

# MINUTES OF THE CITY COUNCIL OF LAUREL

FEBRUARY 8, 2022

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 6:30 p.m. on February 8, 2022.

COUNCIL MEMBERS PRESENT:      Emelie Eaton      Heidi Sparks  
   Michelle Mize      Richard Herr  
   Richard Klose      Irv Wilke  
   Bill Mountsier

COUNCIL MEMBERS ABSENT:      Scot Stokes

OTHER STAFF PRESENT:      Karen Courtney, Building Official  
   Sherri Phillips, Court Clerk  
   Jean Kerr, City Judge

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 January 25, 2022, as presented, 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.

## CORRESPONDENCE:

- Fire Monthly Report – January 2022.
- Police Monthly Report – January 2022.
- Building Department Monthly Report – January 2022.

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

## PUBLIC HEARING:

- Public Hearing: A Resolution Of The City Council Approving An Application For Special Review For J. Johnson Properties Authorizing The Operation Of Lucky Louie's, A Bar And Casino, Within an Existing Structure Located At 305 South 1<sup>st</sup> Avenue, City Of Laurel.

Mayor Waggoner stated this is the time and place set for the public hearing on the City of Laurel's A Resolution Of The City Council Approving An Application For Special Review For J. Johnson Properties Authorizing The Operation Of Lucky Louie's, A Bar And Casino, Within an Existing Structure Located At 305 South 1st Avenue, City Of Laurel.

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

Karen Courtney, Building Official, briefly reviewed the attached Staff report.

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.

John Johnson, 1917 Rustic Court Casper WY, stated he is here this evening to speak in favor of this special use. Louie and I bought the Board of Trade back in 2009 and have been operating here in Laurel for 13 years. We purchased the Beartooth Grill building, or I purchased the building, I should say back in December 2020. It has taken us a little longer to get to the project than we expected. We are ready to go now; plans have been drawn. Once we seek your favorable approval tonight, we will submit to the State of Montana for the permissions from the Department of Justice and the

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Department of Revenue for their approval to move the operation to this location. So we are asking for your favorable approval tonight. And I stand for questions.

It was questioned what would happen to the existing property building. It was clarified that someone is interested in purchasing that building from them. It was further questioned for what use. It was further clarified that he did not know. The person interested in purchasing the building does own a business that is operating on Main Street, but they did not know what the intended use for the building was. It was further questioned if the person purchasing the building was a neighboring property owner. It was clarified that he was.

Council President Sparks called a Point of Order. She clarified that Council is to ask questions under Scheduled Matters and not during a Public Hearing.

Mayor Waggoner asked two (2) additional 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 February 4, 2022.**  
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Approval of Payroll Register for PPE 1/23/2022 totaling \$190,982.99.**
- **Council Workshop Minutes of December 21, 2021.**
- **Council Workshop Minutes of January 4, 2022.**
- **Council Workshop Minutes of January 18, 2022.**
- **Council Workshop Minutes of February 1, 2022.**

The Mayor asked if there was any separation of consent items. Council President Sparks requested the Claims and Payroll be separated from the Consent Agenda.

Motion by Council Member Sparks 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 seven Council Members present voted aye. Motion carried 7-0.

#### **CEREMONIAL CALENDAR:**

- Sargent Pinning Ceremony

Mayor Waggoner stated this item had been postponed to March 8, 2022, at the Police Chief's request.

#### **REPORTS OF BOARDS AND COMMISSIONS:**

- Park Board Minutes of January 6, 2022.
- Laurel Urban Renewal Agency Minutes of October 18, 2021.
- City/County Planning Board Minutes of October 20, 2021.
- City/County Planning Board Minutes of November 17, 2021.
- City/County Planning Board Minutes of December 15, 2021.

#### **AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):**

Jean Kerr, City Judge, briefly address Council regarding her concerns regarding various Court issues.

Mayor Waggoner called for an Executive Session at 6:44 p.m.

Mayor Waggoner resumed the regularly scheduled City Council meeting at 6:53 p.m.

**SCHEDULED MATTERS:**

- **Appointment of Forrest Sanderson as Interim City Planner, Flood Plain Administrator, and Conditions Outlined In the Task Order With KLJ Engineering as Per Resolution R18-12.**

Motion by Council Member Herr to approve the appointment of Forrest Sanderson as Interim City Planner, Flood Plain Administrator, and conditions outlined in the task order with KLJ Engineering as per Resolution No. R18-12, seconded by Council Member Mountsier.

Kris Vogelee, 101 W. 1<sup>st</sup> Street, stated that he has worked with Forrest Sanderson on numerous occasions and has been very good to work with.

There was no council discussion. A vote was taken on the motion. All seven Council Members present voted aye. Motion carried 7-0.

