

**MINUTES
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, SEPTEMBER 17, 2019**

A Council Workshop was held in the Council Chambers and called to order by Mayor Tom Nelson at 6:30 pm on September 17, 2019.

COUNCIL MEMBERS PRESENT:

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

OTHERS PRESENT:

Bethany Langve, Clerk/Treasurer
Nick Altonaga, City Planner
Kurt Markegard, Public Works Director

Public Input:

Ken Olsen, 1702 Groshelle Boulevard, stated he represents the Montana State Firefighters Memorial Park. He wanted to invite the Mayor and Council to the memorial ceremony, which will be held this Saturday, the 22nd of September, at 10:00 am. Billings Fire Department will be the group that is putting on the memorial service. They found an individual that passed in 1069. He died of a heart attack. He was eligible to be put on the wall. We invite you to come over and be part of our ceremony; afterward, we are going to a small barbeque. Drinks and fellowship will follow. You can come and enjoy the ceremony. He stated he didn't know if there were any questions or not. If there are any questions, they can get ahold of him.

Mayor Nelson stated there was some confusion on the dates. He asked if the paper had been notified. It was clarified that it was in the paper.

Mr. Olsen stated that the family of the individual would be in attendance at the event.

General Items

1. Appointment of Joe Lowther and Austin Hirsch to the Laurel Volunteer Ambulance Department.

Riley was unable to attend tonight's meeting. Both Joe and Austin have extensive medical backgrounds and will be a great addition to the Ambulance Service.

2. Mayor's Appointment of Michelle DeBoer, as an advisory member, to the Laurel Urban Renewal Agency.

Michelle DeBoer was not in attendance. She submitted a letter of interest to sit on the Laurel Urban Renewal Agency Advisory Board.

Executive Review

3. Resolution - Granting A Variance From The City's Zoning Ordinance To Allow An Outdoor Computer-Controlled Variable Message Sign Within A Residential District

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

It was questioned if the variance will allow for a sign with more activity. It was clarified this variance would only allow for a computer-controlled sign with no animation, as stated in the Staff report.

It was questioned how often the messages would change. It was clarified that the sign code allows for the message to change every 60 seconds.

Roy Voss, 13th Ave, stated he is a board member for this church. This sign is not capable of animation. It is not capable of scrolling. It will state what services or events are going on and will change first thing in the morning.

4. Resolution - Granting A Variance From The City's Zoning Ordinance To Disregard The Buffery Requirement, Sight-Obscuring Fence Requirement, And Building Design Standards.

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

It was a question where this project was located. It was clarified this project is located past Walmart on East Railroad.

It was questioned if this variance is really on our part and not theirs because of our sewer line.

5. Resolution - Authorizing The Award of Grants From The Tax Increment Financing District Funds Pursuant To The LURA Small Grant Request Program For Eligible Applicants And Improvements.

Nick Altonaga, Planning Director, briefly reviewed each project; see attached.

It was questioned where the VFW sign would be going. It was clarified down the block at a salon.

It was questioned if façade improvements are used for preventative maintenance. It was clarified façade improvements to improve blight.

It was questioned why the VWF was not included in the resolution. It was clarified that only those above 5k come before Council.

6. Resolution - Approving a Contract Between The City Of Laurel And the Montana Department Of Justice Natural Resource Damage Program

Kurt Markegard, Public Works Director, stated that the DOJ to begin engineering on the Riverside Park Campground. The next Council cycle will be a task order with KLJ to do the engineering for this project. To receive funds from the NRDP, the City has to enter into a contract. These are the funds awarded from the Exxon Mobil oil spill.

7. Resolution - Approving A Task Order Authorizing Kadrmas, Lee & Jackson, INC. For Services Relating To The Development Of Design Standards For Public Improvements.

Kurt Markegard, Public Works Director, stated in 2003 was the last time the design standards were updated. We were hoping to make the update every five years. KLJ will prepare a document that will be easy to update in the future.

