



**AGENDA
CITY OF LAUREL
CITY COUNCIL MEETING
TUESDAY, APRIL 27, 2021
6:30 PM
COUNCIL CHAMBERS**

NEXT RES. NO.
R21-27

NEXT ORD. NO.
O21-03

WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified times for citizen comments on its agenda -- once following the Consent Agenda, at which time citizens may address the Council concerning any brief community announcement not to exceed one minute in duration for any speaker; and again following Items Removed from the Consent Agenda, at which time citizens may address the Council on any matter of City business that is not on tonight's agenda. Each speaker will be limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council. Citizens may also comment on any item removed from the consent agenda prior to council action, with each speaker limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council. If a citizen would like to comment on an agenda item, we ask that you wait until the agenda item is presented to the Council by the Mayor and the public is asked to comment by the Mayor. Once again, each speaker is limited to three minutes.

Any person who has any question concerning any agenda item may call the City Clerk-Treasurer's office to make an inquiry concerning the nature of the item described on the agenda. Your City government welcomes your interest and hopes you will attend the Laurel City Council meetings often.

Pledge of Allegiance

Roll Call of the Council

Approval of Minutes

- [1.](#) Approval of Minutes of April 13, 2021.

Correspondence

Council Disclosure of Ex Parte Communications

Public Hearing

Consent Items

NOTICE TO THE PUBLIC

*The Consent Calendar adopting the printed Recommended Council Action will be enacted with one vote. **The Mayor will first ask the Council members if any Council member wishes to remove any item from the Consent Calendar for discussion and consideration.** The matters removed from the Consent Calendar will be considered individually at the end of this Agenda under "Items Removed from the Consent Calendar." (See Section 12.) The entire Consent Calendar, with the exception of items removed to be discussed under "Items Removed from the Consent Calendar," is then voted upon by roll call under one motion.*

2. Claims entered through April 23, 2021.
3. Approval of Payroll Register for PPE 4/18/2021 totaling \$192,766.22.
- [4.](#) Council Workshop Minutes of December 15, 2021.
- [5.](#) Council Workshop Minutes of January 5, 2021.
- [6.](#) Council Workshop Minutes of January 19, 2021.
- [7.](#) Council Workshop Minutes of February 2, 2021.

Ceremonial Calendar

8. K-9 Ceremony

Reports of Boards and Commissions

- [9.](#) Budget/Finance Committee Minutes of April 13, 2021.
- [10.](#) Tree Board Minutes of March 18, 2021.
- [11.](#) Park Board Minutes of April 1, 2021.

12. Public Works Committee Minutes of March 15, 2021.

Audience Participation (Three-Minute Limit)

Citizens may address the Council regarding any item of City business that is not on tonight's agenda. Comments regarding tonight's agenda items will be accepted under Scheduled Matters. The duration for an individual speaking under Audience Participation is limited to three minutes. While all comments are welcome, the Council will not take action on any item not on the agenda.

Scheduled Matters

- 13. Resolution No. R21-27: A Resolution Of The City Council Authorizing The Mayor To Sign A Contract With All Seasons Roofing For Repairs And Installation Of Roofing Materials At The Fire, Ambulance And Police (FAP) Building And The Library.
- 14. Ordinance No. O21-03: An Ordinance Amending Certain Chapters Of Title 15 Of The Laurel Municipal Code Relating To The City's Miscellaneous Requirements For Homes, Buildings And Construction. (1st Reading)

Items Removed From the Consent Agenda

Community Announcements (One-Minute Limit)

This portion of the meeting is to provide an opportunity for citizens to address the Council regarding community announcements. The duration for an individual speaking under Community Announcements is limited to one minute. While all comments are welcome, the Council will not take action on any item not on the agenda.

Council Discussion

Council members may give the City Council a brief report regarding committees or groups in which they are involved.

Mayor Updates

Unscheduled Matters

Adjournment

The City makes reasonable accommodations for any known disability that may interfere with a person's ability to participate in this meeting. Persons needing accommodation must notify the City Clerk's Office to make needed arrangements. To make your request known, please call 406-628-7431, Ext. 2, or write to City Clerk, PO Box 10, Laurel, MT 59044, or present your request at City Hall, 115 West First Street, Laurel, Montana.

DATES TO REMEMBER

File Attachments for Item:

1. Approval of Minutes of April 13, 2021.

MINUTES OF THE CITY COUNCIL OF LAUREL

APRIL 13, 2021

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 Tom Nelson at 6:31 p.m. on April 13, 2021.

COUNCIL MEMBERS PRESENT: Emelie Eaton Heidi Sparks
 Bruce McGee Richard Herr
 Richard Klose Irv Wilke
 Don Nelson

COUNCIL MEMBERS ABSENT: Scot Stokes

OTHER STAFF PRESENT: Nick Altonaga, Planning Director
 Karen Courtney, Building Official

Mayor Nelson led the Pledge of Allegiance to the American flag.

Mayor Nelson asked the Council to observe a moment of silence.

MINUTES:

Motion by Council Member McGee to approve the minutes of the regular meeting of March 23, 2021, as presented, 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.

CORRESPONDENCE:

- Laurel Airport Authority Minutes of February 23, 2021.
- Laurel Chamber of Commerce Agenda of April 8, 2021; Laurel Chamber of Commerce Minutes of March 11, 2021.
- Police Monthly Report - March 2021
- Fire Monthly Report - March 2021
- Ambulance Monthly Report - March 2021
- Building Department Monthly Report - March 2021

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None.

PUBLIC HEARING:

- **Public Hearing - An Ordinance Amending Certain Chapters Of Title 14 Of The Laurel Municipal Code Relating To The Adoption And Enforcement Of Building Codes For The City Of Laurel As Required By The State Of Montana.**

Mayor Nelson stated this is the time and place set for the public hearing on the City of Laurel's Ordinance Amending Certain Chapters Of Title 14 Of The Laurel Municipal Code Relating To The Adoption And Enforcement Of Building Codes For The City Of Laurel As Required By The State Of Montana.

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

Karen Courtney, Building Official, stated the original Ordinance adopting the various building codes was passed in 2005 adopting the 2003 building codes. The referenced codes were updated by Administrative Order in 2015 to the 2012 building codes. Portions of the Codes were amended on January 28, 2020.

As of February 13, 2021, The State of Montana Building and Commercial Measurements Bureau adopted the 2018 International Energy Conservation Code with modifications. In accordance with the Administrative Rules of Montana, certified cities are required to adopt those codes within 90 days.

Due to the necessary changes to the sections of each building code to make penalties and references required by the jurisdiction having authority, other sections are also being amended. Therefore, we are requesting that the Council approve to adopt the Ordinance amending Title 14 of the Laurel Municipal Code.

Mayor Nelson opened the floor for public comment and stated that copies of the rules governing the public hearing were posted in the council chambers.

Mayor Nelson asked three (3) times if there were any proponents. There were none.

Mayor Nelson asked three (3) times if there were any opponents. There were none.

Mayor Nelson stated that he would not have Staff respond to questions as there were none.

Mayor Nelson closed the public hearing.

- **Public Hearing - A Resolution Of The City Council Granting A Variance From The City's Zoning Ordinance To Disregard The Bufferyard Requirement, Sight-Obscuring Fence Requirement And Building Design Standards On A Parcel Of Property Located On East Railroad Street.**

Mayor Nelson stated this is the time and place set for the public hearing on the City of Laurel's Resolution Of The City Council Granting A Variance From The City's Zoning Ordinance To Disregard The Bufferyard Requirement, Sight-Obscuring Fence Requirement And Building Design Standards On A Parcel Of Property Located On East Railroad Street.

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

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

Mayor Nelson opened the floor for public comment and stated that copies of the rules governing the public hearing were posted in the council chambers.

Mayor Nelson asked if there were any proponents.

Chuck Hendricks, with EEC Engineering at 720 Lohwest Lane Billings, stated they are the engineering firm the owners have contracted with to apply for this variance. As Nick stated, this variance is almost identical to the variances. We have been here in the past few years, representing both Midway rentals and Laurel Trading Post. The bufferyard requirement, all they are doing there is removing trees due to the sewer line; they are still doing a landscaped bufferyard along the interstate. Per the request of the building design standards, they are using a little bit of exposed metal fastener panel in addition to concealed metal fastener panel as an architectural aspect to the building. They still feel that it meets the intent of the code. It will give an attractive-looking building, not just a square box metal building shop. The sight obscuring fence would inhibit the property owner from displaying their merchandise and the ability for anyone driving down the interstate or anywhere to easily view their merchandise. It would inhibit them to sell merchandise. The other variance, as for the 4th street overlay district, asks for some half log and some wood siding and stone to be aspects of the building. They do have some architectural metal panels that are wood-looking panels. There are some rough sawn timbers for the entryway canopy. They do not have any stone in the same since they are meeting the intent of the code and tying in with the looks of the surrounding buildings. They are obviously for this variance and appreciate Council's time.

Mayor Nelson asked two (2) times if there were any proponents. There were no additional proponents.

Mayor Nelson asked three (3) times if there were any opponents. There were none.

