

MINUTES OF THE CITY COUNCIL OF LAUREL

June 11, 2024

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 11, 2024.

COUNCIL MEMBERS PRESENT:	Thomas Canape	Heidi Sparks
	Michelle Mize	Jessica Banks
	Casey Wheeler	Irv Wilke
	Richard Klose	Jodi Mackay

COUNCIL MEMBERS ABSENT: None

OTHER STAFF PRESENT:	Kurt Markegard, Planning Director
	Britney Harakal, Administrative Assistant

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 28, 2024, as presented, seconded by Council Member Sparks. With no objection, the minutes of the regular meeting of May 14, 2024, as presented, were approved. There was no public comment or Council discussion.

CORRESPONDENCE:

- Resignation from Library Board - Lela Schlitz
- Police Monthly Report - May 2024
- Fire Monthly Report - May 2024.
- City/County Planning Board Reappointment - Judy Goldsby

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None.

PUBLIC HEARING:

- Public Hearing: A Resolution Of The City Council For Annexation Of Property Legally Described As A Portion Of Lot 7a-1, Of The Amended Plat Of Tracts 6a And 7a, Of The Amended Plat Of Tracts 6 And 7, Of Westbrooks Subdivision, Yellowstone County, Montana, According To The Official Plat On File In The Office Of The Clerk And Recorder Of Said County, Under Document No. 1684287. Excepting Therefrom That Portion Granted Unto The State Of Montana By Virtue Of Bargain And Sale Deed Recorded January 25, 1965, Book 807, Under Document No. 747048; And Excepting Therefrom That Portion Granted Unto The Montana Department Of Transportation By Virtue Of Bargain And Sale Deeds Recorded September 13, 2017 Under Document No. 3827294 And 3827295; And Excepting Therefrom That Portion Granted Unto The Montana Department Of Transportation By Virtue Of Warranty Deeds Recorded September 13, 2017 Under Document No. 3827296 And 3827297. Adjacent To The City Of Laurel, As An Addition To The City Of Laurel, Yellowstone County, Montana, With Concurrent Approval Of Zoning Designation Upon Annexation Of The Property.

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

Kurt Markegard, Planning Director, briefly reviewed the attached Staff report. He received no written comments for or against this item.

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 three (3) 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 7, 2024.**
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Approval of Payroll Register for PPE 5/26/2024 totaling \$205,606.34.**
- **Council Workshop Minutes of June 4, 2024.**

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 Wilke. With no objection, the minutes of the Consent Agenda of June 11, 2024, as presented, were approved. There was no public comment or Council discussion.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS:

- Budget/Finance Committee Minutes of May 28, 2024.
- Tree Board Minutes of May 9, 2024.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Appointment of James Wise to the Laurel Airport Authority for a five-year term ending June 30, 2029.**

Motion by Council Member Sparks to approve the Mayor's appointment of James Wise to the Laurel Airport Authority for a five-year term ending June 30, 2029, 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 Tom Canape to the Cemetery Commission for a two-year term ending June 30, 2026.**

Motion by Council Member Banks to approve the Mayor's appointment of Tom Canape to the Cemetery Commission for a two-year term ending June 30, 2026, 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 Wallace Hall to the Cemetery Commission for a two-year term ending June 30, 2026.**

Motion by Council Member Canape to approve the Mayor's appointment of Wallace Hall to the Cemetery Commission for a two-year term ending June 30, 2026, 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 Steven Hurd to the Cemetery Commission for a two-year term ending June 30, 2026.**

Motion by Council Member Mize to approve the Mayor's appointment of Steven Hurd to the Cemetery Commission for a two-year term ending June 30, 2026, 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 Mardie Spalinger to Laurel Urban Renewal Agency for the remainder of a four-year term ending December 31, 2027.**

Motion by Council Member Mackay to approve the Mayor's appointment of Mardie Spalinger to the Laurel Urban Renewal Agency for the remainder of a four-year term ending December 31, 2027, 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 Richard Klose to the City/County Planning Board for a two-year term ending June 30, 2026.**

