

# MINUTES OF THE CITY COUNCIL OF LAUREL

JULY 13, 2021

A regular meeting of the City Council of the City of Laurel, Montana, was held in the Council Chambers and called to order by Council President Eaton at 6:30 p.m. on July 13, 2021.

COUNCIL MEMBERS PRESENT:      Emelie Eaton      Heidi Sparks  
   Bruce McGee      Richard Herr  
   Scot Stokes      Irv Wilke  
   Richard Klose

COUNCIL MEMBERS ABSENT:      Don Nelson

OTHER STAFF PRESENT:      Nick Altonaga, Planning Director  
   Kurt Markegard, Public Works Director

Council President Eaton Nelson led the Pledge of Allegiance to the American flag.

Council President Eaton Nelson asked the Council to observe a moment of silence.

## MINUTES:

Motion by Council Member Sparks to approve the minutes of the regular meeting of June 22, 2021, as presented, seconded by Council Member Wilke. 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:

- Fire Monthly Report – June 2021
- Police Monthly Report – June 2021
- Building Department Monthly Report – June 2021
- Beartooth RC&D July 2021 Correspondence

**COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS:** None.

## PUBLIC HEARING:

- Public Hearing On Resolution Approving The Application For Bitterroot Grove Townhomes. A Sixty Unit Planned Development As An Addition To The City Of Laurel.

Council President Eaton stated this is the time and place set for the public hearing on the City of Laurel's Resolution Approving The Application For Bitterroot Grove Townhomes. A Sixty Unit Planned Development As An Addition To The City Of Laurel.

Council President Eaton opened the public hearing.

Council President Eaton opened the floor for public comment and asked that Staff present the item.

Nick Altonaga, Planning Director, briefly reviewed the attached Staff report. After last week's Workshop, he spoke with the Public Works Director, who had concerns about the development. On July 8, 2021, the Public Works Director, Ryan with KLJ, and himself met with Darrel, his contractor Forrest, and Travis West, who is his Engineer. To discuss these deficiencies and concerns that Staff had. From that conversation, they were hoping to delay Council action on this item until our concerns can be met. Those items included necessary updates to the annexation agreement, resolution for approval, updates to the conditions of approval, receipt of design specification for the water system and sewer system (to ensure Public Works that the build is sufficient and will not cause any additional issues), some design specification for some internal roadways as there was concern about the sewer system that is in the ally ways in that area as they are very old and close to the surface and might have issues with frost, and a request for the City to abandon the rights of the allies. This is tying up loose ends as there is public infrastructure surrounded by private land that would be its own development. It was decided to include ally abandonment with this resolution.

TK

Preparation of a utility access easement for the City to be able to work on sewer lines that are located in that right of way that would be abandoned. Overall, Staff recommends delaying this action until Staff concerns can be met.

Ultimately recommending delaying this action until some of Staff's concerns can be met. There have been discussions about this being sent back to City/County Planning Board or being sent back to Council once City Staff approves it; he believes that would be up to the Mayor to make that decision. Staff views this as a worthwhile project. It will enhance and improve the City, especially in that immediate area. It will also create new housing options and create new tax base for the City.

He received one piece of mail in opposition to the development. It was from Rhonda Kroll, who owns property at 617 Elm Ave. She had concerns that the development was too dense. That the number of housing units was too high. She had concerns about the real estate footprints of the area and not being sustainable in that regard.

Council President Eaton asked if City Planner Altonaga will submit that letter during the Opponents portion of the Public Hear. It was clarified that he would.

Council President Eaton stated that copies of the rules governing the public hearing were posted in the council chambers.

Council President Eaton asked if there were any proponents.

Forrest Mandeville, P.O. Box 337 Columbus, Montana, stated he is a planner working with Mr. Dyer on this project. He first wanted to thank Mr. Altonaga for his presentation; they did go over this with him, the City's Public Works Director, their Engineer, and our Engineer on this project as well. We do think these changes are pretty minor moving forward. These are clarifications that they are more than happy to work through with City Staff. Like Nick said, a couple of tweaks in the annexation agreement, mainly adding in the abandonment of the alleys though they would ensure the City has easements to access your infrastructure within those existing rights of ways. You would still have the ability to access those lines. One of the major discussions is if the water system will be public or private. There are some benefits to both. They are hoping to have the pressure to have a private system. Mainly for enforcement of the bylaws. Think of it this way, if someone has six rottweilers in their townhome, which would be a violation of the bylaws, the way you take care of that generally would you would take them to court. If it's a private system, the bylaws, the homeowners association would be able to shut off the water, which would lead to a much quicker and amicable conclusion and resolution to a situation like this. This way, no one is going to court; they are able to take care of it through things like turning off the water. So that's what we are shooting for. They do have to do some calculations to make sure the pressure will work for that. Otherwise, we are ok with delaying a decision as long as it doesn't take too long. We will be working on this and working with your Staff to get this addressed. But that is our request. Thank you.

