

**MINUTES
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, SEPTEMBER 05, 2023**

A regular Council Workshop was held in Council Chambers and called to order by Mayor Dave Waggoner at 6:30 p.m. on September 5, 2023.

COUNCIL MEMBERS PRESENT:

<input checked="" type="checkbox"/> Emelie Eaton	<input checked="" type="checkbox"/> Heidi Sparks
<input checked="" type="checkbox"/> Michelle Mize	<input checked="" type="checkbox"/> Richard Herr
<input checked="" type="checkbox"/> Casey Wheeler	<input checked="" type="checkbox"/> Irv Wilke
<input checked="" type="checkbox"/> Richard Klose	<input checked="" type="checkbox"/> Jodi Mackay

OTHERS PRESENT:

Michele Braukmann, Civil City Attorney
Kelly Strecker, Clerk/Treasurer
Stan Langve, Police Chief
Brittney Harakal, Administrative Assistant
Kurt Markegard, Planning Director
Sheri Phillips, Court Clerk
Jill Folts, Court Clerk

Public Input:

There were none.

General Items

1. Laurel Skate Park Presentation

Misty Evans, 906 1st Avenue, and Amanda Wilson, 1026 6th Avenue, briefly presented Council with their idea for a skate park within Laurel.

The skate park would not just be big bowls but rather a plaza with seating areas to allow kids of all ages to participate. They have met with the Park Board, but that was a few years ago, and there are many new faces. They aim to raise \$500k and donate the park back to the City. They would like to have the skate park located at Thomson Park. They are asking for the City's support and approval of the location.

It was questioned if they are a 501 3c. They clarified that they are doing the fundraising through the Laurel Community Foundation.

The Park Board Chair requested that they give their presentation to the Park Board this Thursday.

It was questioned how much space they would need to complete this project. It was clarified that they are requesting approximately 10,000 sqft of space.

They have contacted the Tony Hawk Foundation and can apply for a grant of up to \$15k. They believe they may have approximately \$100k in donations once a location has been established. Many large donors did not want to commit if a location had not been identified fully.

Council noted that the proposed skate park location would be near the slash park, which is geared toward small children. Do teens and little kids mix well? It was clarified that skaters are good kids and will often show younger kids how to skate. They would also like a handicap-accessible portion of the proposed skate park. They do plan to host competitions once the park is completed.

It was questioned if there were any liability concerns. It was clarified that MMIA has had no issues with skate parks.

Executive Review

2. Resolution - A Resolution Of The City Council Declaring Certain City Of Laurel Property (Firearms And Related Equipment) As "Surplus" Available For Sale Or Trade To The Public Or Other Governmental Entities Or Vendors.

This auction will be for court-ordered disposition of evidence. Right now, they anticipate approximately 200 lots. There will be some City property included in the sale.

3. Resolution - A Resolution Of The City Council Approving Rutt Variance Request LZV-23-01.

The Planning Director briefly reviewed the attached report.

Council noted that there was outdoor storage in the area. It was questioned whether this was the same location. It was clarified that it was the same location.

It was questioned whether this building would meet the design requirements. It was clarified that the property is located within the Central Business District and is meant to be commercial. Once the variance is approved, the architectural designs will be reviewed during the building permit process.

4. Resolution - A Resolution Of The City Council Authorizing The Additional Extension Of Approval Of Application For Special Review For J. Johnson Properties Pursuant To Resolution Nos. R22-07 And R23-05.

This resolution is an extension for Luckie Louis. There was a special review for alcohol sales. They anticipate construction to be done in October. There was a delay regarding the approval of the outdoor space.

It was questioned if they planned on extending their building. It was clarified that the footprint of the building will not change.

The patio is allowed in LMC; however, to create a structure over the patio is not allowed within 20 feet of the right of way.

5. Resolution - A Resolution Of The City Council Authorizing The Placement Of A Stop Sign On The Corner Of Cedar Avenue And S. 4th Street.

At last month's Public Works Committee, the public raised their concerns regarding the speeding on S. 4th Street. There was a recommendation to install a stop sign at Cedar Avenue.

It was questioned if the City is still looking at installing speed bumps. It was clarified that they did meet with the contractor and determined that the plastic kind that anchors into the asphalt would be the most cost-effective method. Those will be installed upon the completion of the road.

6. Resolution - A Resolution Of The City Council Authorizing The Placement Of A Stop Sign On The Corner Of Idaho Avenue And E. 6th Street.

A Council Member noted that the stop sign at the corner of E. 6th Street and Idaho Avenue had been installed last week.

Mayor Waggoner stated he would get clarification from the Public Works Director.

7. Resolution - A Resolution Of The City Council Authorizing The Mayor To Approve An Independent Contractor Service Contract With Randall Contracting.

Court Clerks Phillips and Folts spoke regarding their safety concerns with their present space; see attached handout. The Court was moved out to its current location in 2004. At the time, it was meant to be a temporary move.

It was questioned where this project was budgeted. It was clarified that this project is budgeted for under City Hall maintenance.

Council noted that currently, there are over \$400k in uncollected fines. This is unacceptable.

It was clarified that those are fines in collections with the State of Montana. If a person with fines leaves the State of Montana, they are uncollectable. The State does collect from tax returns. The recent tax rebate brought in a large sum.

Council noted that one of the issues was the door swinging in the wrong direction. It was questioned if the door could be reversed to open in the opposite direction. It was clarified that they had attempted to change the door direction but had not successfully changed that.

It was questioned if the V-shaped wall would be removed. It was clarified that the French doors will be removed, and their window will be placed in the opening. The back room will become an archive room. The Mayor's Office will become the Judge's Office. The current Courtroom will become the Conference Room.