8. Resolution - Approving A Task Order Authorizing Kadrmas, Lee & Jackson, INC. For Services Relating To The Assembling Of City Infrastructure Data Into A Single Source, Which Can Be Used To Track And Manage Assets.

Kurt Markegard, Public Works Director, stated this is a task order to update the water, sewer, and storm infrastructure on our maps. We are currently using paper. KLJ would take all as-builts and current GIS information and update our maps. Staff would have access to this information in the field and wouldn't be required to come back to the office to find that information. When the City receives a locate, they need to be able to locate City assets correctly. MDU and NEW both use a computerized system. The Public Works Committee recommended moving forward on this project.

It was questioned if the City will be able to generate online work orders with this system. It was clarified that it is a possibility, but we need to get this done first. It will be an interactive interface.

There are currently multiple versions of the maps, and they may not match what's actually in the ground; this will help crews be more efficient in locating infrastructure. This will save both time and money.

It was questioned if technology is the answer to everything. If our engineering firm will need to keep updating this information. It was clarified that after the initial update, Staff would have the ability to update the information as needed. When a new subdivision comes in, their infrastructure information will need to be submitted in an electronic format that works with the system and the paper version. Paper will be the back up if the system is down. Currently can zoom into a block and print off that information. We just need to update the information already in the system.

Council Issues

9. Discussion regarding the Park Board's recommendation to reopen Riverside Park.

Park Board has recommended Riverside Park reopen. That the sign saying no camping be taken down. The toilets have been installed and wanted to see if the Council would like to move forward. Park Board is concerned people are still camping even with the signs up.

The Council stated that they were concerned with the trees being a hazard. It was clarified that reopening at this time would go against MMIA. If people are camping there, the Police Department can be notified to address the issue.

Council noted that this might be premature with moving forward in building the campground as discussed previously in this agenda. Council expressed the desire to hold off until the completion of the campground. Council asked the issue be sent back to the Park Board.

10. Discussion regarding Park Board's recommendation to repair the American Legion building.

Park Board has recommended repairing the American Legion building. They want to open this building up to the public. The Public Works Superintendent is working on cost estimates to repair the building. Council asked that once the costs have been identified to bring it back to Council.

11. Discussion regarding the Park Board's recommendation to demolish the Caretaker's house in Riverside Park.

Park Board has recommended taking down the Caretakers house. It is infected with mold. The Public Works Superintendent is looking into if City staff can remove the building. There are concerns about mold and asbestos. He is also looking into the cost of removal if the City Staff cannot remove the building. The Council stated their desire to have the building removed. Once those two issues are addressed can bring back before Council.

12. Discussion regarding Park Board's suggestion to change the park hours.

Park Board noticed that Kids Kingdom had had a lot of vandalism. The parks need more limited hours to keep the kids out after hours. There needs to be a caveat for the 4th of July and Riverside Park.

Council noted there is a provision for the fireworks around the 4th of July; they did not see an issue with making a provision for the park hours during this time. Council noted that there are people who would like to fish later than 10 pm at South Pond. This issue needs to be addressed, as well.

Sunrise was picked because it is easy to determine if the sun has risen or not. Can do 7 am if Council prefers a set time.

Council noted the opening of the parks is not the issue. They would like the parks closed before midnight.

Mayor Nelson noted park hours are established by LMC 12.28.060. Park Board needs to strike out what they want to be changed and bring it back to Council. Those proposed changes will be sent to the City Attorney. Because this is an ordinance, there will need to be a public hearing.

The Public Works Director clarified that Kids Kingdom is closed at sunset, but Kiwanis Park is open until midnight. This poses an issue with moving kids out of the area. They will sit on the benches outside Kids Kingdom.

Other Items

13. Update from the Mayor regarding the handicap parking.

In the next week or two, the millings will be ground up. Once this takes place, the parking lot extension will be done. It should be done by next spring.