Council President Eaton asked two (2) times if there were any proponents.

Council President Eaton asked if there were any opponents.

Nick Altonaga, Planning Director, read the attached letter of opposition into the record.

Council President Eaton asked two (2) times if there were any opponents. There were none.

Council President Eaton stated that he would not have Staff respond to questions as there were none.

Council President Eaton closed the public hearing.

Council President Eaton stated this matter was on the Mayor's radar. He did consult with the City Attorney. The City Attorney sent over some very specific language regarding the resolution. That wording is as follows: "I MOVE to remove Resolutions R21-50 and R21-51 from the agenda, and direct the city planner to take the matters back to the City/County Planning Board for consideration, review and a second public hearing, and return the resolutions to the City Council for consideration after city staff and the developer have satisfactorily resolved all the remaining development issues, and the development is ready to proceed forward in the approval process."

- Public Hearing On Resolution Approving The Annexation And Zoning For Nutting Brothers Subdivision, Block 6, Lots 1-12 And Block 7, Lots 1-12 And The Abandoned Portion Of

Hazel Avenue Located Between Blocks 6 And 7, And Adjacent Right-Of-Way As An Addition To The City Of Laurel, Yellowstone County Montana.

Council President Eaton stated this is the time and place set for the public hearing on the City of Laurel's Resolution Approving The Annexation And Zoning For Nutting Brothers Subdivision, Block 6, Lots 1-12 And Block 7, Lots 1-12, And The Abandoned Portion Of Hazel Avenue Located Between Blocks 6 And 7, And Adjacent Right-Of-Way As An Addition To The City Of Laurel, Yellowstone County Montana.

Council President Eaton opened the public hearing.

Council President Eaton opened the floor for public comment and asked that Staff present the item.

Nick Altonaga, Planning Director, briefly reviewed the attached Staff report.

Council President Eaton stated that copies of the rules governing the public hearing were posted in the council chambers.

Council President Eaton asked if there were any proponents.

Forrest Mandeville, P. O. Box 337 Columbus, Montana, stated he is the consulting planner on this application. Of course, they support the annexation. In regards to the last comment regarding the zoning and the density, he would like to point out that this application does meet your zoning requirements, and we do have, even with the number of units, have more than meet the open space required in a planned unit development for this.

Council President Eaton asked two (2) times if there were any proponents. There were none.

Council President Eaton asked three (3) times if there were any opponents. There were none.

Council President Eaton stated that he would not have Staff respond to questions as there were none.

Council President Eaton closed the public hearing.

#### **CONSENT ITEMS:**

- **Claims entered through July 9, 2021.**  
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Approval of Payroll Register for PPE 6/27/2021 totaling \$230,129.97.**
- **Council Workshop Minutes of June 15, 2021.**

The Council President Eaton asked if there was any separation of consent items. There was none.

Motion by Council Member McGee to approve the consent items as presented, seconded by Council Member Klose. 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:**

- Public Works Committee Minutes of May 17, 2021.
- City/County Planning Board Minutes of December 16, 2020.
- City/County Planning Board Minutes of May 19, 2021.
- City/County Planning Board Minutes of June 16, 2021.
- Laurel Urban Renewal Agency Minutes of June 21, 2021.
- Laurel Urban Renewal Agency Minutes of June 28, 2021.
- Safety Committee Minutes of July 21, 2020.
- Safety Committee Minutes of June 16, 2021.
- Park Board Minutes of June 3, 2021.
- Park Board Minutes of July 1, 2021.

**AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):** None.

**SCHEDULED MATTERS:**

- **Resolution No. R21-49: A Resolution Of The City Council Selecting Midwest Fire As The Successful Bidder For The City's Purchase Of A Brush Truck.**

Motion by Council Member Herr to approve Resolution No. R21-49, seconded by Council Member McGee. 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.

- **PULLED: Resolution - LURA Large Grant (Moved to 7.20.2021 Workshop)**
- **Resolution No. R21-50: Resolution Approving The Application For Bitterroot Grove Townhomes, A Sixty Unit Planned Unit Development As An Addition To The City Of Laurel.**

Motion by Council Member Klose to move to remove Resolutions R21-50 from the agenda, and direct the City Planner to take the matters back to the City/County Planning Board for consideration, review and a second public hearing, and return the resolutions to the City Council for consideration after City Staff and the Developer have satisfactorily resolved all the remaining development issues, and the development is ready to proceed forward in the approval process, 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.