Motion by Council Member Wheeler to approve the Mayor's appointment of Richard Klose to the City/County Planning Board for a two-year term ending June 30, 2026, 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. R24-43: A Resolution Of The City Council For Annexation Of Property Legally Described As A Portion Of Lot 7a-1, Of The Amended Plat Of Tracts 6a And 7a, Of The Amended Plat Of Tracts 6 And 7, Of Westbrook Subdivision, Yellowstone County, Montana, According To The Official Plat On File In The Office Of The Clerk And Recorder Of Said County, Under Document No. 1684287. Excepting Therefrom That Portion Granted Unto The State Of Montana By Virtue Of Bargain And Sale Deed Recorded January 25, 1965, Book 807, Under Document No. 747048; And Excepting Therefrom That Portion Granted Unto The Montana Department Of Transportation By Virtue Of Bargain And Sale Deeds Recorded September 13, 2017 Under Document No. 3827294 And 3827295; And Excepting Therefrom That Portion Granted Unto The Montana Department Of Transportation By Virtue Of Warranty Deeds Recorded September 13, 2017 Under Document No. 3827296 And 3827297. Adjacent To The City Of Laurel, As An Addition To The City Of Laurel, Yellowstone County, Montana, With Concurrent Approval Of Zoning Designation Upon Annexation Of The Property.**

Motion by Council Member Sparks to approve Resolution No. R24-43, 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.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

The next Public Works Committee meeting is Monday at 6:00 p.m. in the Council Chambers.

The next Tree Board meeting is Thursday, June 13, 2024, at 4:30 p.m. in the Council Conference Room.

It was questioned if the City had posted the open Court Clerk position. It was clarified the position has not been posted at this time.

MAYOR UPDATES:

Mayor Waggoner wished Council Member Klose a happy 81st birthday.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Council Member Mackay to adjourn the Council meeting, 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.

There being no further business to come before the Council at this time, the meeting was adjourned at 6:41 p.m.

Brittney Harakal
Brittney Harakal, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 25th day of June 2024.

Dave Waggoner for
Dave Waggoner, Mayor

Attest:

Kelly Strecker
Kelly Strecker, Clerk/Treasurer

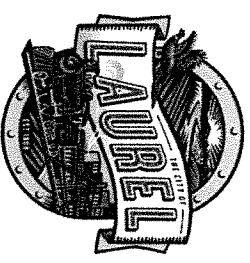


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CITY HALL
115 W. 1st ST.
PUB. WORKS: 628-4796
WATER OFC.: 628-7431
COURT: 628-1964
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City Of Laurel

P.O. Box 10
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Office of the Planning Director

PLANNING BOARD AND ZONING COMMISSION
A portion of Westbrook's Subdivision Tract 7A-1 of the
amended plat of Tracts 6A and 7A of the amended plat of tracts 6
and 7 of Westbrook's Subdivision and a portion of Tract 5 of
Westbrook's Subdivision less Highway ROW
Annexation and Initial Zoning

Applicant:

Michael Stitzinger
Hans Stitzinger
James Stitzinger
5931 Ridgeview Dr.
Doylestown, PA 18902-1379

The Stitzinger Family is 100% of the land ownership. Annexation pursuant to §7-2-4601 et. seq. MCA. (Annexation by Petition).

Request:

The applicants representing 100% of the ownership of lands involved, has Petitioned the City of Laurel for Annexation of approximately 23.17 acres of property adjacent to the City of Laurel with an initial Zoning Designation of Highway Commercial for concurrent review.

The subject property is generally described as a Lot 7A1, A portion of Westbrook's Subdivision Tract 7A-1 of the amended plat of Tracts 6A and 7A of the amended plat of tracts 6 and 7 of Westbrook's Subdivision and a portion of Tract 5 of Westbrook's Subdivision less Highway ROW Section 17, Township 2 South, Range 24 East P.M.M., Yellowstone County, Montana, An annexation Exhibit, which is incorporated into this report by reference, has been submitted in support of the Petition and Requested Initial Zoning.

Process:

The annexation petition and requested initial zoning has been scheduled for consideration and a public hearing by the Laurel – Yellowstone City County Planning Board and Zoning Commission for 6 p.m. on Wednesday, April 17, 2024. The City Council will consider the annexation and zoning designation at a future council meeting.