It was questioned where meetings like the Public Works Committee or Budget/Finance Committee will meet. It was clarified that if a meeting is after regular working hours, they can meet in Council Chambers; if it is during the day, they can meet in the new conference room space.

It was questioned what will happen when the auditors are here. It was clarified that the auditors will be in the new conference room space.

A Council Member noted that the Court was located here before 2004, and they could make it work with the Council's needs. These are safety-type issues that need to be addressed.

It was questioned if the mold had been taken care of. It was clarified that there was remediation in 2004. It was further questioned if the new leak had also caused a mold risk. It was clarified that the leak had not been found yet, as it happens when the roof ices up in the winter.

The Court Clerks invited the Council to tour their area this week.

Civil Attorney Braukmann stated that this is an important issue to address, and she recommends the changes that need to occur. The Court Clerks have discussions with defendants and attorneys that the judge should not be privy to.

Council noted that looking into a panic alarm would be good as well. It was clarified that there had been discussions about installing a panic alarm for all of City Hall.

It was questioned if the roof repair is included in this proposal. It was clarified that the roof repair is not included in this proposal.

It was questioned if reducing the amount of reserves allowed the funds to be used for this project. It was clarified that this was correct. Last year, we kept a 50% reserve; this year, we are at a 39% reserve. Most cities run between 27% and 39% for their reserves. The Clerk/Treasurer also moved money around to increase the interest we receive.

It was questioned if reserves are accessible to the City. It was clarified that reserves are available for emergencies. To do a project like this, there needs to be budget authority. It will be paid for out of the Court budget if anything additional is needed.

It was questioned if the Court meets five days a week. It was clarified that they hold Court throughout the week except on Fridays.

8. Resolution - A Resolution Of The City Council Authorizing The Mayor To Approve An Independent Contractor Service Contract With Tel Net Systems, Inc.

This item was discussed with the previous item. The Court is on the State network.

9. Ordinance - An Ordinance Amending Sections 13.01.010 (Adoption) And 13.01.020 (Updated References) Of The Laurel Municipal Code Related To The Adoption Of The International Fire Code.

The State recently adopted the 2021 International Fire Code. The City has six months to follow suit. The City is working on getting people trained to do inspections throughout the City.

The State takes a few years to adopt the new codes. The last one adopted by the State was in 2012.

Council Issues

Council asked for an update on the lease for the Lions. It would clarified that it will be brought back to a Workshop.

Other Items

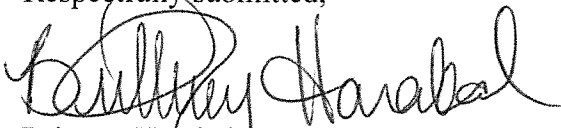
The City received word after the 5:00 p.m. deadline for write-in candidates that it may cancel two ward elections. Wards 3 and 4 are running unopposed and can be canceled now. This resolution will be on next week's City Council agenda.

Attendance at Upcoming Council Meeting

Announcements

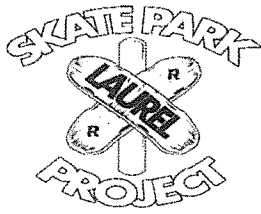
The council workshop adjourned at 7:55 p.m.

Respectfully submitted,



Brittney Harakal
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.



Dear business director,

Thank you for taking the time to read what is in store for the Laurel community in the near future. We are very excited to have you and your team be a part of this adventure. The word is on the street and running through the community like wildfire. As many of you have already heard we are in the infancy stages of fund raising for the new, family orientated, skate park and pump track. We sincerely hope this letter answers any of the questions that you have been kicking around and wanting to ask.

We are an organization that is working towards the new public skate park and pump track in Laurel. There are many young adults and parents in our town along with the surrounding communities that are passionate about skateboarding and bicycling but have nowhere to do it safely. We feel that these athletic drives should be supported by a safe and visible place. This will be an area where they can exercise, socialize, and develop skills that will be useful throughout their lives. Our organization is dedicated to the process of making this happen!

We are working through the Laurel Montana Community Foundation, P.O. Box 1138 Laurel, MT 59044. They are a 501c4 nonprofit. Businesses and community leaders are excited as well as hundreds of individuals. Our community is clearly eager to see this project succeed. You will be part of that excitement by supporting our community with a donation. Please go to our website to see what is happening! www.laurelcommunity.org/laurel-skate-park/

We would like to thank you for partnering with your community. It will not be possible without your generous donations. If you have any questions regarding our organization, fund management policy, and or the project itself, please feel free to contact Amanda Wilson at 406-694-2544 | Dnawilson08@gmail.com

OBJECTIVES:

- Be transparent
- Raise \$500,000.00 dollars
- Retain community involvement
- Continue working with the Laurel city management for a dedicated park space
- Be resolute to have completion of park by 2025

MISSION STATEMENT:

Laurel Skate Park Project's mission is to build a visible place to spend time with family and friends and allow opportunity for youth to advance to their potential while building a healthy, more active community.

CITY HALL
115 W. 1ST ST.
PUB. WORKS: 628-4796
WATER OFC.: 628-7431
COURT: 628-1964
FAX 628-2241

City Of Laurel

P.O. Box 10
Laurel, Montana 59044



Planning Board and Zoning
Commission

ZONING COMMISSION REPORT LZV-23-01
Rutt Variance Request
August 24, 2023

Background:

On July 30, 2023, Jon Rutt submitted a variance request on behalf of his business (Culligan) to expand the storage/warehousing component of the business to vacant property located at 614 West First Street. Historically, the Laurel Central Business District (CBD) allowed for storage/warehousing, but the Code was modified, and storage was removed as a conforming use in the District. The property was acquired on October 30, 2015.

