

**MINUTES
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, OCTOBER 20, 2020**

A Council Workshop was held in Council Chambers and called to order by Mayor Tom Nelson at 6:32 p.m. on October 20, 2020.

COUNCIL MEMBERS PRESENT:

<input checked="" type="checkbox"/> Emelie Eaton	<input checked="" type="checkbox"/> Heidi Sparks
<input checked="" type="checkbox"/> Bruce McGee	<input checked="" type="checkbox"/> Richard Herr
<input checked="" type="checkbox"/> Scot Stokes	<input checked="" type="checkbox"/> Irv Wilke
<input checked="" type="checkbox"/> Richard Klose	<input checked="" type="checkbox"/> Don Nelson

OTHERS PRESENT:

Kurt Markegard, Public Works Director

Nick Altonaga, Planning Director

Public Input:

There was none.

Executive Review

1. Resolution - A Resolution Granting Montana-Dakota Utilities Company A Franchise Agreement With The City Of Laurel

Mayor Nelson explained that the previous agreement, after being in place for the last 15 years, had expired. This agreement allows Montana-Dakota Utilities to care for its infrastructure under the City of Laurel. In 15 years, this agreement will expire and will need to be renewed.

Council Issues

2. Discussion on Bathrooms at Riverside Park.

Kurt Markegard, Public Works Director, stated that a combination of being short-staffed and the increased cleaning requirements led to the bathrooms' closing. Typically, the City has six summer help employees.

The bathroom at Riverside Park is open because they do not have the key to lock it. Staff is currently working on getting that lock rekeyed to match the other bathrooms. Last week there was an incident where someone spread fecal matter over all the walls and floor. It took approximately 45 minutes to clean with the jet rodder. There are bathrooms in most of the parks. To have one person clean each of these bathrooms each day would be too much. The Public Works Director looked into a cleaning service, and

it would cost the City \$35 per bathroom per day. This would be approximately \$180 per day and not cost-effective.

A Council Member asked why that lock could not be taken down to Ace Hardware and be rekeyed, and they were even willing to pay for the rekeying themselves. It was clarified that the lock would be taken to Ace Hardware to be rekeyed. As camping comes to Riverside Park, there will need to be a discussion about daily maintenance. Public Works is down two employees at the shop; all Public Works departments have been separated since March to limit the spread of any possible Covid infections, so the City is still able to serve its citizens.

3. Discussion about the removal of trees in the Entryway Zoning.

Nick Altonaga, Planning Director, briefly reviewed the attached memo.

It was questioned if there was communication with the people who are doing the work. There is lots of trash along the fence and in the rocks that need to be picked up. The Planning Director stated he had not communicated with them regarding the trash, but he will.

It was questioned if the building is unusable is the property owner cleaning up the property to sell. It was clarified that last year there had been a few inquiries with the Planning Office regarding the property. The Planning Director did not know if the property owner was in the process of selling the lot. Council should expect further changes to come down the pipeline.

4. Discussion on enforceability of Campground Rules.

Kurt Markegard, Public Works Director, read LMC 12.28.010, attached. This LMC allows for rules to be established by the Park Board. There will be a sign of the listed rules. At the bottom, it will state via LMC. The Police can always trespass someone as well. Public Works will work with Police on these matters.

It was stated that if it says enforcement by LMC, then law enforcement can enforce anything in LMC. Prior to annexing Riverside Park, the Police had no jurisdiction. If there was an issue, had to call the Sheriff's Office.

Other Items

Gas Tax Resolution:

This is a resolution requesting the distribution of bridge and road safety and accountability program funds. The City does this every year. This is the gas tax approved through HB-473. Anyone who wants these funds have to apply for these. We have an amount that is allocated to the City. There is a 5% match. The City matches out of the Street Maintenance Fund. These funds must be used for approved projects. Street Maintenance is an approved use of these funds.

Review of Draft Council Agendas

5. Draft Council Agenda for October 27, 2020.
Will add the gas tax resolution.

Attendance at Upcoming Council Meeting

All present will be at next week's meeting.

Announcements

Council thanked the Public Works Director for the excellent explanation for the campground rules and their enforceability.

Next Monday, October 26, 2020, Emergency Services Committee is scheduled at 6:00 p.m. in Council Chambers. The Board Chair asked that all come with ideas to promote the Safety Mill levy.