- **Resolution No. R21-51: Resolution Of Annexation And Zoning For Nutting Brothers Subdivision, Block 6, Lots 1-12 And Block 7, Lots 1-12 And The Abandoned Portion Of Hazel Avenue Located Between Blocks 6 And 7, As An Addition To The City Of Laurel, Yellowstone County, Montana.**

Motion by Council Member Wilke to move to remove Resolutions R21-50 from the agenda, and direct the City Planner to take the matters back to the City/County Planning Board for consideration, review and a second public hearing, and return the resolutions to the City Council for consideration after City Staff and the Developer have satisfactorily resolved all the remaining development issues, and the development is ready to proceed forward in the approval process, seconded by Council Member Klose. 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.

- **Resolution No. R21-52: A Resolution Of The City Council Authorizing The Mayor To Sign A Contract With Rossman Masonry LLC For Repairs To City Hall.**

Motion by Council Member Stokes to approve Resolution No. R21-52, seconded by Council Member McGee. 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.

- **Resolution No. R21-53: A Resolution Of The City Council Authorizing The Mayor To Sign A Contract With Ace Electric, Inc. For Electrical Work At The City's Sewer Plant.**

Motion by Council Member McGee to approve Resolution No. R21-53, 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.

- **Resolution No. R21-54: A Resolution Of The City Council Selecting COP Construction, LLC as The Successful Bidder For The City's Purchase Of A Screw Pump For The City's Waste Water Treatment Plant.**

Motion by Council Member Sparks to approve Resolution No. R21-54, seconded by Council Member McGee. 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.

- **Resolution No. R21-55: A Resolution Of The City Council Selecting Osseo Construction Co., LLC As The Successful Bidder For The City's Water Tank Recoat Project.**

Motion by Council Member Herr to approve Resolution No. R21-55, 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.

**ITEMS REMOVED FROM THE CONSENT AGENDA:** None.

**COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT):** None.

**COUNCIL DISCUSSION:**

Council received an email to their inboxes and was described by Council President Eaton as inappropriate. Council has been told at least twice that they do not deal with personnel matters. There were comments that Council should take the matter into their own hands and take action by the Mayor. Council can request the Mayor address an issue but will be dealt with at his own pace. Council President Eaton sent her email to the City Attorney. It was inappropriate, it was wrong, and the damage has been done. Council may choose to forward their email to the City Attorney or simply delete them. It was requested that Council not discuss further as they are private documents.

It was requested a discussion regarding ex parte communications be added to the next Workshop agenda.

**MAYOR UPDATES:** None.

**UNSCHEDULED MATTERS:** None.

**ADJOURNMENT:**

Motion by Council Member Klose 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 seven council members present voted aye. Motion carried 7-0.

There being no further business to come before the Council at this time, the meeting was adjourned at 7:05 p.m.

  
Brittney Moorman, Administrative Assistant

Approved by the Council President Eaton and passed by the City Council of the City of Laurel, Montana, this 27<sup>th</sup> day of July 2021.

  
Thomas C. Nelson, Council President Eaton

Attest:

  
Bethany Langve, Clerk/Treasurer

TN



## **LAUREL CITY-COUNTY PLANNING DEPARTMENT**

### **STAFF REPORT & FINDINGS OF FACT**

**TO:** Laurel City-County Planning Board  
**FROM:** Nicholas Altonaga, Planning Director  
**RE:** Planned Unit Development – Bitterroot Grove Townhomes  
**DATE:** June 24, 2021

#### **DESCRIPTION OF REQUEST**

A Planned Unit Development application and supplemental was submitted by Forrest Mandeville of Forrest Mandeville Consulting and Engineering West on behalf of Darrel Dyer for the parcels at 1304 E. 8<sup>th</sup> Street, between Fir and Juniper Avenues. The Applicant has proposed the Bitterroot Grove Townhomes, a 60-unit Planned Unit Development with age-restricted units for those 55 and older. This PUD application also includes a request for annexation and a variance. The Application contains all the necessary components of the PUD, Variance, and Annexation applications. The property is currently owned by Elvira and James Cotter, with purchasing agreements in place. The property currently has a great deal of personal property, debris, and materials on site and is an overgrown state.

**Owner:** James Cotter, Elvira Cotter  
**Legal Description:** NUTTING BROS SUBD, S10, T02 S, R24 E, BLOCK 6, Lots 1 - 12, BLOCK 6, Lots 1 - 12  
**Subdivision size:** 4.68 Acres  
**Existing Land Use:** Residential, Vacant  
**Proposed Land Use:** Residential Planned Unit Development

#### **BACKGROUND AND PROCEDURAL HISTORY**

1. A pre-application meeting for the Planned Unit Development took place on June 23, 2020 between the Applicant, their engineers, and City Staff.
2. The Application for the Planned Unit Development, Annexation, and Variance and their supporting documentation was submitted on March 15, 2021.
3. The City Staff Design Conference took place on April 27, 2021.
4. The Planning Director transmitted a letter of findings to the Applicant and their developer on May 7, 2021.