Legal Description:

YOUNGS SECOND SUBDIVISION, S09, T02 S, R24 E, BLOCK 6, EAST 90 FT LTS 11-15 (17).

Applicable Sections Laurel Zoning Regulations, Title 17 LMC.

17.04.030 - Scope.

- A. This title applies to all lands in the incorporated limits of the city; and any additional territory authorized by either state statutes or the county commissioners.
- B. In their interpretation and application, the provisions of this title may be regarded as the minimum requirements for the protection of the public health, safety, comfort, prosperity and welfare;
- C. This title is not intended to abrogate or annul any building permit, certificate of occupancy, variance or other lawful permit issued prior to the effective date of the ordinances codified in this title.

17.08.720 - Lot, record.

"Record lot" means land designated as a separate and distinct parcel on a legally recorded subdivision plat or in a legally recorded deed filed in the records of Yellowstone County, Montana.

17.08.740 - Lot, zoning.

"Zoning lot" means a tract of land occupied or to be occupied by a principal building and its accessory buildings, together with such open spaces and yards as are required under the provisions of this title, having not less than the minimum area required by this title for a zoning lot in the district in which such land is situated and having its principal frontage on a street or a permanent, exclusive, nonobstructed easement of access or right-of-way to a street, not less than twenty feet wide. A "zoning lot" need not necessarily coincide with a "record lot" as herein defined.

17.08.790 - Nonconforming use.

The use of a building or other structure or of a tract of land which does not conform to the use or regulations of this title for the district in which it is located, either at the effective date of the ordinance codified in this title, or as a result of subsequent amendments which may be incorporated into this title.

17.08.880 - Principal use.

"Principal use" means the primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

17.08.1200 - Variance.

"Variance" means an adjustment in the application of the specific regulations of this title to a particular piece of property which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity or zone.

17.20.020 - Zoning classified in districts.

Zoning for commercial — industrial use is classified in and subject to the requirements of Table 17.20.020.

Table 17.20.010

	AG	RP	NC	CBD	CC	HC	LI	HI	P
Accessory buildings or uses incidental and customary to a permitted residential use and located on the same parcel as the permitted residential use	A	A	A	A	A	A	A	A	A
Airports	A								A
Alcoholic beverages manufacturing and bottling (except below):							A	A	
1,500 to 5,000 31-gallon barrels per year				SR	SR	SR	A	A	
Less than 1,500 gallon barrels per year				A	A	A	A	A	
Ambulance service			A	A	A	A	A	A	
Antique store				A	A	A	A		
Appliance - (household) sales and service			A	A	A	A	A		

Table 17.20.010

	AG	RP	NC	CBD	CC	HC	LI	HI	P
Assembly halls and stadium					SR	SR	SR		SR
Assembly of machines and appliances from previously prepared parts					SR	SR	SR		SR
Auction house, excluding livestock				SR	SR	A	A	A	
Auction, livestock	SR								
Automobile sales (new and used)				A	A	A	A		
Automobile - commercial parking enterprise				A	A	A	A	A	
Automobile and truck repair garage				A	A	A	A	A	
Automobile service station			A	A	A	A	A	A	
Automobile wrecking yard								SR	
Bakery products manufacturing					SR	A	A	A	
Bakery shops and confectioneries			A	A	A	A	A		
Banks, savings and loan, commercial credit unions			A	A	A	A	A		
Barber and beauty shops			A	A	A	A	A		
Bed and breakfast inns	A		A		A	A			
Bicycle sales and repair			A	A	A	A	A		
Blueprinting and photostating			A	A	A	A	A		
Boarding and lodging houses	A		A		A	A			
Boat building and repair						A	A	A	
Boat sales new and used					A	A	A	A	

Table 17.20.010

	AG	RP	NC	CBD	CC	HC	LI	HI	P
Boiler works (manufacturing servicing)								A	
Boiler works (repair and servicing)							A	A	
Book and stationery store			A	A	A	A	A		
Bottling works							A	A	
Bowling alleys				A	A	A	A		
Brick, tile or terra cotta manufacture								A	
Bus passenger terminal buildings local and cross country				A	A	A	A		
Bus repair and storage terminals						A	A	A	
Camera supply stores			A	A	A	A	A		
Camps, public					SR	A			A
Car washing and waxing					A	A	A		
Car wash - coin operated			A	A	A	A	A		
Cement, lime and plastic manufacture								A	
Ceramics shop		SR	A	A	A	A	A		
Chemical and allied products manufacture								A	
Child care facilities	A		A		A	A			
Churches and other places of worship including parish houses and Sunday school building	A	SR	A	A	A	A	A	A	
Clinic, animal	A		A	A	A	A	A		
Clinics, medical and dental		SR	A	A	A	A	A		

Table 17.20.010

	AG	RP	NC	CBD	CC	HC	LI	HI	P
Clothing and apparel stores			A	A	A	A	A		
Coal or coke yard								A	
Cold storage					A	A	A		
Colleges or universities			A	A	A	A			A
Commercial recreation areas			SR	A	A				A
Commercial food products, storage and packaging						SR	A	A	
Communication towers (commercial)	A	A	A	A	A	A	A	A	SR
Concrete mixing plants and manufacturing of concrete products							A	A	
Construction contractors:									
Office			A	A	A	A	A	A	
Open storage of construction materials or equipment						SR	A	A	
Community residential facilities:									
Adult foster family care home	A		A		A	A			
Community group home	A		A		A	A			
Halfway house	A		A		A	A			
Youth foster home	A		A		A	A			
Youth group home	A		A		A	A			
Nursing, homes, convalescent homes, orphanages, and charitable institutions	A		A		A	A			
Crematorium						SR	A	A	SR