Mayor Nelson stated that he would not have Staff respond to questions as there were none.

Mayor Nelson closed the public hearing.

- **Public Hearing - A Resolution Approving A Zone Change For Property Located At 801 East Main Street Within The City Of Laurel.**

Mayor Nelson stated this is the time and place set for the public hearing on the City of Laurel's Resolution Approving A Zone Change For Property Located At 801 East Main Street Within The City Of Laurel.

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

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

Mayor Nelson opened the floor for public comment and stated that copies of the rules governing the public hearing were posted in the council chambers.

Mayor Nelson asked if there were any proponents.

Shannon Otis, 2370 E. Spaulding Avenue Billings, stated she is with Investment Property Finance Group, the owner of the property they are currently remodeling into three individual apartment units. They are seeking the zone change to help them; while they don't have any plans for future development, they would like to leave those options open so that they can fully utilize the lot to expand if they desire in the future.

Mayor Nelson asked two (2) times if there were any proponents. There were no additional proponents.

Mayor Nelson asked three (3) times if there were any opponents. There were none.

Mayor Nelson stated that he would not have Staff respond to questions as there were none.

Mayor Nelson closed the public hearing.

CONSENT ITEMS:

- **Claims entered through April 9, 2021.**
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Approval of Payroll Register for PPE 3/21/2021 totaling \$188,095.20.**
- **Approval of Payroll Register for PPE 4/4/2021 totaling \$199,003.57.**
- **Council Workshop Minutes of August 4, 2020.**
- **Council Workshop Minutes of August 25, 2020.**
- **Council Workshop Minutes of September 15, 2020.**
- **Council Workshop Minutes of November 3, 2020.**
- **Council Workshop Minutes of March 2, 2021.**
- **Council Workshop Minutes of March 16, 2021.**
- **Council Workshop Minutes of April 6, 2021.**

The Mayor asked if there was any separation of consent items. There was none.

Motion by Council Member Eaton to approve the consent items as presented, seconded by Council Member McGee. 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: None.

REPORTS OF BOARDS AND COMMISSIONS:

- Budget/Finance Committee Minutes of March 23, 2021.
- City/County Planning Board Minutes of March 17, 2021.
- Park Board Minutes March 4, 2021.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Appointment of Jake Worden to the Laurel Volunteer Fire Department.**

Motion by Council Member Sparks to approve the Mayor's appointment of Jake Worden to the Laurel Volunteer Fire Department, 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.

- **Appointment of Russ Bunn, Andrew Zimmermann, Mariel Riley, and Amanda Hemmen to the Laurel Volunteer Ambulance Service.**

Motion by Council Member Nelson to approve the Mayor's appointment of Russ Bunn, Andrew Zimmermann, Mariel Riley, and Amanda Hemmen to the Laurel Volunteer Ambulance Service, seconded by Council Member Klose. 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.

- **Appointment of Katie Fjelstad to the Library Board for the remainder of a five-year term ending 6/30/2023.**

Motion by Council Member Sparks to approve the Mayor's appointment of Katie Fjelstad to the Library Board for the remainder of a five-year term ending 6/30/2023, seconded by Council Member Klose. 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. R21-23: A Resolution Of The City Council Approving A Three-Year Agreement Between The City Of Laurel And Local Union Local 303, American Federation Of State, County And Municipal Employees, AFSCME.**

Motion by Council Member Herr to approve Resolution No. R21-23, 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.

- **Resolution No. R21-24: A Resolution Of The City Council Authorizing The Mayor To Request A Traffic Study For A Portion Of West Main Street Within The City Of Laurel.**

Motion by Council Member Wilke to approve Resolution No. R21-24, seconded by Council Member Klose. 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. R21-25: A Resolution Of The City Council Granting A Variance From The City's Zoning Ordinance To Disregard The Bufferyard Requirement, Sight-Obscuring Fence Requirement And Building Design Standards On A Parcel Of Property Located On East Railroad Street.**

Motion by Council Member Klose to approve Resolution No. R21-25, seconded by Council Member McGee. 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. R21-26: A Resolution Approving A Zone Change For Property Located At 801 East Main Street Within The City Of Laurel.**

Motion by Council Member McGee to approve Resolution No. R21-26, 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.

DRAFT

Council Minutes of April 13, 2021

- **Ordinance No. 021-02: An Ordinance Amending Certain Chapters Of Title 14 Of The Laurel Municipal Code Relating To The Adoption And Enforcement Of Building Codes For The City Of Laurel As Required By The State Of Montana. (Second Reading)**

Motion by Council Member Eaton to adopt Ordinance No. 021-02, seconded by Council Member Wilke. There was no public comment or council discussion. A roll call vote was taken on the motion. Council Members Sparks, Herr, Wilke, Klose, Nelson, McGee, and Eaton voted aye. Motion carried 7-0.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Council asked there be a discussion about allowing chickens at next week's Workshop.

Council noted that they are pleased to see the old Mabel's building coming into the business district. That building was formally a well-known grocery store.

MAYOR UPDATES:

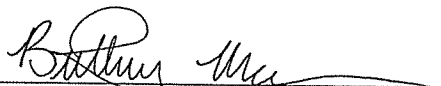
Mayor Nelson stated that Council received information about this year's Elected Officials conference through the Local Government Center. This year's conference will be held virtually. Please let the Council Secretary know if you are interested in attending.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Council Member McGee to adjourn the council meeting, 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.

There being no further business to come before the Council at this time, the meeting was adjourned at 7:07 p.m.


Brittney Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 27th day of April 2021.

Thomas C. Nelson, Mayor

Attest:

Bethany Langve, Clerk/Treasurer



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board
FROM: Nicholas Altonaga, Planning Director
RE: EBY Trailers – East Railroad Street Variance Request
DATE: March 24, 2021

DESCRIPTION OF REQUEST

A Variance Request Application was submitted by EEC Engineering for the property owner of ENTERTAINMENT PARK SUBD, S15, T02 S, R24 E, BLOCK 1, Lot 1B, AMD BLK 1 LT 1 (17), located on East Railroad Street in Laurel. Five (5) variances are being applied for to LMC Chapter 17.26 – Community Entryway Zoning District and Chapter 17.27 – SE 4th Street Overlay District. The affected property is currently not assigned an address. The parcel is zoned Highway Commercial and is within the Community Entryway Zoning District and SE 4th Street Overlay District. The applicant is requesting variances to disregard the bufferyard requirement, sight-obscuring fence requirement, and building design standards. The applicant is requesting four variances to LMC 17.26 – Community Entryway Zoning District including:

- a. 17.26.052 Development Standards Part B: Building Design Standards, Part 1,
- b. 17.26.052 Development Standards Part C: Additional Provisions for Commercial Uses,
- c. 17.26.054 Landscaping Standards part B.1: Bufferyard Requirements.
- d. 17.27.060 Building Design Requirements Part A
- e. 17.27.070 Site Design Requirements Part C.

Owner: TNL Big Sky LLC
Legal Description: ENTERTAINMENT PARK SUBD, S15, T02 S, R24 E, BLOCK 1, Lot 1B, AMD BLK 1 LT 1 (17)
Address: E. Railroad St.
Parcel Size: 3.2 Acres
Existing Land Use: Vacant Field
Proposed Variance: Design standards and landscaping standards within the Community Entryway Zoning District and SE 4th Street Overlay District.
Existing Zoning: Highway Commercial, Community Entryway Zoning District, SE 4th Street Overlay District

BACKGROUND AND PROCEDURAL HISTORY

- A pre-application meeting was held in December 2021 with the Planning Director, Building Official, and Public Works Director with staff from EEC Engineering, the representatives of the owner/developer.
- The Variance Application was submitted on January 29, 2021.
- The Variance Application fee was submitted on January 29, 2021.
- A Public Hearing took place at the Planning Board / Zoning Commission meeting on March 17, 2021 to receive public comment and approve, approve with conditions, or deny the variance requests.
- The Planning Board voted to approve the Variances with the updated Staff Conditions.
- A Public Hearing is scheduled at the City Council meeting on April 13, 2021 to receive public comment and approve, approve with conditions, or deny the variance requests.

STAFF FINDINGS

1. The variance application packet is attached and contains the application form, application cover sheet, detailed justification letter, fee receipt, a site plan, building design plans, and the public notice.
2. 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.
3. LMC 17.26.052 Part C. Additional Provisions for Commercial Uses 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.
2. LMC 17.26.054 Part B. Landscaping Standards states:
 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

4. LMC 17.27.060 – Building Design Standards, Part A:

A. Exterior materials shall be sufficiently durable to ensure stability, maintainability, and long life. The materials to achieve a rustic western appearance are required. Buildings shall be finished with a minimum 40 percent half log and/or rock accents on the front façade.

5. LMC 17.27.070 – Site Design Requirements, Section C, which states:

a. Landscape islands are required at the terminal ends of all parking rows.

