Prosecutor Attorney Contract By And Between The City Of Laurel And Lore Law Firm, P.L.L.C.**

Motion by Council Member Sparks to approve Resolution No. R22-28, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R22-29: A Resolution Awarding The Bid And Authorizing The Mayor To Execute All Contract And Related Documents For The Project Known As The Wtp Lift Well Replacement.**

Motion by Council Member Herr to approve Resolution No. R22-29, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R22-30: A Resolution Of The City Council Authorizing The Mayor To Execute The Agreement For Provision Of Fire Services By And Between The City Of Laurel And The Laurel Airport Authority**

Motion by Council Member Wilke to approve Resolution No. R22-30, seconded by Council Member Sparks. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R22-31: A Resolution Of The City Council Authorizing The Mayor To Execute The Agreement For Provision Of Fire Services By And Between The City Of Laurel And Yellowstone Boys And Girls Ranch**

Motion by Council Member Eaton to approve Resolution No. R22-31, seconded by Council Member Sparks. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R22-32: Resolution Of The City Council Approving An Application For Special Review For S2 Properties, Llc, D/B/A Your Pie, Authorizing The Sale And Consumption Of Beer And Wine On Premises, Within An Existing Structure Located At 102 South 1st Avenue, City Of Laurel, MT.**

Motion by Council Member Klose to approve Resolution No. R22-32, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R22-33: Resolution Of The City Of Laurel City Council Granting A Variance From The City's Zoning Regulations To Allow The Property Owner To Construct An Addition On The Home At 319 3rd Avenue, Laurel Mt, Which Shortens The Twenty-Foot Setback To A Six-Foot Setback**

Motion by Council Member Mize to approve Resolution No. R22-33, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R22-34: Resolution Authorizing The Mayor To Reinstate An Encroachment Permit For Newkirk Real Estate-Montana, L.L.C., D/B/A Thomae Lumber.**

Motion by Council Member Eaton to approve Resolution No. R22-34, seconded by Council Member Sparks. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

ITEMS REMOVED FROM THE CONSENT AGENDA:

Fire Chief Peters gave a brief update on the flooding around Laurel. He has been helping organize evacuation locations should they be needed. Many communities have been affected by this flooding event.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Public Works Committee will meet Monday at 6:00 p.m. in Council Chambers.

Council noted that they had a lot of takeaways from the M.M.I.A. training last week. They asked that a 3-minute time be installed in Council Chambers to assist with public comments.

This past weekend was a ceremony to honor four fallen firemen. The ceremony was very moving.

MAYOR UPDATES:

Riverside Park is closed at this time. The river is at its height in 2011, and the riprap seems to be held thus far. City Staff will continue to monitor critical infrastructure.

Mayor Waggoner sent City Staff to Joliet to assist with their efforts to protect against flooding.

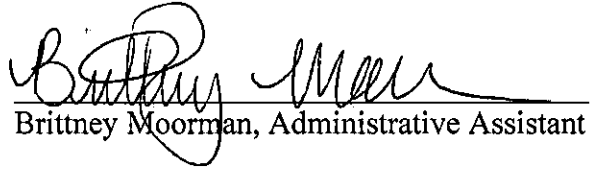
DW

UNSCHEDULED MATTERS: None.

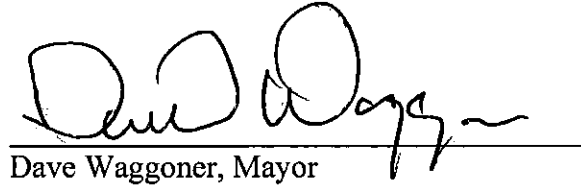
ADJOURNMENT:

Motion by Council Member Sparks to adjourn the council meeting, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

There being no further business to come before the Council at this time, the meeting was adjourned at 7:17 p.m.

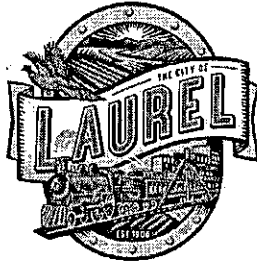

Brittny Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 28th day of June 2022.