Table 17.20.010

	AG	RP	NC	CBD	CC	HC	LI	HI	P
Creameries, dairy products manufacturing							A	A	
Creosote manufacturing or treatment plants								A	
Department stores				A	A	A	A		
Drug stores			A	A	A	A	A		
Dry kiln								A	
Dwellings: single-family Manufactured home	A	A	A	A	A				
Class A, Class B, Class C									
two family			A	A	A				
multiple family			A	A	A				
row housing			SR	SR	SR				
Eating and drinking establishments:									
Cocktail lounge, restaurants, bars and taverns				SR	SR	SR	SR		
Restaurants (without the sale of alcoholic beverages)				A	A	A	AA		
Drive-in restaurants					SR	SR	SR		
Extractive industries - excavations of sand and gravel		SR					SR		
Farm implements, sales and service						A	A	A	
Fat rendering or production of fats and oils								SR	
Feedlots - livestock	A							SR	
Feed and seed processing and cleaning for retail purposes									
Feed and seed - farm and garden retail sales					A	A	A		

Table 17.20.010

[illegible]

Table 17.20.010

[illegible]

Table 17.20.010

	AG	RP	NC	CBD	CC	HC	LI	HI	P
Laundries, steam pressing, drycleaning and dyeing establishments in conjunction with a retail service counter under 2500 sq. ft. in size			A	A	A	A	A		
Laundries, pick up stations			A	A	A	A	A		
Laundries, self-service coin operated			A	A	A	A	A		
Libraries, museums, and art galleries			A	A	A	A	A		A
Lock and gunsmiths			A	A	A	A	A		
Lodges, clubs, fraternal and social organizations provided that any such club establishment shall not be conducted primarily for gain				A	A	A			
Lumber yards, building materials, storage and sales						A	A	A	
Machine shops						SR	A	A	
Manufacturing - light manufacturing not otherwise mentioned in which no excessive fumes, odors, smoke, noise or dust is created						SR	A	A	
Heavy manufacturing not otherwise mentioned or blending or mixing plants						SR	SR		
Meat processing - excluding slaughter plants						SR	A		
Meat processing, packing and slaughter								SR	
Medical marijuana cultivation facility or cultivation facility							A	A	
Medical marijuana dispensary or dispensary							A		
Metal fabrication						SR	SR	A	
Motorcycle sales and repair				A	A	A	A		

Table 17.20.010

	AG	RP	NC	CBD	CC	HC	LI	HI	P
Mortuary			A	A	A	A	A		
Motels and motor courts				A	A	A			
Music stores			A	A	A	A	A		
Office building, professional government and private office buildings in which no activity is carried on catering to retail trade and no stock of goods is maintained for sale	SR	SR	A	A	A	A	A	A	SR
Office equipment, supplies and service			A	A	A	A	A		
Optician and optical supplies and sales			A	A	A	A	A		
Oxygen manufacturing and/or storage								A	
Paint and body shops				A	A	A	A	A	
Paint and retail sales			A	A	A	A	A		
Parking, public		SR	A	A	A	A	A	A	A
Parks, playgrounds, playfields and golf courses, community center buildings - operated by public agency, neighborhood or homeowner's association	A	SR							A
Pawn shops				A	A	A	A		
Pet shops			A	A	A	A	A		
Photographic studios		SR	A	A	A	A	A		
Planing or saw mills								A	
Post-secondary school	A	A	A	A	A	A			A
Prefabricated building materials assembly and manufactures						SR	A	A	
Preschool	A	SR	SR	SR					

Table 17.20.010

	AG	RP	NC	CBD	CC	HC	LI	HI	P
Printing, publishing, reproduction and lithography				A	A	A	A	A	
Processing of previously slaughtered meats, including cutting, wrapping, and freezing by freezer and locker provisioners					A	A	A	A	
Public utilities service installations	SR	SR	SR	A	A	A	A	A	SR
Public utilities storage yard						A	A	A	SR
Radio and TV broadcasting stations				A	A	A	A	A	
Radio and TV tower						A	A	A	SR
Railroad yard							A	A	
Real estate office			A	A	A	A	A		
Rental service store and yard					A	A	A		
Repair and servicing of industrial equipment and machinery						A	A	A	
School, commercial			A	A	A	A			A
Scrap yards - storage and processing								A	
Secondhand stores and/or antique store				A	A	A	A		
Sheet metal shops and processing							A	A	
Shoe repair				A	A	A	A	A	
Sign manufacturing, painting and maintenance						A	A	A	
Sign									
Billboards	SR					SR	SR	SR	
On premises	A	SR	A	A	A	A	A	A	

Table 17.20.010

	AG	RP	NC	CBD	CC	HC	LI	HI	P
Off premises	SR			SR	SR	SR	SR	SR	
Slaughterhouse	SR							SR	
Sporting goods sales				A	A	A	A		
Storage, compartmentalized storage for commercial rent							SR	SR	
Storage and warehouse and yards							SR	A	
Stone cutting, monuments manufacturing and sales							SR	A	
Sugar and sugar beet refining								SR	
Swimming pools or beaches, public									A
Taxi stands				A	A	A	A		
Theaters, cinema, opera houses				A	A	A			
Drive-in theaters						SR			
Tire recapping and retreading						A	A	A	
Trailer and recreational vehicle sales area					A	A	A		
Travel trailer park (transient)						SR			
Truck terminals, repair shops, hauling and storage yards						A	A	A	
Water and sewage treatment plant	A								A
Wholesale and jobbing establishments						SR	A	A	
Woodworking shops, millwork						SR	A	A	
Zoo, arboretum	SR								A

"Variance" means an adjustment in the application of the specific regulations of this title to a particular piece of property which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity or zone.