6. The applicant and staff discussed 17.26.052.B.1 and the 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 same districts. The proposed design incorporates frontage and façade details and changes in materials and textures to keep with a rustic western aesthetic.
7. 17.26.052.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 black 6' chain link fence in order to secure the site, as well as ensure full visibility of products for the travelling public.
8. In regard to 17.26.054.B.1, there currently exists a sanitary sewer utility line running along the southern boundary of the property which would present serious future maintenance issues and conflicts with established City of Laurel Public Works standards if a bufferyard was constructed as per code.
9. The Applicant is proposing architectural wood panels with concealed fasteners and exposed Douglas Fir Heavy Timbers as an alternative to the direct log accent requirement as stated in 17.27.060.A. It is stated that this meets the spirit, intent, and purpose of the code, and it would not affect or injure or result in injustice to others.
10. The Applicant is seeking a variance to 17.27.070.C. solely for the parking rows designated for employees. This is a targeted variance solely on areas not accessible to the public, and not visible to the general public accessing the site. This variance has been applied to in order to not limit the potential for frequent maintenance issues and allow flexibility on-site for removing and/or relocating display trailers and equipment from the showroom and storage yard.
11. The Highway Commercial District was established to cater to the tourist, traveler, recreationist, and general traveling public. Requirements to block highway-focused businesses from marketing merchandise goes against the stated goal of the district.

PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

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
- A. Ordinarily unless the applicant owned the property prior to the enactment of this title or amendment.

RECOMMENDATIONS

The Planning Director and Planning Board / Zoning Commission recommend the approval of the variances with the following conditions of approval:

- 1. The proposed fencing shall be black six (6) foot high chain link fencing shall be securely affixed and/or anchored.
- 2. The proposed fencing shall not become an eye sore by way of a lack of maintenance and/or repair.
- 3. Ensure dust and gravel control measures are in place to keep road debris off of Public right of way.
- 4. Lot and landscaping must be kept free of weeds as per the City of Laurel Weed Management Plan.
- 5. The development shall comply with the requirements of the Laurel Sign Code.

ATTACHMENTS

- 1. Variance Application Form
- 2. Variance Justification Letter
- 3. Overhead Map with 300ft buffer
- 4. Site Elevations, Design, and Concept Images
- 5. List of Adjacent Property Owners within 300ft.
- 6. LMC 17.60 – Zoning Commission

7. LMC 17.26 – Community Entryway Zoning District
8. LMC 17.27 – SE 4th Street Overlay District



INSTRUCTIONS

CITY-COUNTY PLANNING VARIANCE REQUEST

These application instructions cover appeals from decisions of the Planning Department (and sometimes other officials) and for requests for variances concerning setbacks, structures, heights, lot coverage, etc.

This application form is supplied by the City and must be returned to the City.

The following is a list of information required for submittal to be considered complete.

1. It is mandatory that you meet with the City Planner prior to applying. The City Planner will provide you with a map of the property owners within 300' that you must have certified by a title company.
2. Provide a plot plan drawn to scale on paper not larger than 11"x17" which includes all existing and proposed structures and proposed variance measurements.
3. A set of three mailing labels for each surrounding property owner within the 300 feet.
4. A detailed justification referring to the Laurel Municipal Code Chapter 17.60.020.
5. Application, with fee (\$550 for residential; \$1,100 for commercial), must be made on or before the first day of the month prior to the month it will appear before the Laurel City-County Planning Board.

The public hearing before the City-County Planning Board is held on the 3rd Wednesday of the month at 5:35PM. in the City Council Chambers at 115 W. 1st Street, Laurel. **Applicant or Applicant Representative must be present at the meeting.**

The Laurel City-County Planning Board makes a recommendation to the City Council. The City Council will review the application at Council Workshop and then make a decision on the Council agenda.



Laurel Variance Request Application

This application covers appeals from decisions of the Planning Department (and sometimes other officials) and for requests for variances concerning setbacks, structures, heights, lot coverage, etc.

The undersigned owner or agent of the owner of the following described property requests a variance to the Zoning Ordinances of the City of Laurel as outlined by the laws of the State of Montana.

1. Name of property owner: TNL Big Sky, LLC
2. Name of Applicant if different from above: Chuck Henrichs - EEC Inc.
3. Phone number of Applicant: 406.839.9151
4. Street address and general location: Entrainment Park Sub. Block 1, Lot 1B
E. Railroad St., Laurel, MT 59044
5. Legal description of the property: Entrainment Park Sub., S15, T02 S, R24 E, Block 1, Lot 1B,
AMD BLK1 LT1 (17)
6. Current Zoning: Highway Commercial (HC), Entryway Zoning Districts (EZD)
7. Provide a copy of covenants or deed restrictions on property.

I understand that the filing fee accompanying this application is not refundable, that it pays part of the cost of process, and that the fee does not constitute a payment for a variance. I also understand I or my agent must appear at the hearing of this request before the Planning Board and all of the information presented by me is true and correct to the best of my knowledge.

Signature of Applicant: 

Date of Submittal: 01/28/21

01/28/20

Laurel City-County Planning Board
115 W. First Street
Laurel, MT 59044

RE: City-County Planning Variance Request: Items #1-5

To whom it may concern,

Enclosed you will find completed, all the information required for our submittal to be considered for review and recommendation by the Laurel City-County Planning Board.

1. We met with the City Planner on 12/16/2020, to discuss this project/variance and provided a map of property owners within 300 feet of the property, see attached.
2. See attached 11x17 (Half-Scale) drawings, which includes all existing and proposed structures and proposed variance measurements. 9 sheets: C101, A.1, A.2, A.3, A.4, and four concept renderings (A.5-A.8).
3. See the provided set of three mailing labels for each surrounding property owner within the 300 feet.
4. With the following five proposed variance measures, we provide a detailed justification referring to the Laurel Municipal Code Chapter 17.60.020.
 - A. Reference Section 17.26.052 Development Standards – B. Building Design Standards which states *"All buildings shall be completed on all sides with one of the following finishing materials: ...architectural concealed fastener metal panels."*

The material under review for this variance request is an exposed fastener vertical metal panel siding, see attached Exterior Elevations and Material Board sheets (A.2-A.4) for full scope. We are proposing the architectural concealed fastener metal panels around the public frontage/entrance section as detailed, which meet the requirements set for under the Building Design Standards. However, at the shop we are proposing an exposed fastener vertical metal panel siding that does not meet the "concealed fastener" standard, a situation very similar to the two neighboring facilities recently completed. The change in materials/texture allows the design to create a sense of hierarchy that helps to define the entrance with more detail and direct visitors. This design approach does in our view meet the spirit or intent of the standard set forth. Based on the Laurel Municipal Code Chapter 17.60.020 #5, we believe the requested variance "would be within the spirit, intent, purpose and general plan of this title" and #6 the requested variance "would not affect adversely or injure or result in injustice to others."

01/28/20

- B. Reference Section 17.26.054 Landscaping Standards – B. Landscaping Standards which states *"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..."* Furthermore, it states *"...The number of trees and shrubs required per one hundred feet of frontage: (2) Twenty foot wide bufferyard: ten Canopy or evergreen trees, fifteen Shrubs..."*

The material under review for this variance request item is a proposed 20'-0" Bufferyard that meets the landscaping standard, however, does not provide the required 10 trees or fifteen shrubs per one hundred feet of frontage, see attached Site Plan sheet C101 for full scope. We have taken this direction after meeting with the City on a few recent projects, with the realization that there is an existing Sanitary Sewer line that runs directly under the bufferyard, the full extent of frontage on this property. It was clear that the City was not in favor of putting trees nor shrubs directly above this existing line, under any circumstance. We feel the same, it would be a design flaw and future maintenance issue. Please note, we do not intend to utilize this bufferyard area in any way for our stormwater detention. Based on the Laurel Municipal Code Chapter 17.60.020, we believe the requested variance meets requirement #2 "Unless the grant relates to a condition or situation special and peculiar to the applicant;" the existing location of the Sanitary Sewer line running directly under the bufferyard creates that special situation/condition.

- C. Reference Section 17.26.052 Development Standards – B. Additional Provisions for Commercial Uses, which 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."*

The material under review for this variance request item is leaving in place the existing barbwire fence running along the interstate and providing a new black 6' chain-link fencing, in replace of a site obstruction fence (see attached Site Plan sheet C101 for full scope). M.H. Eby is a leading provider of Trailers, Parts, and Service in Montana and offers a large selection of horse, livestock, flatbed, and bulk commodity trailers, along with truck bodies, associated parts, and more. It is key for the public to have full visibility to M.H. Eby's merchandise available for sale and their service facility. The intent of the proposal is that all sale merchandise for display along interstate I-90 will be outside an approved building and enclosed in the yard area appurtenant to the building. With the proposed existing fencing and new black 6' chain-link fencing, merchandise for sale would be secure and still have the visibility to the public that the sight obscuring fence would not allow. Additionally, the new black 6' chain-link fencing would keep within the aesthetic of the surrounding properties recently completed. Based on the Laurel Municipal Code Chapter 17.60.020, we believe the

01/28/20

requested variance meets requirement #2 "Unless the grant relates to a condition or situation special and peculiar to the applicant;" and requirement #3 "Unless the basis is something more than a mere financial loss to the owner." The 6' sight obscuring fence creates the inability to display merchandise for sale which is a special situation/condition to a trailer supply/service company and would easily create a basis for more than a mere financial loss.