- **Resolution No. R22-07: A Resolution Of The City Council Approving An Application For Special Review For J. Johnson Properties Authorizing The Operation Of Lucky Louie's, A Bar And Casino, Within An Existing Structure Located At 305 South 1st Avenue, City Of Laurel.**

Motion by Council Member Klose to approve Resolution No. R22-07, seconded by Council Member Eaton. 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. R22-08: A Resolution Of The City Council Authorizing The Mayor To Sign An Agreement With Meridian Law PLLC For The Provision Of Civil City Attorney Legal Services For The City Of Laurel.**

Motion by Council Member Mize to approve Resolution No. R22-08, seconded by Council Member Mountsier. There was no public comment.

Council noted that the cost of this contract is \$6,000 per month with an annual cost of \$72,000. They noticed the City Attorney was budgeted at \$67,000, and they questioned where the additional \$6,000 would come from.

Council noted that Ms. Braukmann was involved with things this past summer. It was questioned if she would be able to bring fresh eyes to the City or if it would be better to have fresh eyes.

Michelle Braukmann, Meridian Law 100 N. 27<sup>th</sup> Street Suite 3 Billings MT, briefly commented on being involved in an investigation involving labor union complaints. Any municipality attorney should be able to assess liability and reduce risk for a municipality, and to follow what the law is. The investigation was simply to determine if there were legal claims that existed. Any recommendations and conclusions were provided to the City through Mr. Painter. She was not involved in anything after that point. She stated she believes she can bring a completely objective legal viewpoint to any issues the City faces. Personnel disputes are not unique for municipalities, and she is seasoned in dealing with those types of issues. What is going to reduce the exposure and liability for the City, and what is going to produce the best legal outcome. At the end of the day, it will be the Mayor's and City Council's decision.

Mayor Waggoner clarified that the \$67,000 was for the prosecutor only, and there was no overall increase in the budget.

A vote was taken on the motion. Council Members Sparks, Herr, Wilke, Mountsier, Klose, and Eaton voted aye. Council Member Mize voted nay. Motion carried 6-1.

**ITEMS REMOVED FROM THE CONSENT AGENDA:**

The Claims and Payroll register will be discussed at the next scheduled City Council meeting.

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**COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT):**

The Claims and Payroll will be added to the next City Council agenda.

**COUNCIL DISCUSSION:**

Council questioned if there could be follow-up on the Judge's concerns.

Council questioned why LURA had not had a meeting since October. It was questioned if this board would be meeting again soon.

**MAYOR UPDATES:**

Council Member Eaton has resigned her position on the Library Board, and Mayor Waggoner declared that position vacant.

Former Ward 1 Council Member Dick Fritzler passed away the past weekend.


Mayor Waggoner stated a constituent recently wrote a letter with various concerns. One of those concerns was street sweeping. Street sweeping will be brought up on a future Workshop agenda.

**UNSCHEDULED MATTERS:** None.

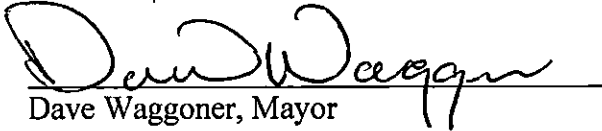
**ADJOURNMENT:**

Motion by Council Member Eaton 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.

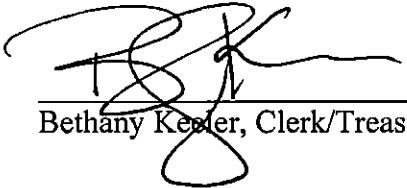
There being no further business to come before the Council at this time, the meeting was adjourned at 7:05 p.m.

  
Brittney Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 8<sup>th</sup> day of March 2022.

  
Dave Waggoner, Mayor

Attest:

  
Bethany Keeler, Clerk/Treasurer



## LAUREL CITY-COUNTY PLANNING DEPARTMENT

### STAFF REPORT

TO: Laurel City-County Planning Board and Zoning Commission  
FROM: Nicholas Altonaga, Planning Director  
PROJECT: Special Review Application for Lucky Louie's (305 S. 1<sup>st</sup> Ave)  
DATE: December 3, 2021

#### DESCRIPTION OF REQUEST

An application for Special Review was submitted by J Johnson Properties for the property at 305 S. 1<sup>st</sup> Avenue in Laurel. The property owner plans to renovate the currently vacant commercial building to operate a bar and casino. The property is located within the Highway Commercial (HC) zoning district, as well as the Community Entryway Zoning District (CEZD) and the SE 4<sup>th</sup> Street Overlay District. The Laurel Municipal Code requires all cocktail lounges, restaurants, bars and taverns located in the Highway Commercial (HC) zoning district to go through the Special Review process prior to the start of operations. An approval of the special review application would allow the operation of a cocktail lounge, bar, or tavern on the location in addition to the proposed casino.