Review of Draft Council Agendas

14. Review Draft Council Agenda of September 24, 2019.

There were no changes.

Attendance at Upcoming Council Meeting

Announcements

15. Employee and Volunteer Recognition:

Mayor Nelson recognized all employees and volunteers. He thanked them for their service.

Emergency Services Committee will meet Monday, September 23, 2019, at 6:00 pm in Council Chambers.

The council workshop adjourned at 7:48 pm.

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.



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board
FROM: Nicholas Altonaga, Planning Director
RE: Variance – Laurel Assembly of God (Family Church)
DATE: August 15, 2019

DESCRIPTION/LOCATION:

John Farnes of the Laurel Assembly of God (Family Church) has submitted an request for a variance for Chapter 17.42.050, specifically Table – Signs by Zoning District. The affected property is located at 1002 3rd Ave in the City of Laurel. The Parcel is zoned R-7500. The Applicant is requesting a variance to allow Computer Controlled Variable Message Signs within a residential district, which is currently not allowable. The Property is legally described as Fourth Ave Subd, S09, T02 S, R24 E, BLOCK 4, Lot 1 – 7.

STAFF FINDINGS:

Applicant Data:

Owner: Laurel Assembly of God
Legal Description: Fourth Ave Subd, S09, T02 S, R24 E, BLOCK 4, Lot 1 – 7
Address : 1002 3rd Ave.
Parcel Size: 29,400 Sq. Ft.
Existing Land Use: Laurel Assembly of God
Proposed Variance: Allowable use of Computer Controlled Variable Message Signs within Residential Districts
Existing Zoning: R-7500
Surrounding Land Use: R-7500

1. The variance application packet is attached and contains cover sheet, map of sign location, detailed justification letter, and public notice.
2. The application is requesting that the Computer Controlled Variable Message Sign that was designed after initial meetings with city staff between 2017 and 2018.
3. LMC 17.42 Table – Signs by Zoning District states that that use of a Computer Controlled Variable Message Sign is not allowable within any residential district.

4. LMC 17.42.120 – Changeable Copy states that “Unless otherwise specified by this section, any sign in this chapter allowed may use manual or fixed message electronic sign. Computer controlled variable message electronic signs shall be permitted provided that the bottom of the reader board is ten feet above the crown of the adjacent road.”
5. Mr. Farnes noted that he had met with City staff in the previous two years to discuss sign design requirements and it was not presented that the design of the sign was not allowable in the current zoning district.
6. At the time of seeking a building permit, city staff informed Mr. Farnes that they could not grant a permit because the type of sign was not allowable within the R-7500 District which the Family Church property is within.
7. Mr. Farnes noted that this design and planned installation represents a significant investment of funding from the Family Church community

ZONING COMMISSION CONSIDERATIONS AND RECOMMENDATION:

The Zoning Commission shall review and make determinations on variances through Laurel Municipal Code (LMC) Chapter 17.60.020:

- A. It shall be the duty of the zoning commission to authorize, upon appeal in specific cases, such land use variances from the terms of the zoning ordinances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinances or regulations will result in unnecessary hardship, and so that the spirit of the ordinances shall be observed and substantial justice done. The zoning commission shall, after a public hearing, make a recommendation to the mayor and council concerning the land use variance application.
- B. The zoning commission shall not recommend that land use variances be granted:
 1. Unless the denial would constitute an unnecessary and unjust invasion of the right of property;
 2. Unless the grant relates to a condition or situation special and peculiar to the applicant;
 3. Unless the basis is something more than a mere financial loss to the owner;
 4. Unless the hardship was created by someone other than the owner;
 5. Unless the variance would be within the spirit, intent, purpose and general plan of this title;
 6. Unless the variance would not affect adversely or injure or result in injustice to others; and
 7. Ordinarily unless the applicant owned the property prior to the enactment of this title or amendment.
 - 8.