17.60.020 - Land use variances issuance and denial—Determination procedure.

- 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.

17.76.030 - Planning director—Powers and duties.

- A. The planning director shall supervise and facilitate the processing of applications for amendments to the official zoning map, special review applications, and requests for variances. Further, it shall be his responsibility to present any applications or requests to the appropriate board or commission.
- B. It shall further be the responsibility of the planning director to aid the various boards, commissions and departments in transmitting recommendations, records and reports to the city council and to otherwise promote procedural regularity in the administration of this title.
- C. The planning director shall not have authority to act in any final reviewing capacity and any question as to interpretation or enforcement shall be determined by the appropriate board, commission or department.

Process:

- The Application and supporting Information was submitted on July 30, 2023
- The application was heard by the Planning Board and Zoning Commission on August 16, 2023.

- The Application is forwarded to the City Council with a “DO APPROVE” recommendation based on the following findings and conclusions:

Standard of Review:

- The Zoning Commission Finds that the application and supporting documentation are sufficient for review;
- The Zoning Commission Finds that the history of the ownership, expansion of the business, and the Laurel Municipal Code as amended are relevant to this situation;
- The Zoning Commission Finds that the denial of the variance request would constitute an unnecessary and unjust invasion of the right of property. This is based on the fact that there are a number of other businesses in the CBD that have a warehousing/storage component that cross lot boundaries;
- The Zoning Commission Finds that the grant relates to a condition or situation special and peculiar to the applicant. This is based on the history of the growth and expansion of the business at the location and crossing lot and public right-of-way boundaries;
- The Zoning Commission Finds that the basis is something more than a mere financial loss to the owner as the standard if applied to all similar properties in the CBD it would have devastating impacts on all of the owners in CBD – The regulations should be amended to correct this injustice;
- The Zoning Commission Finds that the hardship was created by someone other than the owner. In fact, the change to the LMC was initially intended to prohibit mini storage warehousing not storage associated with a conforming business in the CBD. Unfortunately, the text of the regulations does not support the stated intent of the amendment.
- The Zoning Commission Finds that the variance is within the spirit, intent, purpose and general plan of this title. The intent of the LMC is to ensure compatible land uses that are mutually beneficial. The Zoning Change that prohibiting storage/warehousing in the CBD associated with a conforming business was an UNINTENDED consequence.
- The Zoning Commission Finds that the variance would not affect adversely or injure or result in injustice to others. In fact, approval of the variance restores rights enjoyed by others in the CBD that are would be denied this owner;
- The Zoning Commission Finds that the property owner DID NOT own the property prior to the amendment of the Regulations prohibiting warehousing/storage. The Zoning was changed in 2015 and the property was acquired in 2016. It was noted that the property has been used as accessory to the conforming business for several years and the issue only identified when a new structure was proposed to house the ongoing use of the property for storage.

- Conclusions:

- The Laurel Planning Staff and/or Contracted Staff have complied with their duties and authorities under the LMC.
- The Zoning Commission has conducted a Public Hearing on the Application, weighed the evidence, prepared Findings and Conclusions as required by the LMC.
- The Zoning Commission concludes that the **Preponderance of Evidence** associated with the Rutt Variance Request LZV-23-01 rises to the level of the DO APPROVE recommendation and forwards same to the Laurel City Council for FINAL DECISION.

Respectfully submitted,

Judy Goldsby, President
Laurel – Yellowstone Planning Board and Zoning Commission

April 24, 2023

Court Clerk Courtroom/Office Concerns

Courtroom:

Judge and Clerks sit very close to each other, unable to get out safely. (steps).

Door into archive room opens the wrong way. Have to pull instead of push.

Defendant is right on top of us.

No where to run, no where to hide. Courtroom is so small that there would be no time to react if someone started to get out of control. We have had a defendant with a gun, and deal with violent offenders on a regular basis. Threats have been made to both the Judge and staff. We have asked for Officer presence but if they are unavailable.....

No panic buttons

Setting up and taking down tables and chairs. Unable to even put tables up at some of the hearings due amount of defendants/cases. This makes it difficult for attorneys to have someplace to put their case files.

Seating is close to bench, Clerks have no clear path to get to the office.

Unable to seat everyone at some sessions. We have had to make people leave the room and wait in the hall due to this. What is capacity?

If defendants bring service animals or are handicapped, we have to seat less people.

~~We understand that we will have to be holding jury trials here, we need some guidance as to how to set up a jury trial safely in this room.~~ N/A

Noise from DMV clients in main City Hall lobby and staff traffic.

Office:

