

MINUTES OF THE CITY COUNCIL OF LAUREL

March 12, 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 6:28 p.m. on March 12, 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:

Britney Harakal, Administrative Assistant
Kelly Strecker, Clerk/Treasurer
Kurt Markegard, Planning Director

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 February 27, 2024, as presented, 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.

CORRESPONDENCE:

- Police Monthly Report – February 2024
- Fire Monthly Report – January 2024
- Laurel Emergency Medical Services Monthly Report – January 2024

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None.

PUBLIC HEARING:

- Schedule of Fees and Charges

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

Kurt Markegard, Planning Director, stated there was a slight change to the Ambulance fees listed in the Schedule of Fees.

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.

- MoCones

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

Kurt Markegard, Planning Director, read the attached staff report and added it to the record.

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.

Matt Torix, Laurel Public School Superintendent, stated that when he heard that MoCones did not have a location for this season, the school district offered to use the unused property located north of the house as you enter the high school parking lot. This is at no cost to the School District.

Mayor Waggoner asked if there were any proponents.

Dale Henman, owner of MoCones, introduced himself to the Council. He is paying to have electricity to his building. He has arranged for two porta-potties to be on site. They will be cleaned three times a week. There should be no smell. He has spoken with one of the neighbors and made arrangements for water usage. He will be as courteous of a neighbor as possible. He offered to cover the cost of the advertising for tonight's public hearing so there is no cost to the City.

Mayor Waggoner asked 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.

- HB 355

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

Kelly Strecker, Clerk/Treasurer, briefly reviewed the projects identified for this grant program; see attached.

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.

- Budget Amendment

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

Kelly Strecker, Clerk/Treasurer, briefly introduced 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 March 8, 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 3/3/2024 totaling \$249,900.05.**
- **Closed Executive Session Minutes of February 20, 2024.**
- **Council Workshop Minutes of March 5, 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. 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.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS:

- Budget/Finance Committee Minutes of February 27, 2024.
- Laurel Urban Renewal Agency Minutes of February 26, 2024.
- Laurel Urban Renewal Agency Minutes of March 4, 2024.
- Revised Emergency Services Committee Minutes of January 22, 2024.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Resolution No. R24-14: A Resolution Of The City Council To Adopt An Official Schedule Of Fees And Charges For The City Of Laurel And Repealing All Previous Resolutions That Set Fees Or Charges That Conflict With The Schedule Attached Hereto Upon Its Effective Date.**

Motion by Council Member Mize to approve Resolution No. R24-14, 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. R24-15: A Resolution Of The City Council Affirming And Approving Previous Resolution No. R24-12 And Approving Amendments To Appropriations And Revenues For The City Of Laurel's Fiscal Year 2023-2024 Budget.**

Motion by Council Member Mackay to approve Resolution No. R24-15, 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 Public Works Committee's next meeting is Monday at 6:00 p.m. in the Council Chambers.

MAYOR UPDATES:

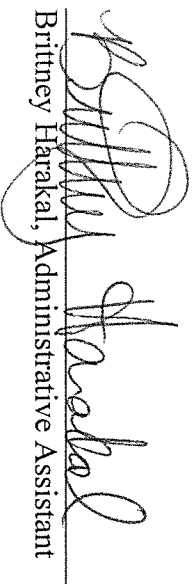
Tomorrow, all property owners who receive water services will receive a letter. The City is tasked with identifying all lead and copper service lines within the City. There is a link to the survey on the City's website. The City will need to respond to DEQ by October 16, 2024.

UNSCHEDULED MATTERS: None.

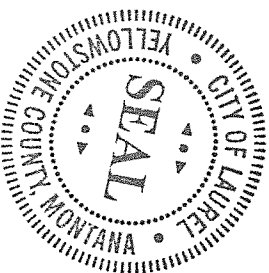
ADJOURNMENT:

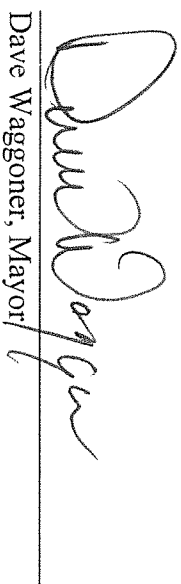
Motion by Council Member Wheeler to adjourn the Council meeting, seconded by Council Member Wilke. There was no public comment or Council discussion. A vote was taken on the motion. All eight Council Members present voted aye. Motion carried 8-0.

There being no further business to come before the Council at this time, the meeting was adjourned at 7:00 p.m.


Britney Harakal, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 26th day of March 2024.