Analysis of the Request

- The Stitzinger Family represents 100% of the land ownership involved in the petition.
- The 2020 Laurel Growth Policy designates the property as a ‘growth area’ of the city.
- The current use of the property is nonproductive agriculture as nothing has been planted on the property since the new highway interchange was constructed.
- The requested zone Laurel “Highway Commercial” provides uses compatible to lands adjacent to roads and is consistent with the requirements of R-08-22 that lands embraced by the city be assigned R-7500 or greater. This property is not conducive to residential development.
- The subject property was presumed to be zoned “Highway Commercial” and is now presumed to be not zoned but Yellowstone County is in the process to zone it “Highway Commercial”.
- **Highway commercial (HC) district - The purpose of this district is to provide areas for commercial and service enterprises which are intended primarily to serve the needs of the tourist, traveler, recreationist, or the general traveling public. Areas designated as highway commercial should be located in the vicinity of, and accessible from freeway interchanges, intersections in limited access highways, or adjacent to primary or secondary highways. The manner in which the services and commercial activities are offered should be carefully planned in order to minimize the hazard to the safety of the surrounding community and those who use such services; and to prevent long strips of commercially zoned property.**
- MCA 76-2-Part 46 annexation requires that the land use designation be ‘consistent with the prevailing use of the property, consistent with the prevailing County Zoning Assignment, and/or consistent with the current growth policy’. All lands outside the City of Laurel were previously thought to have been extraterritorial zoned and Yellowstone County is now exercising zoning authority from 2024 and forward.
- In addition to the extension of urban scale services the City Zoning provides options for development that are not available to rural properties.
- The initial zoning must be considered under City Resolution R-08-22 (Annexation), the Laurel Municipal Code Title 17 (Zoning).
- The question of annexation and initial zoning must be heard by the Laurel – Yellowstone City County Planning Board and Zoning Commission to give a recommendation of the zoning assignment to the City of Laurel City Council.
- Is the requested annexation and initial zoning in the best interest of the City and Citizens of the City of Laurel.
- The property is situated such that street rights-of-way will need to be annexed to the subject property. The highways in the area are under the control of the Montana Department of Transportation.

Findings:

- ✓ The subject property is adjacent to the City of Laurel via a street connection.
- ✓ The City Council is not required to submit the question of annexation to the qualified electors of the area to be annexed as the petition is signed by 100% of the owners.
- ✓ The city may annex the property as 100% of the ownership of same has petitioned the city for annexation.
- ✓ The driver for the annexation request is to develop the property for commercial purposes. The agents working with the property owners want to have city water and sewer services.
- ✓ The property has been identified as a high priority area in Chapter 7.5, Annexation, of the 2020 Growth Policy and is included in the Planning Jurisdiction Map annexation priority boundaries. As such, the requested zoning is consistent with the Laurel Growth Policy.
- ✓ The proposed assignment of “Highway Commercial” meets all the statutory requirements of MCA 76-2-46 annexation and zoning assignment.
- ✓ The Laurel “Highway Commercial” Zone is determined to be a “greater than” R-7500 classification density.
- ✓ The extension of city services will be at the owner’s expense (R-08-22) and in accordance with the Annexation Agreement or a development agreement as approved by the City Council and requirements of the Public Works Department and the Montana Department of Transportation
- ✓ The city can provide services to the property both existing and proposed if extension of water, sewer. Storm water will have to be stored on site.

12 Point Test for Zoning:

- I. Is the zoning in accordance with the growth policy;
 - The Growth Policy identifies all the property proposed for annexation as an annexation priority area.
 - Resolution R-08-22 requires zoning assignment at annexation at R-7500 or greater.
 - The Zone “Highway Commercial” meets the definition as ‘greater than’ R-7500 and is not a residential planned area.

Finding:

The requested zoning is in accordance with the Growth Policy.

- II. Is the zoning designed to lessen congestion in the streets;
 - The proposed zoning along with the annexation agreement will allow development of the property consistent with the adjoining interstate traffic.
 - Proposed development that would potentially impact roads and a traffic impact analysis is being developed for the Montana Department of Transportation.
 - Highways adjacent to this property are all within the Montana Department of Transportation. City streets are not in the area.

Finding:

The requested zoning will have a material impact on the State of Montana Department of Transportation. The City may see increased traffic as with any added development of property.

- III. Is the zoning designed to secure safety from fire, panic, and other dangers;
- Fire hydrants and water supply should be adequate if they meet the requirements from the Public Works Department.

Finding:
The requested zoning will not have an adverse impact on safety from fire, panic, or other dangers.