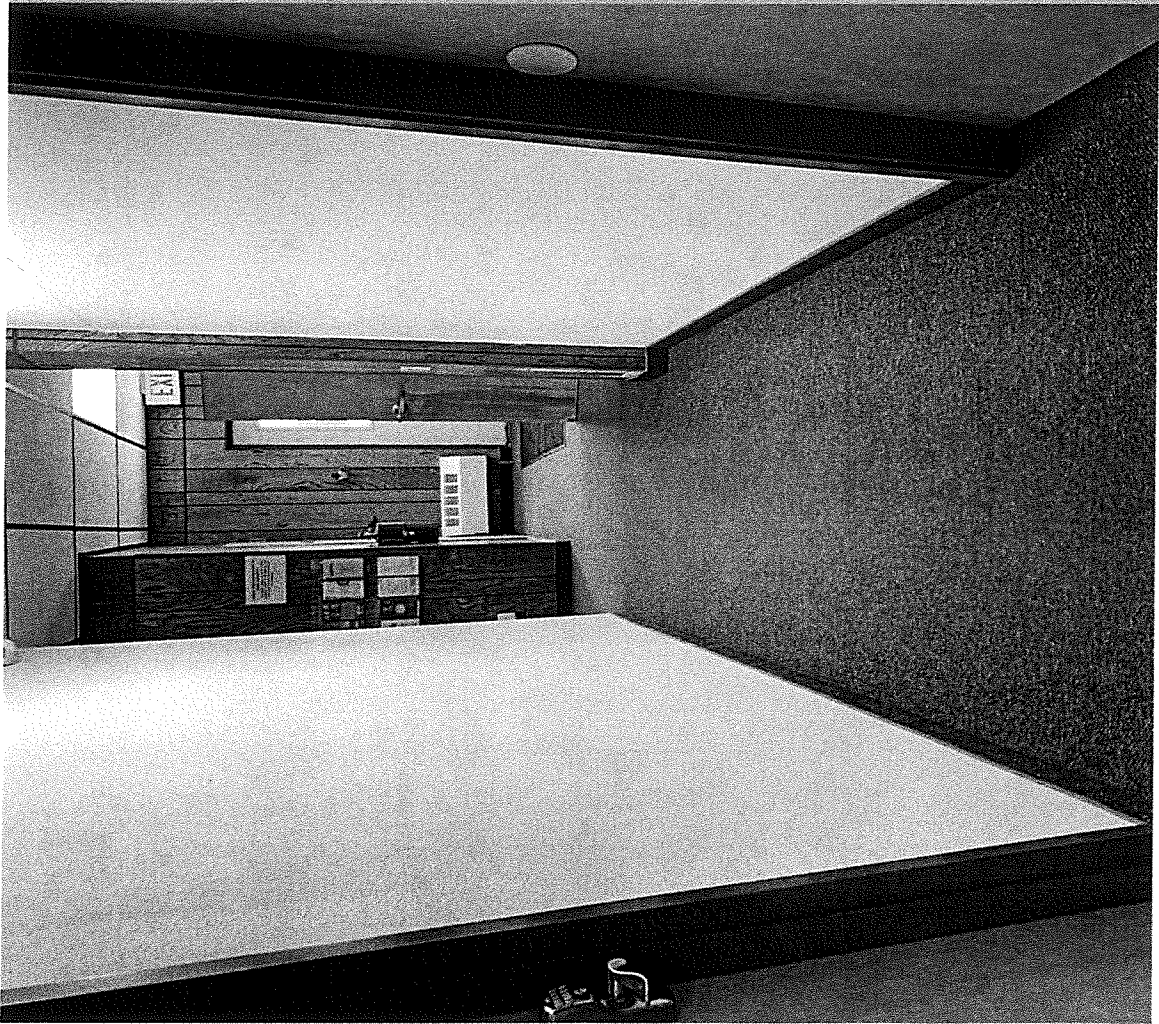
We sit with our backs to the window. It is a very uncomfortable position to be in.

Sharing a foyer with DMV, no privacy for our defendants and gets very loud at times. Some of our clients are going through very emotional cases and speak very quietly making it hard for us to hear them. They also do not want to air their personal business to a crowd.

Our court clients have to wait in line in the foyer with DMV customers as only 3 people are allowed in the DMV/Court lobby. On court days, we have to go out and question people whether they are here for court.

We have to be very aware of our surroundings, we take great care not to discuss phone calls re: cases if the Judge is here. Her office has no door or full wall.