STAFF SUGGESTED CONDITIONS:

If the City Council recommends approval of the variance, the following conditions are suggested:

1. There shall be no other signs of this type allowed on the property.
2. Sign shall follow all other rules and regulations within the Sign Code

PROCEDURAL HISTORY:

- On July 3, 2019 John Farnes of Family Church met with the City Planner. He discussed the background of the sign upgrades to be made.
- On July 8, 2019 the variance application packet was received by the Planning Department.
- A public hearing for the variance request is scheduled to take place at the Laurel City-County Planning Board on September 5, 2019 at 10:00am.
- A public hearing for the variance request is scheduled to take place at the Laurel City Council Meeting on September 24, 2019.



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board
FROM: Nicholas Altonaga, Planning Director
RE: Variance – Steve Diefenderfer (Midway Rentals)
DATE: August 15, 2019

DESCRIPTION/LOCATION:

Steve Diefenderfer of Midway Rentals submitted a request for three variances to LMC Chapter 17.26 – Community Entryway Zoning District. The affected property is located on East Railroad St. at a currently unassigned address. The parcel is zoned Highway Commercial and is within the Community Entryway Zoning District. The Applicant is request variances to disregard the bufferyard requirement, sight-obscuring fence requirement, and building design standards.

STAFF FINDINGS:

Applicant Data:

Owner: Diefenderfer Family Trust
Legal Description: Entertainment Park Subd, S15, T02 S, R24 E, BLOCK 1, Lot 1A, Lot 1B AMD BLK 1 LT 1 (17)
Address : 1002 3rd Ave.
Parcel Size: 6.204 Acres
Existing Land Use: Field
Proposed Variance: Design standards and landscaping standards within the Community Entryway Zoning District.
Existing Zoning: Highway Commercial
Surrounding Land Uses:

North: Zoning:	Light Industrial	Land Use:	Residential
South: Zoning	Interstate Highway	Land Use:	Interstate Highway
East: Zoning	Light Industrial	Land Use:	Nana's Bloomers
West: Zoning:	Highway Commercial	Land Use:	Fiberglass Structures Inc.

1. The variance application packet is attached and contains application form, application cover sheet, detailed justification letter, fee receipt, map of site, building design plans, and public notice.
2. The application is requesting three variances to LMC 17.26 – Community Entryway Zoning District including:
 - a. 17.26.052 Development Standards Part B: Building Design Standards, and
 - b. 17.26.052 Development Standards Part C: Additional Provisions for Commercial Uses
 - c. 17.26.054 Landscaping Standards part B.1: Bufferyard Requirements.
3. LMC 17.26.052 Part B states:
 1. All buildings shall be completed on all sides with one of the following finishing material: brick, fluted block, colored textured block, glass, stucco, architectural concealed fastener metal panels, exterior insulation and finishing systems (i.e., Dryvit, etc.), stone or wood. Exposed seam metal buildings shall be prohibited unless covered with an acceptable finishing material.
 2. Roofs shall be finished with a material that is architecturally compatible in color and design with the construction of the building. Metal roofs, fascia, and mansards shall be limited to the following: standing seam, metal shakes or shingles and architectural metal treatments. All mechanical equipment placed on top of any roof shall be screened by a parapet or other similar architectural apparatus being at least the height of the mechanical equipment. Pitched roofs are encouraged whenever possible.
 3. Long, flat facades that front on the interstate highway, First Avenue North or First Avenue South having more than one hundred lineal feet are prohibited. Buildings over one hundred feet in length shall incorporate one of the following: recesses, off-sets, angular forms, landscaping features or other architectural features such as bell towers, clock towers, to provide a visually interesting shape. The break in the facade shall be minimum of eight feet in length. A single uninterrupted length of a facade shall not exceed one hundred lineal feet. It is encouraged that each offset area contains landscaping or other similar amenities which will complement the offset area.
4. LMC 17.26.052 Part C States:
 1. Storage of Merchandise. Any permitted storage of merchandise outside an approved building shall be within an area enclosed with a sight obscuring fence at least six feet in height that is architecturally compatible in color and design with the building. However, promotional displays, vehicle sales lots and plant materials may be displayed outside of an approved building or enclosed area so long as they are placed appurtenant to a building wherein the business displays the bulk of its goods for sale. In addition, retail nurseries shall be exempt from the enclosure of plant materials, and displayed merchandise shall not include any used equipment. Bufferyards or required landscaping shall not be used for the displaying of merchandise.
5. LMC 17.26.054 Part B States:
 - B. Landscaping.
 1. Bufferyard Requirements. All commercial/Industrial land uses are required to place a bufferyard (landscaping strip) adjacent to and along the length of I-90, First Avenue North, or First Avenue South on which the use fronts. Such landscaping buffer shall extend from the edge of the public right-of-way. Placement and landscaping design shall