Owner: J Johnson Properties LLC  
Legal Description: HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 4, Lot 15 - 18, W100' LTS 15-18 & 30' X 100' VAC 3RD ST S  
Address: 305 S 1<sup>st</sup> Ave, Laurel, MT 59044  
Parcel Size: 15,000sqft  
Existing Land Use: Commercial, currently vacant building  
Proposed Land Use: Casino and Bar with full-service liquor license.  
Existing Zoning: Highway Commercial (HC), Community Entryway Zoning District (CEZD), SE 4<sup>th</sup> Street Overlay District

#### BACKGROUND AND PROCEDURAL HISTORY

- Autumn, 2020: Initial conversations begin between Planning Department and Louie Carranco, of Lucky Louie's (located at 117 E. Main Street) about relocating his business to 305 S. 1<sup>st</sup> Avenue.

- Intermittent discussions take place between Planning Department and Louie Carranco regarding the requirements for relocating his business to 305 S. 1<sup>st</sup> Ave.
- Planning Department review codes and provide clarification to Louie regarding the procedural requirements.
- September 8, 2021: Planning Department contacted by assistant for developer regarding the land use requirements of the property at 305 S. 1<sup>st</sup> Ave.
- September 9, 2021: Planning Department provide the codes and forms regarding the special review procedure including the application form, commercial zoning and use requirements, and schedule of fees.
- October 20, 2021: Special Review Application submitted to the Laurel Planning Department.
- December 15, 2021: Public Hearing scheduled at the Planning Board and Zoning Commission for the Special Review.

#### STAFF FINDINGS

- The applicant has submitted an application for the operation of a bar and tavern at the property of 305 S 1<sup>st</sup> Avenue in conjunction with the operation of a casino.
- The application contains all the necessary information to move forward to review by Planning Board and City Council.
- The proposed used of the building as a bar and/or tavern conforms with a previous use as a restaurant that offered beer and wine to customers.
- The building is located in close proximity to other establishments operating as casinos with beverage licenses.
- The applicant seeks to relocate their current gaming and bar operation from 117 E. Main St. to 305 S. 1<sup>st</sup> Ave.
- The applicant seeks to renovate a currently vacant commercial building and place it into productive use.

#### PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

*LMC 17.68 – Special Review Procedures, contains the review criteria for the decision-making process for Special Review applications.*

- A. *After presentation to the zoning commission of the request for special review by the applicant, the zoning commission shall make a recommendation to the city council to:*
  1. *Grant the application for special review;*
  2. *Deny the application;*
  3. *Delay action on the application for a period not to exceed thirty days; or*
  4. *Grant the application subject to conditions and recommendations and give the reasons therefor.*
- B. *Before approving a special review use, the zoning commission shall find that the contemplated use(s):*

1. *Complies with all requirements of this section;*
2. *Is consistent with the objectives and purposes of this title and the Laurel comprehensive planning process;*
3. *Is compatible with surrounding land use or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects;*
4. ***Further the zoning commission shall consider and may impose modifications or conditions concerning, but not limited to the following:***
  - a. *Street and road capacity,*
  - b. *Ingress and egress to adjoining streets,*
  - c. *Off-street parking,*
  - d. *Fencing, screening and landscaping,*
  - e. *Building bulk and location,*
  - f. *Usable open space,*
  - g. *Signs and lighting,*
  - h. *Noise, vibration, air pollution and similar environmental influences.*

*The following actions are to be taken by City Council:*

**17.68.50 - City council action.**

- A. *Before taking action on an application for special review, and after presentation of the zoning commission's report, the city council may hold a public hearing on the application.*
- B. *The zoning commission may recommend to the council whether to hold a public hearing or not. In the event the city council holds its own public hearing on the application, then the recommendations of the zoning commission and the notice of public hearing before the city council shall both be published twice in the newspaper of general circulation in the jurisdictional area of the Laurel-Yellowstone city-county planning board with the first publication being at least fifteen days prior to the hearing.*

## RECOMMENDATIONS

The Planning Director recommends the Planning Board and Zoning Commission approve the Special Review with the following conditions:

1. Any applicable permits, including but not limited to building permits, sign permits, and right-of-way permits must be applied for within twelve (12) months of special review approval.
2. A signage plan shall be provided to the Planning Department and Building Department that conforms to the requirements of the Laurel Sign Code and signage requirements of the overlay districts wherein the property is located.
3. Construction of any improvements to the site and building must be completed within twelve (12) months of special review approval with the ability to request an extension.
4. The operation of the site shall not be done in such a manner as to be a nuisance.

5. Any use of the property not specifically included in this approval or allowable within its underlying zoning district shall be deemed a violation of the laurel Zoning Code.
6. Any subsequent use or change of use associated with this special review shall submit additional documentation to the City for subsequent processing and approval or denial.

#### **ATTACHMENTS**

1. *Special Review Application Packet and Form*
2. *Site Overview*
3. *Adjacent Property Owners List (300ft)*
4. *Adjacent Property Owners Map (300ft)*
5. *Mailing Labels*
6. LMC 17.68 – Special Review Procedures
7. Public Notice for Special Review Public Hearing