WALKING TO COURTROOM

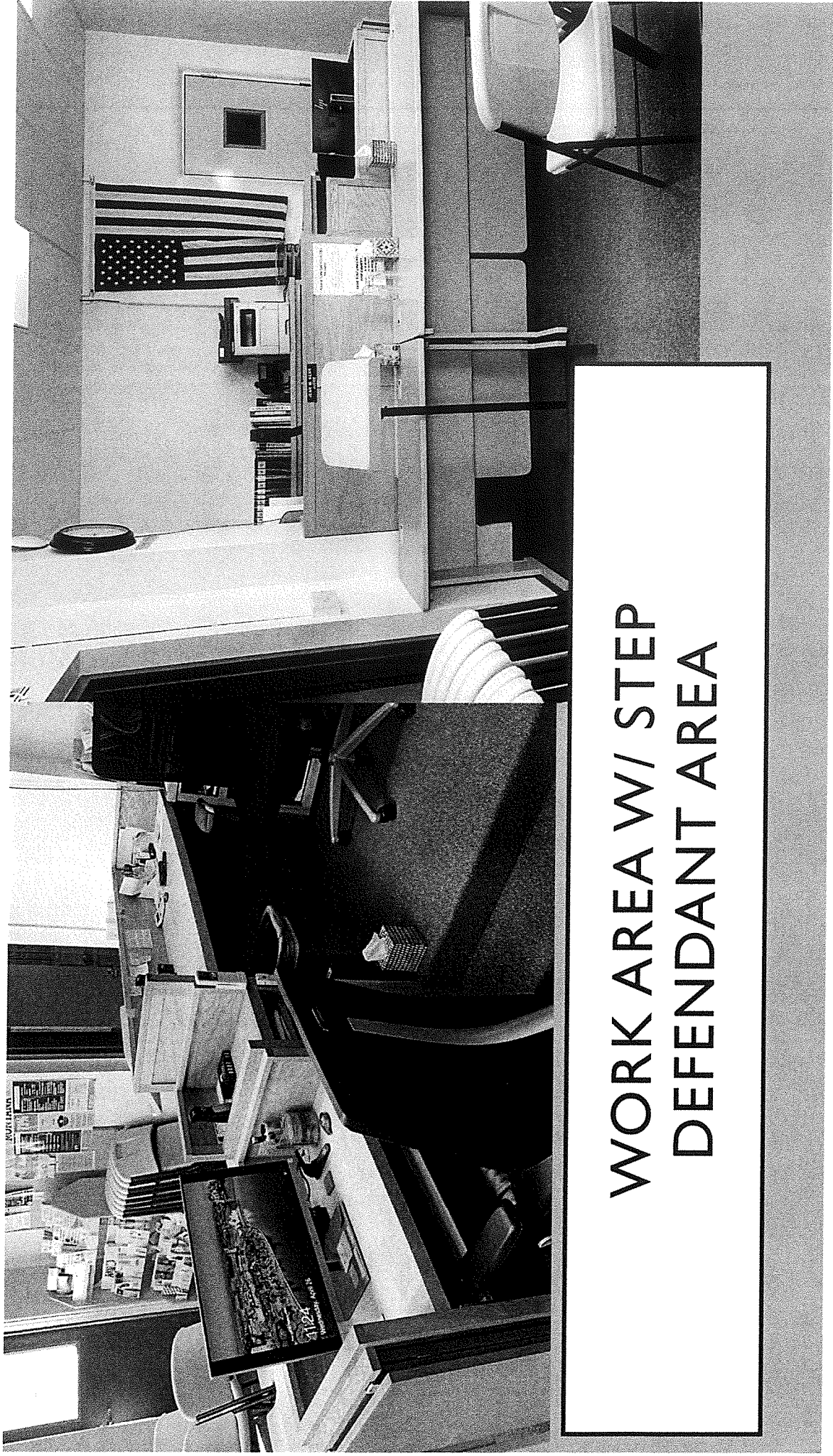


WALKING INTO COURTROOM

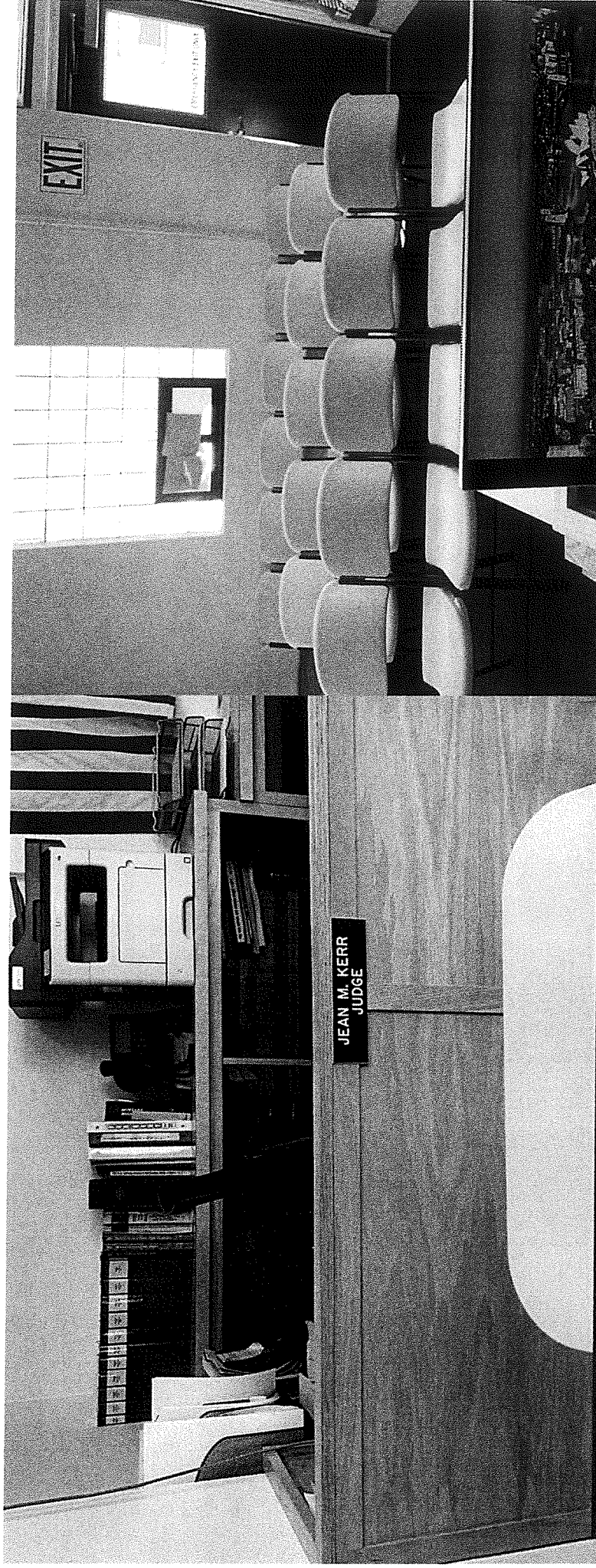




LOOKING AT THE JUDGE



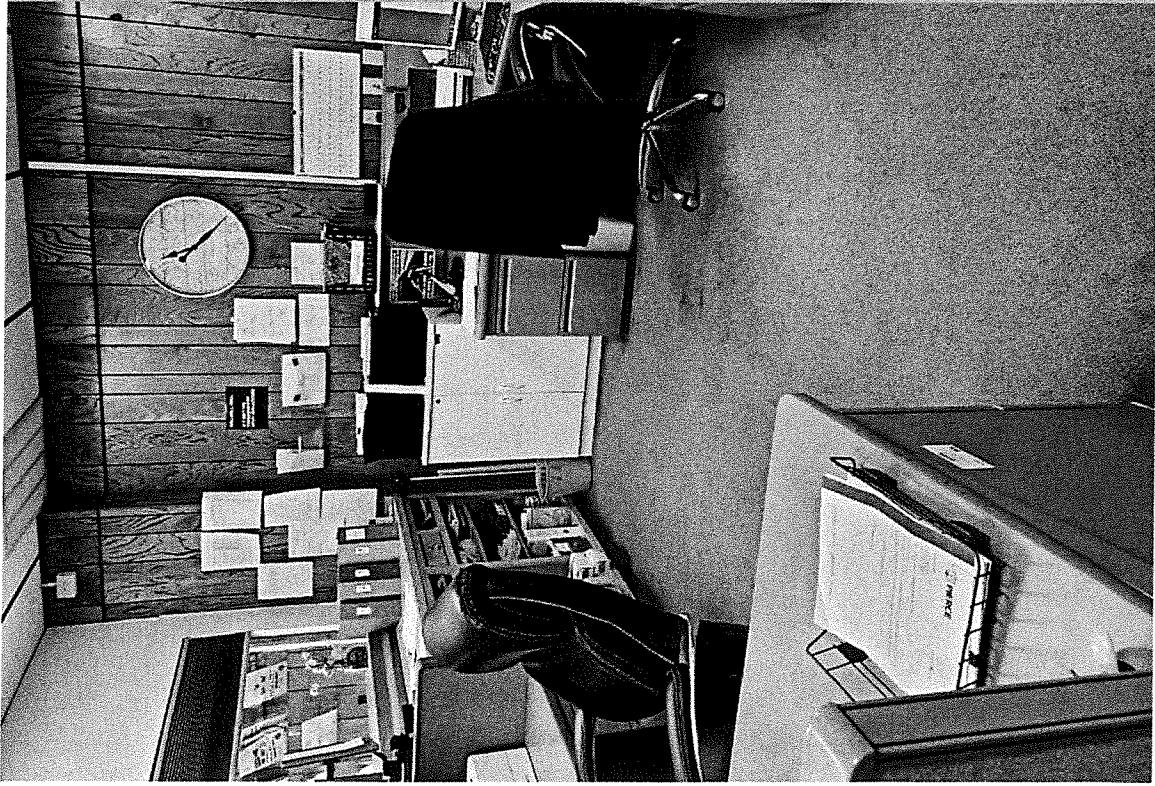