Mayor Nelson reminded Council that there are Covid cases in Laurel. He reminded everyone to remain safe.

The council workshop adjourned at 7:08 p.m.

Respectfully submitted,

Brittney Moorman
Administrative Assistant

NOTE: This meeting is open to the public. This meeting is for information and discussion of the Council for the listed workshop agenda items.

Chapter 12.28 - PARK RULES AND REGULATIONS*

Sections:

12.28.010 - Creation and establishment of a city park board.

There is created and established an advisory board to the city council that shall be known as the park board for the city of Laurel ("Board") which shall consist of seven members who shall constitute three sitting members of the city council and four members at large who must reside in the city or who must live within two miles thereof. The mayor shall appoint all members with approval of the council. The members shall come from diverse interest groups including, but not limited to, school teachers, club members, homeowners, business owners, park professionals and/or representatives from the city government.

(Ord. 06-08 (part), 2006)

12.28.020 - Term of office.

The term of office for the members shall be four years except that the term of three of the members appointed to the first board shall be for two years and the term of four members of the first board shall be for four years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the respective term.

(Ord. 06-08 (part), 2006)

12.28.030 - Compensation.

Members of the board shall serve without compensation.

(Ord. 06-08 (part), 2006)

12.28.040 - Operation.

The board shall select its own officers (if any), make its own operational rules and regulations to govern its meetings, schedule its own meetings' dates and times for the convenience of its members and shall keep a record of its proceedings. All meeting dates and times shall be posted at City Hall. A majority of the members shall be a quorum for the transaction of business.

(Ord. 06-08 (part), 2006)

12.28.050 - Park board authority.

A. The park board of the city shall have the authority and discretion to:

1. Promulgate and develop proposed ordinances, rules and/or regulations that govern the general use of all city parks with consideration of public input for presentation to the city council for consideration and adoption by the city council;
2. Establish a proposed permit system to provide for an advanced reservation system for the exclusive use of a city park or city park improvement by a person or group to be administered by city staff upon approval by the city council;
3. Prepare and adopt proposed rules or regulations governing or limiting the possession or use of alcoholic beverages in city parks by any person or group of people, including establishment of a proposed permit and registration procedure for the possession or use of alcoholic beverages by

any group of people to be administered and enforced by city staff and/or the city police when applicable upon approval by the city council;

4. Negotiate terms for lease agreements for city parks or other city park related improvements with current or new users, groups or clubs on the city council's behalf. When completed, the park board shall present each negotiated proposed lease agreement to the city council for approval and adoption by resolution of the city council.
- B. All park ordinances, rules and regulations promulgated by the park board shall be adopted by the city council upon recommendation by the park board pursuant to this section. All rules, regulations and/or ordinances adopted hereunder shall be posted in a public place at each park affected thereby or be available at the office of the city clerk-treasurer.

(Ord. 06-08 (part), 2006)

12.28.060 - Park hours.

- A. Except as otherwise provided herein, all city parks shall be closed from ten p.m. until six a.m. each night.
- B. No person shall remain in or upon any city park during closed hours.
- C. This section shall not apply to the overnight camping areas designated in Riverside Park.
- D. The children's playground equipment commonly known as "Kids Kingdom" at Kiwanis Park shall close at ten p.m. and reopen at six a.m.
- E. Any person violating the terms of this section shall, upon conviction, be punished as set forth in Section 12.28.100 of this code.
- F. Applicants may seek an exemption to this section when applying for an event permit at city hall.

(Ord. 06-08 (part), 2006)

(Ord. No. O19-03, 12-10-19)

12.28.065 - Fees and charges.

The city council shall establish reasonable fees and/or charges for the use of the pool, parks and/or recreation areas and facilities owned by the city by annual resolution after a public hearing.

(Ord. 07-06 (part), 2007; Ord. 06-04 (part), 2006)

12.28.070 - Use of tennis courts restricted.

- A. City tennis courts shall be used only for the practice and playing of tennis. All other activities are prohibited on all city tennis courts. No person shall use or occupy any city tennis court or any part thereof for any purpose other than the playing or practicing of tennis.
- B. Any person violating the terms of this section shall, upon conviction, be punished by a fine not exceeding one hundred dollars.

(Ord. 06-08 (part), 2006)

12.28.080 - Use of South Pond restricted.