- IV. Is the zoning designed to promote health and the general welfare;
- The land is adjacent to the interstate highway system and “highway commercial” zoning allows for land uses to provide places for the traveling public to eat, fuel their vehicles, and rest.

Finding:
The requested zoning will promote the public health and the general welfare.

- V. Is the zoning designed to provide adequate light and air;
- The existing zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.
 - The proposed “Highway Commercial” zone provides restrictions on structure height, setbacks, lot coverage. These standards exist to provide open spaces and adequate light and air.
 - The existing development has more than adequate separation from surrounding uses.

Finding
The requested zoning will provide adequate light and air.

- VI. Is the zoning designed to prevent the overcrowding of land;
- The existing zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.

Finding:
The proposed zoning will prevent the overcrowding of land.

- VII. Is the zoning designed to avoid undue concentration of population;
- The existing zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.
 - The subject property is large enough to provide adequate separation from surrounding uses.
 - The property is not going to be used for residential development with the “Highway Commercial” designation.

Finding:
The proposed zoning will prevent the undue concentration of population.

- VIII. Is the zoning designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- The requested zoning will allow for transportation services as defined in “Highway Commercial” designation in the Laurel Municipal Code.

Finding:

The requested zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

- IX. Does the zoning give reasonable consideration to the character of the district and its peculiar suitability for particular uses;
- The requested zoning is consistent with the Growth Policy.
 - The property is compatible with surrounding development and had been believe to be previously zoned “Highway Commercial” in the extraterritorial zoning for the City of Laurel.
 - The water and sewer infrastructure with this annexation is for the intended use of the property and will need final approval from the City of Laurel City Council and the Public Works Department as well as the Montana Department of Transportation.

Finding:

The requested zoning is consistent with surrounding uses, the Growth Policy and provides for opportunities with suitable uses.

- X. Does the zoning give reasonable consideration to the peculiar suitability of the property for its particular uses;
- The requested zoning is consistent with the Growth Policy.
 - The property is compatible with surrounding development and is consistent with interstate highways adjacent to the property.
 - The water and sewer infrastructure proposed with the annexation will have to meet infrastructure requirements by the Public Works Department and the Montana Department of Transportation.

Finding:

The requested zoning is in keeping with the character of the development in the area.

- XI. Will the zoning conserve the value of buildings;
- The extension and availability of public water and sewer resultant from annexation and initial zoning will add value to buildings as the proposed use is substantially like or complementary to surrounding buildings and uses.
 - The requested zoning is consistent with the Growth Policy.
 - The proposed zoning is not anticipated that there would be any adverse effect on the value of surrounding buildings or lands.
- Finding:
The value of existing buildings both on and adjacent to the requested zone will either be enhanced or not affected by the proposed zoning.

- XII. Will the zoning encourage the most appropriate use of land throughout the municipality?
- The requested zoning is consistent with the Growth Policy.
 - The requested zoning is consistent with the prevailing land uses and zoning surrounding the property.
- Finding:
The requested zoning provides for the most appropriate use of land in the municipality which will keep non-residential traffic close to the interstate.

Conclusion:

The petition for annexation into the City of Laurel with the initial zoning assignment of Laurel “Highway Commercial” appears to be consistent with the requirements of City Council Resolution R-08-22. Additionally, the annexation, extension of services, and initial zoning assignment is in the best interest of both the City of Laurel and the property owners.

RECOMMENDATION

The Laurel – Yellowstone City County Planning Board should find that “Highway Commercial” zoning is an appropriate zoning designation and recommend that the Laurel City Council adopt the Findings of Fact outlined in this report. The City Council must annex the lands and can hold a joint Public Hearing allowed for in MCA 76-2-303 3(B)) A joint hearing authorized under this subsection (3) fulfills a municipality’s obligation regarding zoning notice and public hearing for a proposed annexation. Laurel Municipal Code chapter 17.12.220(G) The hearing for annexation and zone change may be held at the same time.

- That an Amended Plat or Certificate of Survey suitable for filing with Yellowstone County that describes the tract of land to be annexed be submitted.
- That an Annexation Agreement or development agreement is submitted for acceptance by the City Council.

Map for proposed annexation for a portion of Lot7A1 of the amended plat of Tracts 6 and 7 and a portion of tract 5 of West brook Subdivision and the adjoining highway rights of way.