- D. Reference Section 17.27.060 - Building Design Requirements, Section A which states *"Exterior materials shall be sufficiently durable to ensure stability, maintainability, and long life. The materials to achieve a rustic western appearance are required. Buildings shall be finished with a minimum 40 percent half log and/or rock accents on the front façade."*

The material under review for this variance request is the requirement to finish the front façade with a minimum 40 percent half log and/or rock accents, see attached Exterior Elevations and Material Board sheets (A.2-A.4) for full scope. We are proposing a horizontal architectural concealed fastener metal panel around the top of public frontage/entrance section, with a change in color/panel direction at the more pedestrian level as detailed. Specifically, around the main public entrance, great care was taken in further emphasizing the rustic western aesthetic by utilizing architectural wood panels with concealed fasteners and exposed Douglas Fir Heavy Timbers. We believe this approach would meet the requirements set forth under the Building Design Requirements and achieves its intent by providing a rustic western appearance without the need to add rock accents on the front façade. Our design strategy with this facility is to keep with this rustic western aesthetic throughout the facade, while utilizing the change in color/texture to allow the design to create a sense of hierarchy that helps to define the entrance with more detail and direct visitors. This design approach does in our view meet the spirit or intent of the standard set forth. Based on the Laurel Municipal Code Chapter 17.60.020 #5, we believe the requested variance "would be within the spirit, intent, purpose and general plan of this title" and #6 the requested variance "would not affect adversely or injure or result in injustice to others."

- E. Reference Section 17.27.070 – Site Design Requirements, Section C which states *"Landscape islands are required at the terminal ends of all parking rows."*

The material under review for this variance request item is the proposed concrete surfaced employee parking stalls on the North and South side of the building and not providing a landscape island at the terminal ends of each parking rows. This Variance is limited only to these 2 employee parking areas, which are on the interior of the proposed new fence line and would not be accessible to the public, see attached Site Plan sheet C101 for full scope. The intent of both parking rows is to be employee only and it should be noted, the terminal ends on the public accessible/facing side (east), we are providing landscape islands as required. At both employee parking sections, each is to be hard surfacing (concrete) and laid out in a similar manner to the recent facilities in the area. The Design Intent with not providing these "interior/employee" landscape islands are to limit the potential for frequent maintenance issues and allows for some flexibility when adding or removing display trailers/equipment from the showroom and yard. The proposed design for the public

01/28/20

facing/public accessible parking stalls and related site landscape islands is above and beyond the required/standards set in the site design requirements. For example, we are providing 2,778 S.F. of parking landscaping, while only 480 S.F. of parking landscaping is required. This overall design approach does in our view meets the spirit or intent of the standard set forth and pursuant with precedent set with similar recently completed projects. Based on the Laurel Municipal Code Chapter 17.60.020 #5, we believe the requested variance "would be within the spirit, intent, purpose and general plan of this title" and #6 the requested variance "would not affect adversely or injure or result in injustice to others."