- A. The following activities are prohibited at South Pond at all times:
 - 1. Swimming, except for approved scuba diving and skin diving as set forth in this section;
 - 2. Motorized or power boating of any kind.
- B. Scuba diving and skin diving shall be permitted at South Pond by advance permit only, subject to the following restrictions:
 - 1. Any person, prior to skin or scuba diving in South Pond, shall first obtain from the city a permit;
 - 2. Permits granted hereunder are given pursuant to Montana Code Annotated § 70-16-302(1). The city shall not collect any fee for issuing a permit hereunder. The city shall not be liable for any accidents or injury to persons or property derived from skin or scuba diving or related activities. Every applicant must sign release and waiver of liability before receiving a permit hereunder;
 - 3. The city shall not issue a permit unless the applicant first displays to the city a current certification of diving qualification issued by a recognized diving training school affiliated with one of the below listed organizations. Student applicants must be accompanied by a certified instructor at all times and are subject to all other requirements of this section. The following organizations are recognized by the city as proper certifying authorities:
 - a. N.A.U.I.—National Association of Underwater Instructors,
 - b. P.A.D.I.—Professional Association of Diving Instructors,
 - c. Y.M.C.A.—Young Men's Christian Association,
 - d. N.A.S.D.S.—National Association of Skin Diving Schools,
 - e. P.S.I.C.—Professional Divers Instructional College;
 - 4. All permittees shall be subject to all federal and state laws, rules and regulations pertaining to scuba diving and skin diving;
 - 5. Any permit issued hereunder may be revoked at any time by city police officers, with or without cause. Divers shall immediately leave the pond upon demand of any police officer.
- C. Any person who violates any of the terms or provisions of this section shall, upon conviction therefore, be punished in accordance with the provisions of Section 1.36.010 of this code.

(Ord. 06-08 (part), 2006)

12.28.090 - Use of motor vehicles restricted.*

- A. No person shall drive or otherwise operate any motor vehicle in any city park except in or upon gravelled or paved parking areas.
- B. This chapter shall not apply to city vehicles in the regular operation and conduct of city business or to construction or maintenance vehicles belonging to any contractor performing any work for the city in any city park.
- C. Users of Riverside Park, however, may operate vehicles only upon designated, defined roadways therein.
- D. Any violation of this chapter shall, upon conviction thereof, be punishable as provided in Section 1.36.010 of this code.

(Ord. 06-08 (part), 2006)

* There were two sections numbered 16.02.020 added to the Laurel prior code.

12.28.100 - Violation—Penalty.

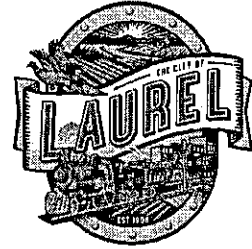
- A. Any person violating any provision of this chapter for which another penalty has not been specifically provided shall, upon conviction thereof, be punished as set forth in Section 1.36.010 of this code.
- B. Any person violating any ordinance, rule or regulation adopted by the park committee pursuant to this chapter shall, upon conviction thereof, be punished by a fine not to be less than fifty dollars nor more than five hundred dollars, or by imprisonment for a term not exceeding six months, or both.

(Ord. 06-08 (part), 2006)

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City Of Laurel

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Office of the City Planner

October 20, 2020

Regarding the Community Entryway Zoning District and Concerns about the Landscaping present on 415 S. 1st Ave

Mayor and City Council,

I have provided some comments below on the ongoing concerns about the recent change of landscaping on the Burger King property. The Burger King and its attendant landscaping was developed prior to the creation of the Community Entryway Zoning District (CEZD). This classifies that parcel as a nonconforming use. That use has since ended but the physical layout and available use of the site has not. The parcel is vacant at the moment, with a structure that is unable to be utilized unless considerable reinvestment is made. This reinvestment would trigger the need for the building and parcel to come into compliance.

I think it unwise to force a landowner to install new landscaping on an unused property, especially one that is for sale and is a candidate for redevelopment. Requiring the current landowner to reinstall landscaping would be premature and would have any future owner redo landscaping to suit their needs. My suggestions are as follows:

- Do not require any new landscaping until such time as the property is redeveloped.
- Ensure that debris and trash are removed from the site.
- Notify any new ownership (if property is sold) that the requirements of the CEZD must be followed

Please let me know if you have any questions or comments about this situation. Thank you for your consideration.

Regards,

Nicholas Altonaga

Planning Director