5. The Applicant and their developer resubmitted documents to the Planning Department on May 17, 2021.
6. The Planning Board held a public hearing on the proposed Planned Unit Development, Annexation, and Variance applications on May 19, 2021.
7. The Planning Director worked with the Applicant and their contractor to update the Annexation Agreement and HOA Bylaws as discussed at the May 19<sup>th</sup> meeting.
8. The Planning Board has scheduled a second public hearing on the proposed Planned Unit Development, Annexation, and Variance applications for June 16, 2021.
9. The Planning Board lacked a quorum at the scheduled public hearing on June 16, 2021.
10. The Planning Director forwarded the materials and documentation for the Bitterroot Grove Townhomes Annexation, Variance, and Planned Unit Development to the City Council on June 25, 2021.
11. The City Council has scheduled a subsequent public hearing on the proposed Planned Unit Development, Annexation, and Variance applications to approve, approve with conditions, or deny the requests on July 13, 2021.

#### **STAFF FINDINGS**

1. The Application for PUD, Annexation, and Variance contain all the necessary items.
2. Annexation has been requested to hook the property into the municipal water and wastewater system, as well as garbage pick-up.
3. A variance has been sought for the minimum size requirements of a Planned Unit Development stated in the Laurel Municipal Code.
  - a. Laurel Municipal Code requires a minimum of 5 acres for a PUD
  - b. The proposed PUD is 4.68 acres.
4. The Applicant has proposed private interior streets with gated entrances.
5. Gated entrances shall be accessible by all Laurel EMS, Fire, and Police departments, as well as code enforcement and public works where necessary.
6. The Applicant has proposed private internal water and sewer connections.
7. The Applicant has proposed a water meter building, to manage the interior water system of the development.
8. The proposed project would improve a largely vacant, blighted lot with a dense residential development.
9. The application includes bylaws for a townhouse association to manage the property.
10. The subsequent submittal of documents on May 17 included a landscaping plan and weed management plan.
11. An Annexation Agreement was provided with the application which specifies adjacent public improvements, development standards, and other requirements for annexation into the City of Laurel.

#### **PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA**

LMC 17.32.020 – Review and Approval, Part D states:

"Within thirty days after the design conference, the application shall be reviewed by the city-county planning board and recommendations based on the comments from the design conference and the criteria contained in the subdivision regulations shall be forwarded to the zoning commission. The comments from the design conference shall be forwarded to the planning board, zoning commission and developer within five working days after the conference."

## RECOMMENDATIONS

The Planning Director Recommends approval of the Planned Unit Development for the Bitterroot Grove Townhomes with the following conditions of approval:

1. The Property shall be cleared of personal property, debris, and refuse prior to annexation, variance, and PUD approval.
2. The Property shall be brought up to city standards prior to annexation, variance, and PUD approval.
3. Landscaping plan and maintenance schedule and/or information shall be sufficiently detailed for City Departments to enforce nuisance codes and other ordinances.
4. The proposed Water system shall be approved by the contracted city engineer, KLJ Inc.
5. The proposed Water system shall meet all Montana DEQ and City Standards.
6. The proposed Wastewater system shall be approved by the contracted city engineer, KLJ Inc.
7. Weed Management Plan shall be completed and approved by the Yellowstone County Weed District.
8. Annexation Agreement shall be updated with specific changes noted by the Planning Department.
9. Bylaws for the Bitterroot Grove Townhome Association shall be updated with the specific changes noted by the Planning Department.
10. The Owner/developer shall apply for all necessary and applicable city permits.
11. The Owner/developer and the City shall establish a satisfactory solution for the public alleyways within project boundary.

## ATTACHMENTS

1. PUD Written Statement
2. Annexation Application
3. Annexation Agreement (updated)
4. Waiver of Right to Protest (updated)
5. Variance Application and Request Letter
6. PUD Layout/Design
7. PUD Landscaping Plan
8. Bylaws of Bitterroot Grove Townhomes Association (updated)
9. Images of proposed townhome design



10. Planner Letter to the Applicant (dated 5/17/2021)
11. Comments from Ryan Welsh, Engineer at KLJ, on proposed Water/Sewer expansion (dated June 8, 2021)

7-7-2021

To whom it may concern:

I am writing to oppose the proposed Bitterroot Grove Townhome Planned Unit Development.

I do not feel that many townhomes in such a small real-estate footprint is practical or feasible.

I own a house at 617 Elm Ave. I understand the need for more housing, and if the number of units were smaller, I could possibly support that.

Sincerely,  
Rhonda Kroll  
735 Park Ave  
Pocatello, ID 83201  
(208) 232-5730