Dave Waggoner, Mayor

Attest:


Kelly Streckler, Clerk/Treasurer

pm

RESOLUTION CALLING FOR THE SCHOOL TO ALLOW A PLACE FOR MO'S CONES

Whereas, the Laurel School Board is aware that Del Henman, owner of Mo's Cones, has been displaced from his approved zoned location for the remodel of the Town Pump Store; and

Whereas, the Laurel School Board would like to allow Del Henman a location to operate his business "Mo's Cones" on the school's property located at 203 East 8th Street as identified in exhibit "A"; and

Whereas, the Laurel School Board hereby gives notice to the City of Laurel as per by MCA 76-2-402, titled Local Zoning Regulations- application to agencies, of its intent to use public land contrary to local zoning regulations; and

Whereas, the Laurel School Board hereby affirms of its intent to allow Del Heman owner of "Mo's Cones" to operate his business on school property for a period of February 1, 2024 – May 31, 2025, and

Whereas, the Laurel School Board shall give notice to the City of Laurel on February 13, 2024, of its approval to allow Del Henman to operate his business contrary to local zoning regulations; and

Whereas, adoption of this school board resolution shall serve as notice to the City of Laurel to set a public hearing within 30 days of February 13, 2024; and

Whereas, the school board shall require a (representative) of the Laurel School District to attend the City of Laurel public hearing as required in MCA 76-2-402.

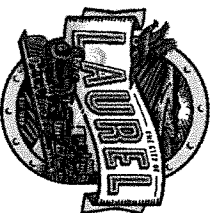
BRIHANI HUNTER
Printed Name of Board Chair

[Signature]
Signature of Board Chair

Sulie Sony
Printed Name of Clerk

[Signature]
Signature of Clerk

Dated this day February 12, 2024.



LAUREL CITY-COUNTY PLANNING DEPARTMENT
STAFF REPORT

TO: Laurel City Council
FROM: Kurt Markegard Planning Director
RE: Laurel School Board's decision to let MoCones operate on public lands
DATE: March 16, 2024

INTRODUCTION:

Del Henman investigated operating his ice cream business on school property. Mr. Henman was advised to inform the Laurel School District that they needed to inform the City of their intentions to use public lands contrary to City of Laurel's zoning regulations as allowed per MCA 76-2-402. The Planning Director requested a review of state law with the City Attorney and the conclusion was made that the Laurel School District can use their land for this purpose if the City Council holds a Public Hearing, and the School District sends a representative to the hearing.

City Council is given no authority in state law to approve or deny the Laurel School District intentions to use public land contrary to local zoning regulations.

FINDINGS OF FACT:

The Laurel City Council is given no authority in state law to approve or deny the Laurel School District intentions to use public land contrary to local zoning regulations.

Montana Code Annotated 2023
TITLE 76. LAND RESOURCES AND USE
CHAPTER 2. PLANNING AND ZONING
Part 4. Application to Governmental Agencies Group and Foster Homes

Local Zoning Regulations -- Application To Agencies

76-2-402. Local zoning regulations -- application to agencies. (1) Whenever an agency proposes to use public land contrary to local zoning regulations, a public hearing must be held and the agency shall attend the public hearing.

(2) The local governing body shall hold a hearing within 30 days of the date the agency gives notice to the local governing body of its intent to develop land contrary to local zoning regulations.

History: En. Sec. 2, Ch. 397, L. 1981; amd. Sec. 1, Ch. 362, L. 2021.

Exhibit "A" Location for MoCones



NOTICE OF PUBLIC HEARING

WHEREAS, the State of Montana passed House Bill 355. The City of Laurel has identified the following projects:

1. Sewer Line Replacement (5th St. to 7th St.)
2. W. 12th Street Overlay Project
3. Finish Brick on back side of City Hall
4. Replace Electrical Pannels in Clerk's Office and Judge's Office
5. New Large Window in Council Chambers
6. Replace Air Conditioner on West Half of City Hall
7. Library Soffit/Fascia Replacement
8. Pavement Maintenance per Pacer Study

The public is encouraged to comment on the proposal for the use of funds for water system infrastructure needs or other uses allowed under House Bill 355 infrastructure program. Funding priority is given to projects that maintain or repair publicly-owned drinking water systems, publicly-owned wastewater treatment systems, and municipal fire suppression systems that are independent of a water system.

OFFICIAL NOTICE IS HEREBY GIVEN that the Laurel City Council will hold a public hearing on March 12, 2024, at 6:30 p.m. in the Council Chambers at City Hall. The Clerk/Treasurer will receive protests or objections, if any, in writing or in person before the Council meeting up to and including the City Council meeting of March 12, 2024.

Kelly Streecker, Clerk/Treasurer

Publish: *Outlook* – 3.1.2024; 3.8.2024