5. See attached completed Laurel Variance Request Application and associated fee of \$1,100 for a commercial property.

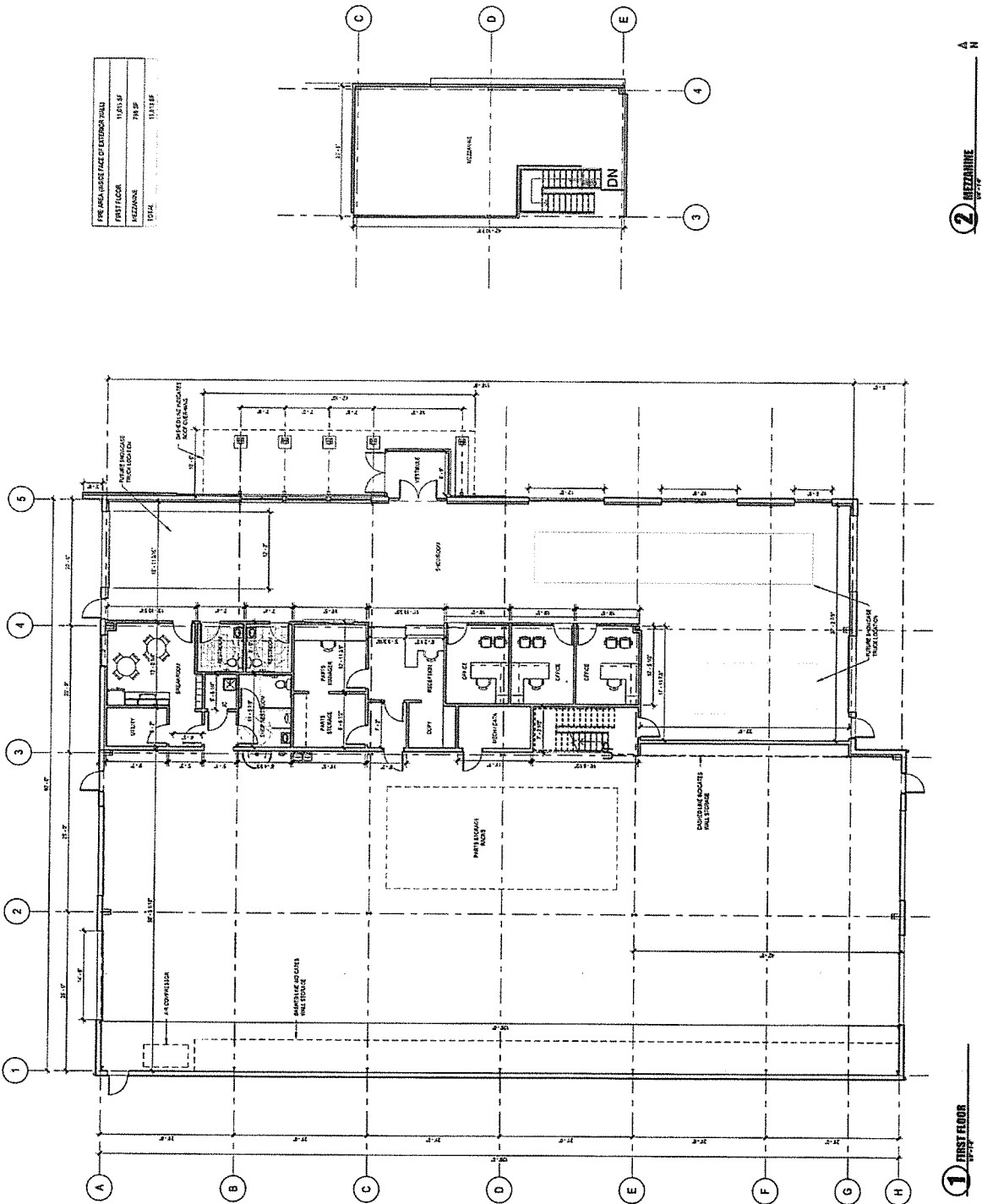
Sincerely,



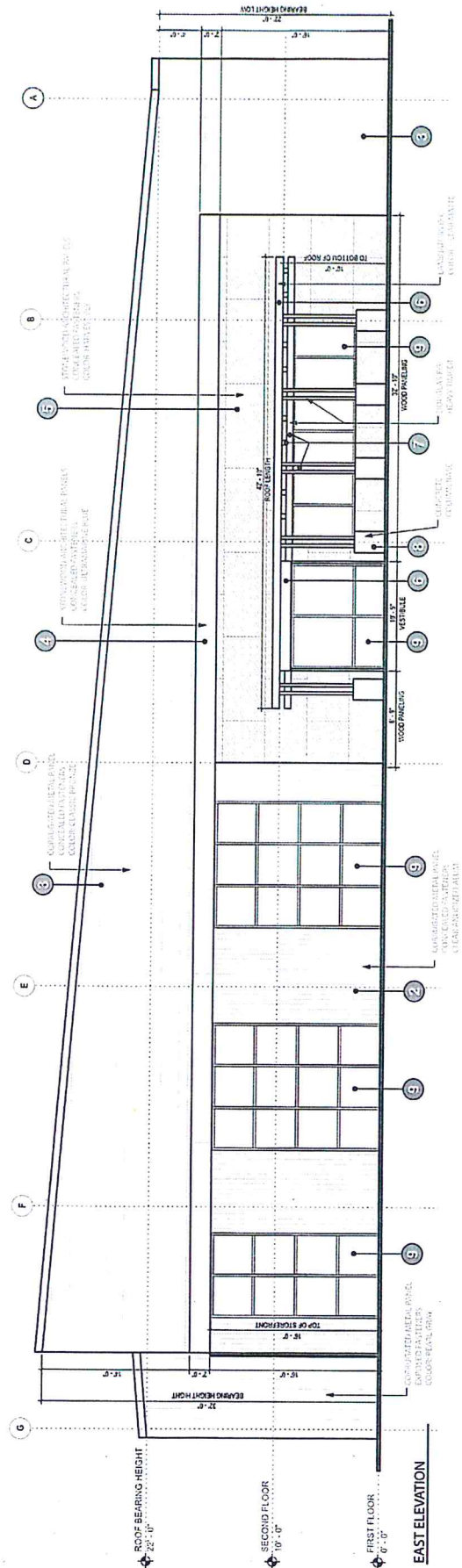
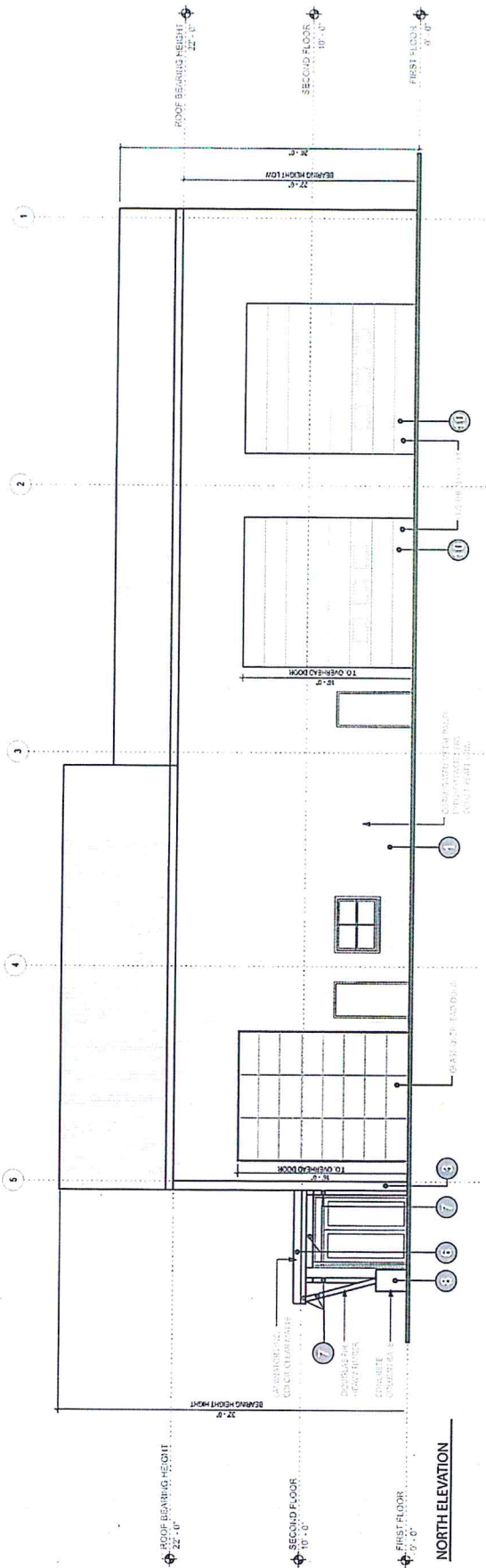
Chuck Henrichs, P.E.
Vice President of Engineering, EEC, Inc.
Owners Representative

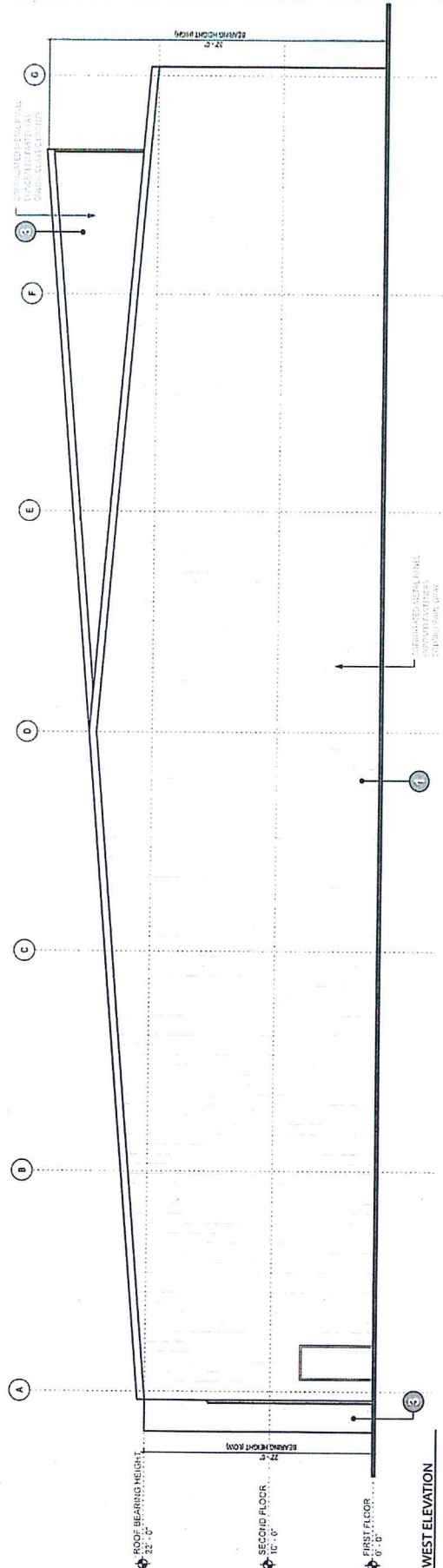
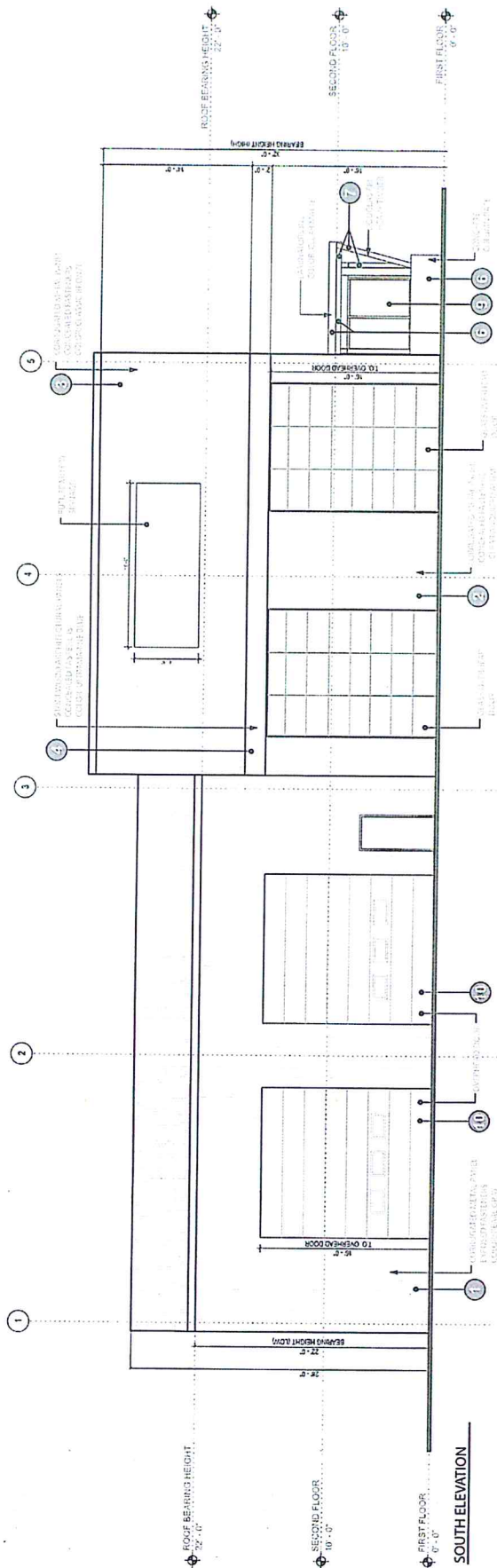


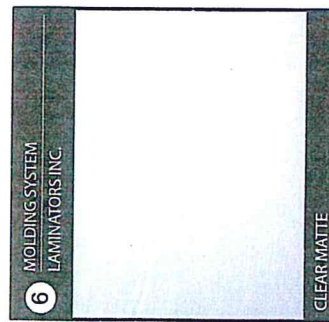
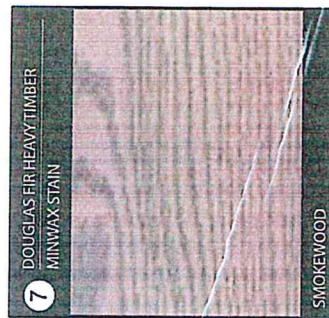
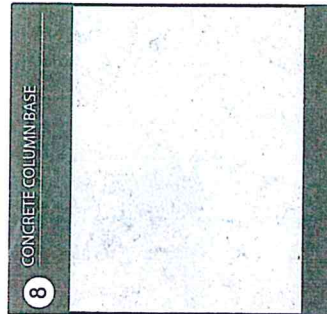
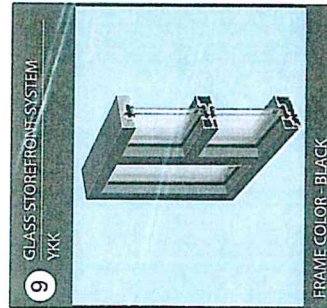
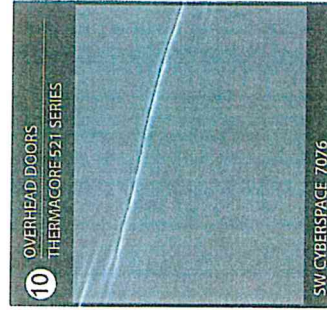
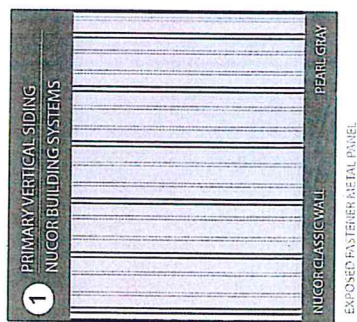
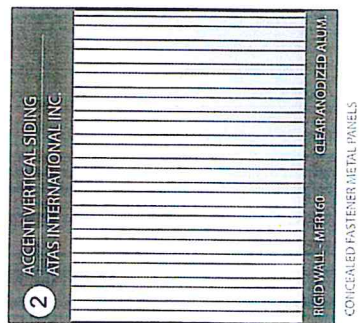
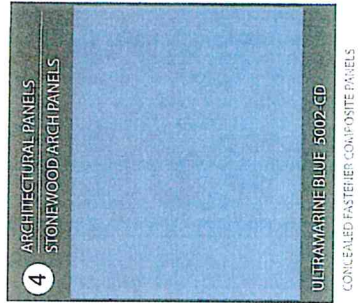
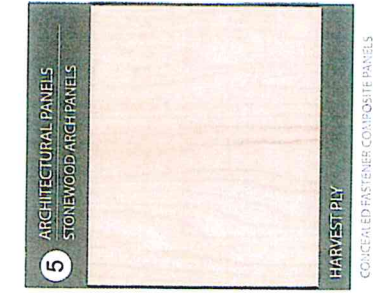