be at the discretion of the developer, and the required trees and shrubs may be clustered to enhance the view of the property from the public right-of-way as long as such uses conform with Section 17.26.052(C) of this code. A local design professional or local nursery must be consulted for assistance with the development of the landscape design. The use of native, drought-tolerant plant material is strongly encouraged. Evergreen trees are encouraged for bufferyards, and canopy trees are encouraged for parking areas. The planting of trees should be done in such a manner as to provide maximum solar efficiency throughout the site.

a. The developer shall have the option of one of the following three bufferyards. Bufferyard depth is measured from the property line adjacent to the public right-of-way inward. Any buffer area which overlaps another buffer area shall be subtracted from the total to avoid double counting. The number of trees and shrubs required is per one hundred feet of frontage:

- (1) Twenty-five foot wide bufferyard: five Canopy or evergreen trees, ten Shrubs
- (2) Twenty foot wide bufferyard: ten Canopy or evergreen trees, fifteen Shrubs
- (3) Fifteen foot wide bufferyard: fifteen Canopy or evergreen trees, twenty Shrubs

b. The following criteria shall also apply to the bufferyards.

- i. The landscape strip may be contoured. Berming shall be one foot of rise to four feet of run with a minimum of three feet in height. Depressions shall be no lower than the existing grade of the site.
- ii. All landscaped areas shall contain ground cover such as sod, shrubs, flowerbeds, or organic materials. No more than ten percent of the landscaped area shall contain rock, bark chips, stepping stones, or similar material.
- iii. All landscaped areas shall be sub-irrigated, maintained, and kept free of weeds, debris, and litter. Failure to do so constitutes a zoning violation. Existing mature trees and shrubs should be preserved and will be credited toward landscaping requirements.
- iv. Depth of bufferyard shall depend on density of vegetation.
- v. All new utility lines shall be placed underground.
- vi. New tree plantings shall not be constructed so as to grow into existing overhead utility lines.

6. There currently exists a sanitary sewer utility line running along the southern boundary of the property which would present future maintenance issues and conflicts with established City of Laurel Public Works standards.
7. Similar businesses within the Community Entryway Zoning District do not conform to the rules. The applicant has stated that there are significant design and building costs and opportunity costs to future business operations if the Community Entryway Zoning District codes are fully enforced as compared to similar businesses that currently exist within the district.
8. The Boundaries of the proposed shop in the building does not follow the requirements of the 17.26.052 but the applicant states that the current design meets the intent and spirit of this title and does not adversely affect or injure or result in injustice to others.
9. 17.26.52.C.1 requires a sight obscuring fence for businesses storing merchandise outside of an approved building. The applicant states that the facility will utilize a secure 6'-8' chain link fence

topped with 1' of barbed wire to secure merchandise while simultaneously allowing highway traffic to view merchandise stored on site similar to other businesses within the district.