Dave Waggoner, Mayor

Attest:


Kelly Strecker, Clerk/Treasurer



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board and Zoning Commission
FROM: Kurt Markegard
PROJECT: Special Review Application for "Your Pie" 102 South 1st Avenue
DATE: May 16th, 2022

DESCRIPTION OF REQUEST

An application for Special Review was submitted by S2 Properties LLC. for the property at 102 S. 1st Avenue in Laurel. The property owner plans to renovate the currently vacant commercial building to operate a new food establishment. The property is located within the Highway Commercial (HC) zoning district, as well as the Community Entryway Zoning District (CEZD) and the SE 4th Street Overlay District. The Laurel Municipal Code requires all cocktail lounges, restaurants, bars and taverns located in the Highway Commercial (HC) zoning district to go through the Special Review process prior to the start of operations. An approval of the special review application would allow the sale of beer and wine within a restaurant.

Owner: S2 Properties LLC.
Legal Description: East Yellowstone Sub, S16, T02 S, R24 E, BLOCK 31, Lot 1 - 6, less highway
Address: 102 S 1st Ave, Laurel, MT 59044
Parcel Size: 20,405sqft
Existing Land Use: Commercial, currently vacant building
Proposed Land Use: Restaurant
Existing Zoning: Highway Commercial (HC), Community Entryway Zoning District (CEZD), SE 4th Street Overlay District

BACKGROUND AND PROCEDURAL HISTORY

- Randy and Parker Swenson contacted the Planning department about opening a new restaurant called "Your Pie" in March 2022 in the former location of "Taco John's".
- Kurt Markegard visited the Billings location of "Your Pie" and realized that they serve beer at their restaurant. Kurt called and informed Randy and Parker that they would need a special review for alcohol sales as part of their restaurant in Laurel.
- Parker Swenson submitted the application for special review on April 29, 2022.

- May 18, 2022: Public Hearing scheduled at the Planning Board and Zoning Commission for the Special Review.

STAFF FINDINGS

- The applicant has applied for the operation of a restaurant that will serve alcohol at the property of 102 S 1st Avenue.
- The application contains all the necessary information to move forward to review by Planning Board and City Council.
- The proposed used of the building is changing from a restaurant to a restaurant that will sell alcohol.
- The building is near other establishments operating with alcohol beverage licenses.
- The applicant seeks to renovate a currently vacant commercial building and place it into productive use.

PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

LMC 17.68 – Special Review Procedures, contains the review criteria for the decision-making process for Special Review applications.

- A. *After presentation to the zoning commission of the request for special review by the applicant, the zoning commission shall make a recommendation to the city council to:*
 1. *Grant the application for special review;*
 2. *Deny the application;*
 3. *Delay action on the application for a period not to exceed thirty days; or*
 4. *Grant the application subject to conditions and recommendations and give the reasons therefor.*
- B. *Before approving a special review use, the zoning commission shall find that the contemplated use(s):*
 1. *Complies with all requirements of this section;*
 2. *Is consistent with the objectives and purposes of this title and the Laurel comprehensive planning process;*
 3. *Is compatible with surrounding land use or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects;*
 4. ***Further the zoning commission shall consider and may impose modifications or conditions concerning, but not limited to the following:***
 - a. *Street and road capacity,*
 - b. *Ingress and egress to adjoining streets,*
 - c. *Off-street parking,*
 - d. *Fencing, screening and landscaping,*
 - e. *Building bulk and location,*
 - f. *Usable open space,*
 - g. *Signs and lighting,*

h. Noise, vibration, air pollution and similar environmental influences.

The following actions are to be taken by City Council:

17.68.50 - City council action.

- A. *Before taking action on an application for special review, and after presentation of the zoning commission's report, the city council may hold a public hearing on the application.*
- B. *The zoning commission may recommend to the council whether to hold a public hearing or not. In the event the city council holds its own public hearing on the application, then the recommendations of the zoning commission and the notice of public hearing before the city council shall both be published twice in the newspaper of general circulation in the jurisdictional area of the Laurel-Yellowstone city-county planning board with the first publication being at least fifteen days prior to the hearing.*