FLOOR PLAN









RENDERING - WEST FACADE



RENDERING - ENTRANCE



RENDERING - NORTH / EAST FACADE



RENDERING - SOUTH FACADE

Owner name	Tax Code	Legal Description	Mailing Address
KRUM, TERRY R & JUDITH L	D02667	NUTTING 2ND FILING, S10, T02 S, R24 E, Lot 1, FRAC LOT 1	1311 E RAILROAD ST LAUREL MT 59044
FORSTNER, GEORGE T & IRENE	D02668	NUTTING 2ND FILING, S10, T02 S, R24 E, Lot 1, LESS E65 FT & W 82.40 10 2S 24	1321 E RAILROAD ST LAUREL MT 59044
STRECKER, JOHN JR	D02670	NUTTING 2ND FILING, S10, T02 S, R24 E, Lot 1B, LTS 1 & 2 AMD 1978 GALLATIN Tl*	1411 E RAILROAD ST Laurel MT 59044
BOESHANS, NATHAN P & COLLEEN M	D02669	NUTTING 2ND FILING, S10, T02 S, R24 E, Lot 1A, AMEND LTS 1,2	2553 ALPINE VIEW DR LAUREL, MT 59044-9355
FARNES, LEILA A	D02671	NUTTING 2ND FILING, S10, T02 S, R24 E, Lot 2, E 1 A OF LOT 2	1423 E RAILROAD ST LAUREL, MT 59044-3339
MONTANA RAIL LINK	D13144C	S10, T02 S, R24 E, INFORMATIONAL ONLY - CENTRALLY ASSESSED PARCEL IN SEC 10-2S-*	PO Box 16624 Missoula MT 59808-6624
CHS INC	D02712	S15, T02 S, R24 E, FRAC N2NW S OF HWY (LESS C/S 1142 & 1291)	PO Box 909 Laurel MT59044-0909
CHS INC	D02713	S15, T02 S, R24 E, C.O.S. 1142, PARCEL 1, AMND	PO Box 909 Laurel MT59044-0909
X LAZY H LLC	B03037A	ENTERTAINMENT PARK SUBD, S15, T02 S, R24 E, BLOCK 1, Lot 2B	10087 HIGHWAY 12 JOLIET, MT 59041
X LAZY H LLC	B03037B	ENTERTAINMENT PARK SUBD, S15, T02 S, R24 E, BLOCK 1, Lot 2C	10087 HIGHWAY 12 JOLIET, MT 59041
X LAZY H LLC	B03037C	ENTERTAINMENT PARK SUBD, S15, T02 S, R24 E, BLOCK 1, Lot 2D	10087 HIGHWAY 12 JOLIET, MT 59041
DIEFENDERFER FAMILY TRUST	B03036	ENTERTAINMENT PARK SUBD, S15, T02 S, R24 E, BLOCK 1, Lot 1A, AMD BLK 1 LT*	3619 FLAGSTONE DR BILLINGS, MT 59102-0301
DIEFENDERFER FAMILY TRUST	B03036A	ENTERTAINMENT PARK SUBD, S15, T02 S, R24 E, BLOCK 1, Lot 1B, AMD BLK 1 LT 1 (17)	3619 FLAGSTONE DR BILLINGS, MT 59102-0301

Chapter 17.60 - ZONING COMMISSION

Sections:

17.60.010 - Powers and duties.

The city-county planning board shall act as a zoning commission whose duty it shall be to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein.

(Prior code § 17.08.010)

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.

Chapter 17.26 - COMMUNITY ENTRYWAY ZONING DISTRICT

Sections:

17.26.010 - Intent.

The purpose of the Laurel Entryway Zoning District is to regulate outdoor advertising, outdoor advertising signs, and outdoor signs of all types, to provide fair and comprehensive regulations that will foster a good visual environment for Laurel, enhancing the area in which we live, and creating an aesthetic and enjoyable appearance for our visitors and our residents.

The natural landscape in the Yellowstone Valley is a major influence on the form and character of Laurel. Residents appreciate being able to see the Beartooth Range, the river's corridor of trees, and the large expanse of sky. The intent of the Community Entryway Zoning District (EZD) is to promote attractive, high quality development and to provide an appealing image of the city of Laurel to the traveling public and the people of the community and region. Further, it is the intent of this district to maintain a sensitivity toward existing development while preserving scenic vistas and the pastoral ambience and protecting environmentally sensitive areas. Creativity in meeting these requirements is encouraged with the overall intent of all development representing the image and economy of the Laurel area—and not just a reflection of the same commercial buildings, signage, and parking lots that are seen alongside the interstate across the nation.

Projects in the vicinity of large natural areas/corridors shall be designed to compliment the visual context of the natural area. Techniques include architectural design, site design, use of native landscaping, and choices of colors and building materials shall be utilized in such manner that scenic views across or through the site are protected and man-made facilities are screened from off-site observers and blend with the natural visual character of the area.

This overlay district provides requirements that are in addition to the existing, underlying zoning districts in the jurisdictional area of the city of Laurel and are in addition to the signage standards of the city of Laurel Municipal Sign Code. Except for signage applications, residential uses in the Entryway Zoning District are exempt from the provisions herein.

The intent of this section is to:

- A. Promote a physical landscape that will assist in making Laurel an attractive place to live and work and be inviting to new industries;
- B. Encourage creativity in design and quality in site planning and development;
- C. Reduce the level of adverse impacts from the transportation system on adjoining lands;
- D. Promote development patterns in harmony with the goals and objectives of Laurel's Growth Management Plan;
- H. Promote compatible land use transitions with a sensitivity toward existing residential uses.

Non-commercial/industrial uses falling within the EZD are exempt from the requirements of the EZD except as such requirements pertain to signage.

(Ord. 02-31, 2002)

17.26.030 - Location of district.

The Community Entryway Zoning District (EZD) shall extend three hundred feet on either side of Interstate 90 right-of way as it extends through the Laurel Zoning Jurisdiction Area, an area that extends outside the city municipal limits one mile. Specifically, along the interstate the EZD shall extend as described from the east limit of the extra-territorial zoning boundary west to the limit of the west extra-territorial boundary. The district shall also include that area three hundred feet on either side of the north extra-territorial boundary on Buffalo Trail Road south through Laurel on First Avenue to where First Avenue turns into US Highway 212-310

(Ord. 02-31, 2002)

(Ord. No. O15-03, 5-5-2015)

17.26.040 - Application and approval process.

- A. All plans and applications for development shall be submitted to the city-county planning board. All applications involving signs shall be submitted to the public works department which shall provide a copy thereof to the planning board. All applications must be submitted and signed by the property owner, lessee, the contract purchaser, or the authorized agent of the property owner. Approval is required prior to any construction activity.
- B. Each application shall include, but not be limited to, the following information:
 - 1. The name and address of the property owner;
 - 2. The name and address of the applicant;
 - 3. The legal description of the parcel;
 - 4. A map drawn to scale showing the dimensions, acreage, location of the parcel, north arrow, streets and adjacent land uses;
 - 5. A complete site plan drawn to a scale of no less than 1" = 40' showing the dimensions and locations of all structures, streets, paving, parking, landscaping, signage, waterways or other significant features of the development;
 - 6. Complete elevation drawings drawn to scale including the dimensions and height of the structure;
 - 7. Signage Plan specifications, location, and ground lighting pattern (applications for signs only—see Section 17.26.050); and
 - 8. Application review fee.
- C. Within fifteen working days following the submittal of a complete application, the planning director, other city designee, or the public works department (in the case of signs) shall issue approval for development or sign or a denial of the application, unless the applicant consents in writing to an extension of the review period. Should the application be denied, the applicant shall be notified in writing specifying the reasons for the denial.