ZONING COMMISSION CONSIDERATIONS AND RECOMMENDATION:

The Zoning Commission shall review and make determinations on variances through Laurel Municipal Code (LMC) Chapter 17.60.020:

- A. It shall be the duty of the zoning commission to authorize, upon appeal in specific cases, such land use variances from the terms of the zoning ordinances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinances or regulations will result in unnecessary hardship, and so that the spirit of the ordinances shall be observed and substantial justice done. The zoning commission shall, after a public hearing, make a recommendation to the mayor and council concerning the land use variance application.
- B. The zoning commission shall not recommend that land use variances be granted:
 - 1. Unless the denial would constitute an unnecessary and unjust invasion of the right of property;
 - 2. Unless the grant relates to a condition or situation special and peculiar to the applicant;
 - 3. Unless the basis is something more than a mere financial loss to the owner;
 - 4. Unless the hardship was created by someone other than the owner;
 - 5. Unless the variance would be within the spirit, intent, purpose and general plan of this title;
 - 6. Unless the variance would not affect adversely or injure or result in injustice to others; and
 - 7. Ordinarily unless the applicant owned the property prior to the enactment of this title or amendment.

STAFF SUGGESTED CONDITIONS:

If the City Council recommends approval of the variance, the following conditions are suggested:

- 1. Ensure dust and gravel control measures are in place to keep road debris off of Public right of way.
- 2. Lot and landscaping must be kept free of weeds as per the City of Laurel Weed Management Plan.

PROCEDURAL HISTORY:

- On July 31, 2019 Steve Diefenderfer of Midway Rentals and Chuck Henrichs and Kevin Lundin of Eggart Engineering and Construction (EEC) met with the City Planner, Building Official and Public Works Director to discuss the situation, receive comment from city staff, and understand the process to apply for a variance.
- On August 1, 2019 the variance application packet was received by the Planning Department.
- A public hearing for the variance request is scheduled to take place at the Laurel City-County Planning Board on September 5, 2019 at 10:00am.
- A public hearing for the variance request is scheduled to take place at the Laurel City-Council Meeting on September 24, 2019.

Applicant	Project	Application Date	Start Date	Completion Date	Technical Assistance (\$4,000)	Facade (\$2,400)	Sign (\$3,000)	General Small Grant (\$5,000)	LURA Approved Amount	LURA Approval Date1	City Council Approval Date2	Eligibility Date	Total Disbursed Date	FY: 225,000.00 \$	19-20 Awarded Amount
aternal Order of Eagles	Rain gutter and insulation installation, lowering ceiling panels for energy efficiency, painting exterior with mural	4/24/2019	6/1/2019	9/1/2019	\$ -	\$ 1,275.00	\$ 900.00	\$ 4,957.00	\$ 7,132.00	5/50/2019	9/24/2019	9/23/2021			
terans of Foreign Wars (FW)	Construction and installation of sign on property to notify community of VFW Post in Laurel	4/24/2019	5/30/2019	6/30/2019	\$ -	\$ -	\$ 1,605.25		\$ 1,605.25	5/20/2019		12/30/1901			
ilstad Duplex	Demolition of blighted structure, design, construction, utility work, landscaping, sidewalk and curb improvements, and insulation installation.	4/5/2019	8/1/2017	5/30/2019	\$ 3,031.10	\$ 3,831.72		\$ -	\$ 6,862.82	5/20/2019	9/24/2019	9/23/2021			
ldsbey - Mel's Auto Clinic	Replace 3 layers of roof, replace deck and shingling due to roof leakage. Will make attached residence liveable	5/22/2019	5/1/2019	5/30/2019	\$ -	\$ -	\$ -	\$ 5,000.00	\$ 5,000.00	6/17/2019	9/24/2019	9/23/2021			
ld Trust	Canopy/awning and facade updates and installation of more efficient fixtures and lighting in apartments and commercial space	7/16/2019	8/1/2019	12/30/2019	\$ -	\$ 7,500.00	\$ -	\$ 3,016.00	\$ 10,516.00	8/19/2019	9/24/2019	9/23/2021			