RECOMMENDATIONS

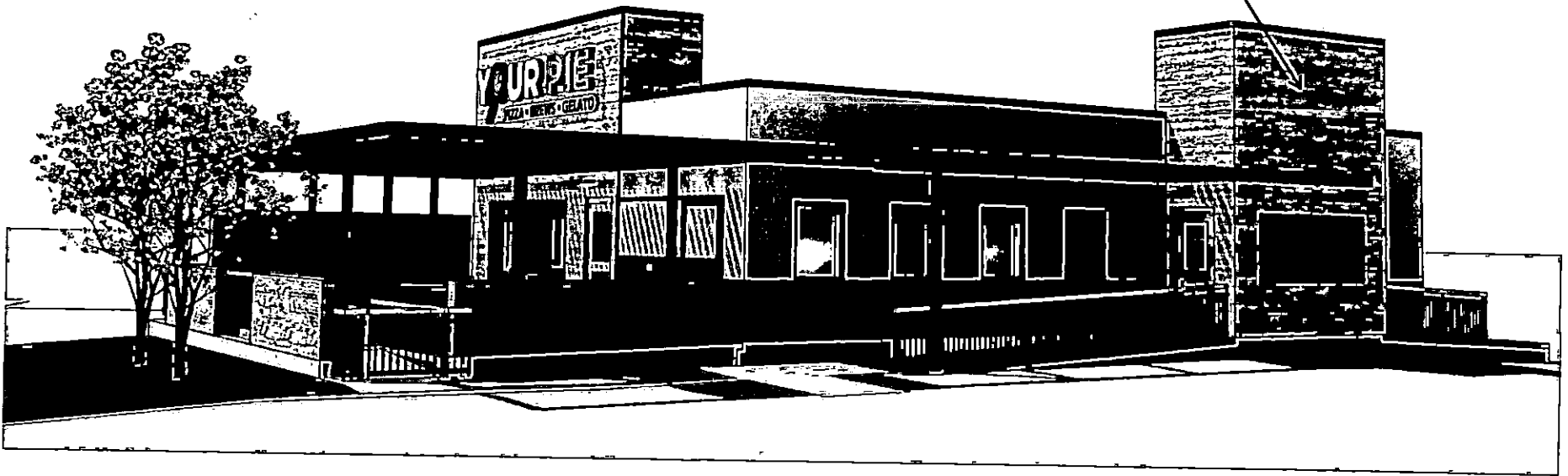
The Planning Department recommends the Planning Board and Zoning Commission approve the Special Review with the following conditions:

1. Any applicable permits, including but not limited to building permits, sign permits, and right-of-way permits must be applied for within twelve (12) months of special review approval.
2. A signage plan shall be provided to the Planning Department and Building Department that conforms to the requirements of the Laurel Sign Code and signage requirements of the overlay districts wherein the property is located.
3. Construction of any improvements to the site and building must be completed within twelve (12) months of special review approval.
4. The operation of the site shall not be done in such a manner as to be a nuisance.
5. Any use of the property not specifically included in this approval or allowable within its underlying zoning district shall be deemed a violation of the laurel Zoning Code.
6. Any subsequent use or change of use associated with this special review shall submit additional documentation to the City for subsequent processing and approval or denial.

ATTACHMENTS

1. *Special Review Application Packet and Form*
2. *Adjacent Property Owners Map (300ft)*
3. *Adjacent Property Owners List (300ft)*
4. *Site Overview*
5. *Mailing Labels*
6. *LMC 17.68 – Special Review Procedures*
7. *Public Notice for Special Review Public Hearing*

THE WIDTH OF THIS ENTRY IS 13'.
WITH THE 'YOUR PIE' SIGNAGE
BEING 16'-8" IT WILL NOT FIT. IS
THERE AN ALTERNATE SIGN WE
CAN PUT HERE?



4/20/2022

To Whom It May Concern:

We, Austin & Cassie Page, are submitting a request for a variance. Our home is located at 319 3rd Avenue and was constructed in 1925. The home and garage were put onto the lot before current zoning laws were in place and both are setback 6' on the side adjacent to the street. Our current home has 5 bedrooms and 1 6'X7' bathroom. We are seeking to add an additional bathroom onto the back of our house. We will be going directly back between our current home and garage. Our current home sits 6ft from the sidewalk. This addition would also be 6ft from the sidewalk. The current zoning requirements are causing unique hardships on our unique situation as they require us to be setback 20'. If we were to move things 20' in it would put this addition into the middle of our yard, almost bypassing our home completely.

We are well within our allotted lot coverage amounts and even upon the completion of the addition we would still be within our lot coverage allotment with over 300 sq ft left over. These new setback regulations are the only issue with us proceeding. Since these setbacks were created after our home was in place we are asking that you grant us a variance so that we may complete and remedy these issues within our home.

Thank You,

Cassie & Austin Page