(Ord. 02-31, 2002)

17.26.050 - Definitions.

All terms shall have the same meanings as defined elsewhere in the city zoning ordinance or city signage regulations. The standard dictionary meaning shall be applied to terms not otherwise defined.

(Ord. 02-31, 2002)

17.26.052 - Development standards.

A. Signage.

1. Review Consideration. Signage in the EZD needs to recognize the relationship between adjacent land uses and the natural features of the location such as existing views and proximity to residences. Although signs perform a function in providing information concerning services, products, and business, a profusion of signs produces a cumulative effect that cancels out individual effectiveness and detracts from the appearance of the community as a whole. All signage shall be reviewed with the following considerations and criteria:
 - a. Use of subdued, low-key colors;
 - b. Location, size, and height that do not obstruct views of the community, the river corridor, traditional open spaces, or the mountains;
 - c. Sign is built of permanent, durable materials;
 - d. Size and location avoids or minimizes the sense of clutter with nearby signs;
 - e. The sign is professionally prepared and finished on both sides;
 - f. The location and placement of the sign will not endanger motorists or pedestrians and does not interfere with the clear vision triangle at street, railroad, or street driveway intersections;
 - g. The sign will not cover or blanket any prominent view of a structure or façade of historical or architectural significance;
 - h. The sign will not obstruct views of users of adjacent buildings to side yards, yards or to nearby open space;
 - i. The sign will not negatively impact the visual quality of a public open space such as a recreation facilities, square, plaza, court yard and the like;
 - j. The sign cannot be seen from the Yellowstone River or any city, county or state park or—if it can be seen—it must be located one thousand feet from the boundaries of such spaces.
2. Only one sign is allowed per parcel of record and there shall be at least one thousand feet between signs.
3. A construction permit is required whenever the sign copy is changed and any alterations to the sign are made.
4. Signs shall be limited to one hundred sixty square feet in copy area.
5. Non-conforming signs are required to be brought into compliance with this section within six years from the date of adoption of this ordinance or upon the earliest occurrence of the following events.
 - a. The sign is relocated or replaced;

- b. The structure or size of the sign is altered in any way;
 - c. The sign suffers more than fifty percent appraised damage or deterioration or the sign is taken out of service for any reason, such as being knocked down by weather or other means;
 - d. If any non-conforming sign is abandoned or voluntarily discontinued for a period of one hundred eighty days, any subsequent use must be in conformity with this ordinance. An abandoned sign is a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found. An abandoned sign is to be removed by the owner within fifteen days of notice from the public works department.
 - 6. No portable signs as described in the city signage ordinance are allowed in the EZD.
 - 7. Transit Bus Benches. Transit bus benches, with or without advertising, may be placed within the city right-of-way upon application and approval of the ADA coordinator, the transit administrator and in consultation with the public work director. All benches must comply with any applicable city, state, and or/federal standards or regulations. The city may approve a bench provider, with or without advertising, pursuant to its procurement policy, as amended.
 - 8. Lighting. All sign lighting must incorporate cut-off shields to direct light downward. Luminaries shall not be visible from adjacent streets or properties. A sign's lighting will not cause hazardous or unsafe driving conditions for motorists and will not glare, reflect, or spill onto adjacent business or residential areas.
- B. Building Design Standards.
- 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.
- C. Additional Provisions for Commercial Uses.
- 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.

2. Site Lighting. All outdoor lighting shall be designed, located and mounted at heights no greater than eighteen feet above grade for non-cutoff lights and thirty-five feet above grade for cutoff lights. All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line shall not exceed three-tenths foot-candle for non-cutoff lights and three foot-candles for cutoff lights.
3. Storage of Junk. No person shall store junk, partially or completely dismantled vehicles, or salvaged materials in any commercial zone outside a building. In the case of automobile repair shops, such materials must be enclosed within a building or an area having a sight-obscuring fence at least six feet in height.
4. Solid Waste Area. All solid waste storage facilities shall be located within an area enclosed with a sight-obscuring fence or wall that is architecturally compatible in color and design with the building.

D. Cell Towers.

No wireless communication facilities are allowed in the entryway zone.

(Ord. 02-31, 2002)

(Ord. No. O11-07, 6-7-2011; Ord. No. O16-02, 2-2-2016)

17.26.054 - Landscaping standards.

Landscaping in the form of trees, shrubs, and groundcover serve several purposes: The softening of harsh building forms and paved areas, the absorption of ground water, the reflection of seasonal color change, the provision of sound barriers (such as around utility substations or industrial yards), and urban wildlife habitat.

A. Landscaping Definitions.

Canopy Tree. A species of tree which normally bears crown foliage no lower than six feet above ground level upon maturity. Minimum size of canopy trees shall be two and one half inches in caliper.

Evergreen Tree or Shrub. A tree or shrub of a species which normally retains leaves / needles throughout the year. Minimum size of evergreen trees shall be five feet in height.

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.

C. Off-Street Parking Lot Landscaping.

Landscaping shall be provided within all parking areas as follows:

Parking lots containing more than ten spaces shall contain internal areas of landscaping totaling at least ten percent of the parking area. Each planting area shall contain at least three hundred square feet and at least one major tree and groundcover with irrigation. There must be a clearly designated pedestrian route from the parking lot to the street or main entrance.

1. A minimum of twenty square feet of landscaped area shall be provided for each parking space on parking lots containing more than ten spaces.
2. Two canopy and/or evergreen trees and five shrubs shall be required for every ten parking spaces or component thereof over ten parking spaces.

3. All landscaped areas shall contain ground cover such as sod, shrubs, flowerbeds or organic materials. No more than twenty-five percent of the landscaped area shall contain rock, bark chips, stepping stones or similar material.
4. The minimum width and/or length of any parking lot landscaped area shall be five feet.
5. Internal parking lot landscaping provided shall be proportionately dispersed, at the developer's discretion, in order to define aisles and limit unbroken rows of parking. The maximum horizontal or vertical unbroken length shall be limited to one hundred feet. Landscaped areas provided shall be in a scale proportionate to parking lot.
6. Any development that has parking abutting a required bufferyard, may extend the width of parking landscaping plant material. The minimum bufferyard width and that bufferyard a minimum of five feet and include the additional required landscaping material is required in addition to the parking landscaping.
7. Protection of Landscaped Areas. Landscaped areas within parking lots or the along perimeter of the property must be protected from vehicular traffic through the use of continuous concrete curbs, extruded asphalt or other approved permanent barriers.
8. All new utility lines shall be placed underground.

D. Commercial Uses Abutting Residential Uses.

All commercial uses abutting residential uses shall install a bufferyard. The bufferyard shall be ten feet wide and shall contain ten evergreen and/or canopy trees and ten shrubs per one hundred lineal feet. A solid fence or wall that is architecturally compatible in color and design with the building shall be required on the property line. The fence height shall be a minimum of six feet. Chain link or other wire fencing material is prohibited.

E. Fractions in the Calculation of Number of Trees and Shrubs.

In the calculation of trees and shrubs for bufferyards or parking landscaping, all fractions shall be rounded to the nearest, highest whole number.

(Ord. 02-31, 2002)

Chapter 17.27 - SE 4TH STREET OVERLAY DISTRICT

Sections:

17.27.010 - Intent.

The city of Laurel hereinafter ("city"), in collaboration with the Laurel Urban Renewal Agency, prepared the following set of regulations to preserve and protect the unique nature of the SE 4th Street corridor of the city of Laurel. These regulations are intended to promote, preserve, and enhance the character of the built environment while encouraging a cohesive identity.

In addition to building construction, further elements include, but are not limited to parking and pedestrian connectivity requirements, landscaping, and signage.

This district's requirements are in addition to the existing zoning ordinances found in Title 17 of the Laurel Municipal Code (LMC). Single-family and two-family residential uses in the district are exempt from the provisions herein.