WORK AREA W/ STEP DEFENDANT AREA

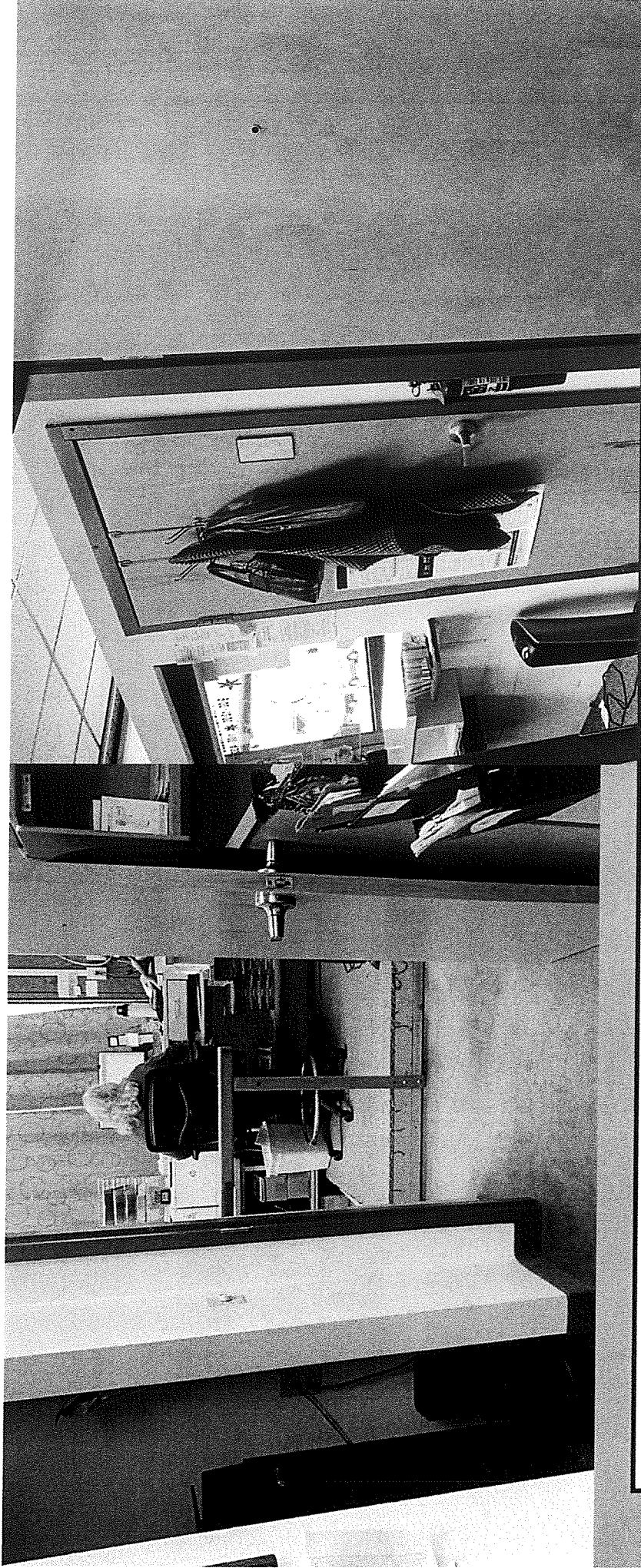


DEFENDANT CLOSE TO JUDGE & CLERKS

April 26

WORK AREA BY PUBLIC WINDOW





PROXIMITY OF DMV

NO DOOR, NO
WALLS