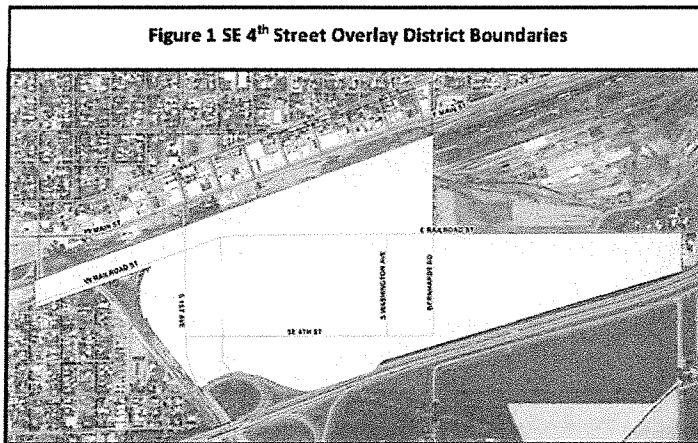
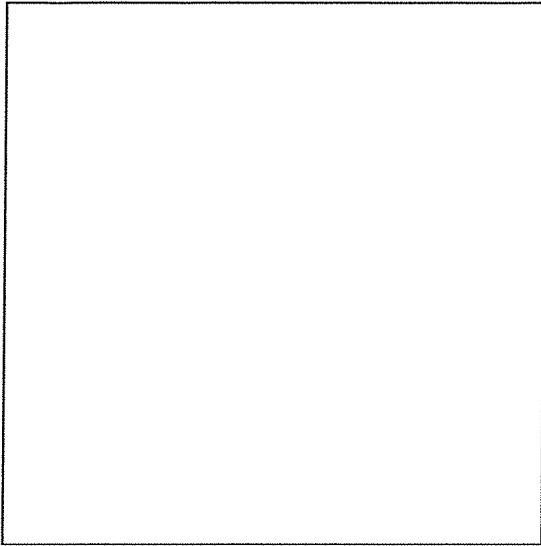
The intent of this section is to:

- A. Promote a physical landscape to make the district an attractive place to live and work;
- B. Encourage creativity in design and quality site planning;
- C. Promote development patterns in coordination with the goals and objectives of the city's growth management plan;
- D. Provide consistency to land uses and design that will protect the investment of property owners in the district.

(Ord. No. O15-04, 5-5-2015)

17.27.020 - District boundaries.

The boundaries of the District are identified in Figure 1.



(Ord. No. O15-04, 5-5-2015)

17.27.030 - Application and approval process.

- A. All building permit applications shall be submitted to the city's building official. All permit applications must be submitted and signed by the property owner or the authorized agent of the property owner. An approved building permit is required prior to any construction activity.
- B. Each building permit application must include, but not be limited to, the following information:
 - 1. The name and address of the property owner;
 - 2. The name and address of the applicant;
 - 3. The legal description of the parcel;
 - 4. A map drawn to scale showing the dimensions, acreage, location of the parcel, north arrow, streets and adjacent land uses;
 - 5. A complete site plan drawn to a scale of no less than 1"=40' showing the dimensions and height of the structure;

6. A Complete elevation drawing drawn to the scale 1"=40' including the dimensions and height of the structure;
 7. If applicable, signage plan specifications, location and ground lighting pattern; and
 8. Payment of application review fee.
- C. Within fifteen working days following the submittal of a complete application, the planning director, designee, or the public works department (in the case of signs) shall issue approval for development or a denial of the application, unless the applicant consents in writing to an extension of the review period. Should the application be denied, the applicant shall be notified in writing specifying the reasons for the denial. (Ord. No. 002-31,2002)

(Ord. No. O15-04, 5-5-2015)

17.27.040 - Nonconformance.

- A. Any lawful characteristic of the properties existing prior to the effective date of the ordinance that would not be a permitted characteristic under these regulations is declared to constitute a nonconforming characteristic.
- B. Nonconforming structures shall not be enlarged, extended, reconstructed, or structurally altered in an amount greater than fifty percent of its assessed valuation, unless the characteristics of the building are changed to comply with the appropriate regulations.
- C. If any nonconforming structure is damaged by an event including, but not limited to, fire, flood, explosion, wind, or war, in an amount equal to or greater than fifty percent of its assessed valuation, reconstruction must comply with the appropriate regulations. In addition, repair and maintenance may be carried out each year in an amount not to exceed twenty-five percent of the assessed valuation of the structure for that year.
- D. A nonconforming structure may continue pursuant to these regulations, but it shall not be changed in any way except to conform to the regulations herein.

(Ord. No. O15-04, 5-5-2015)

17.27.050 - Definitions.

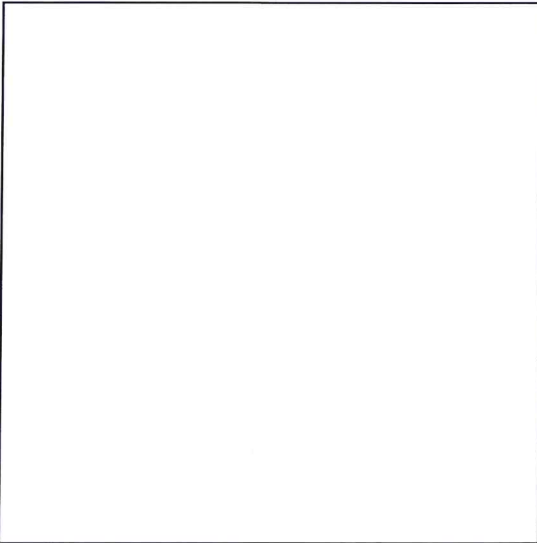
All terms shall have the same meanings as defined elsewhere in the city zoning ordinance or city signage regulations. For purposes of this title, certain words and terms used herein are defined in this chapter.

- A. "Architectural design elements" means an architectural feature consisting of a decorative, three dimensional element, horizontal or vertical, protruding or indented at least two inches from the exterior façade of a building typically utilized to provide additional aesthetic relief to a façade.
- B. "Façade" means the exterior face of a building, including but not limited to the wall, windows, windowsills, doorways, and design elements such as expression lines.
- C. "Front façade" means any building face adjacent to the street. In the case of a corner lot, the front façade is the face that the building is addressed.
- D. "Lot line, front" means the boundary abutting a right-of-way, other than an alley, from which the required setback or build-to zone is measured. The front lot line shall be to the street to which the building is addressed.
- E. "Lot line, side" means the boundary line adjacent to the front lot line and may or may not abut a right-of-way depending on lot location from which the required setback or build-to zone is measured.

(Ord. No. O15-04, 5-5-2015)

17.27.060 - Building design requirements.

- A. Exterior materials shall be sufficiently durable to ensure stability, maintainability, and long life. The materials to achieve a rustic western appearance are required. Buildings shall be finished with a minimum 40 percent half log and/or rock accents on the front façade.
- B. Structures not located along SE 4th street are excluded from the forty percent threshold.
- C. Architectural design elements are required on the front façade. Permitted design element materials include any finish of wood, wood timbers or wooden logs.

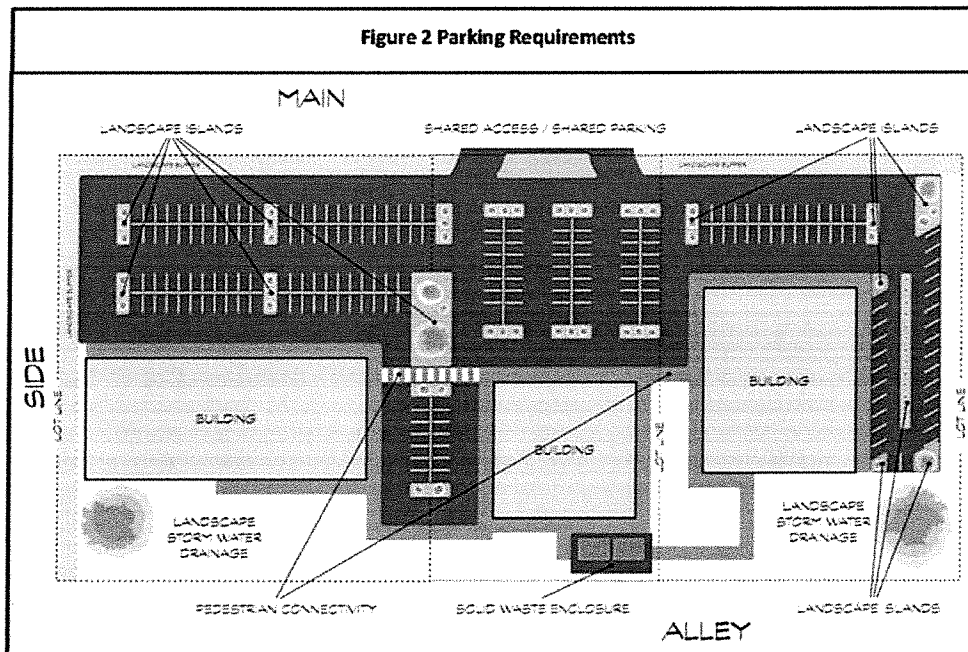
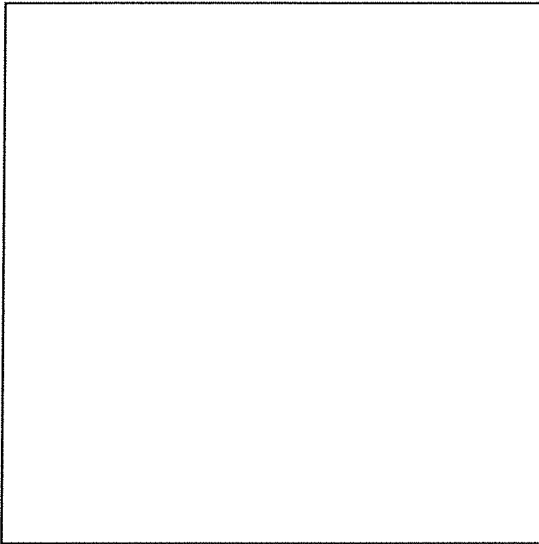


Architectural Design Element: The wooden timbers in front of the buildings are a prime example of the required design element.

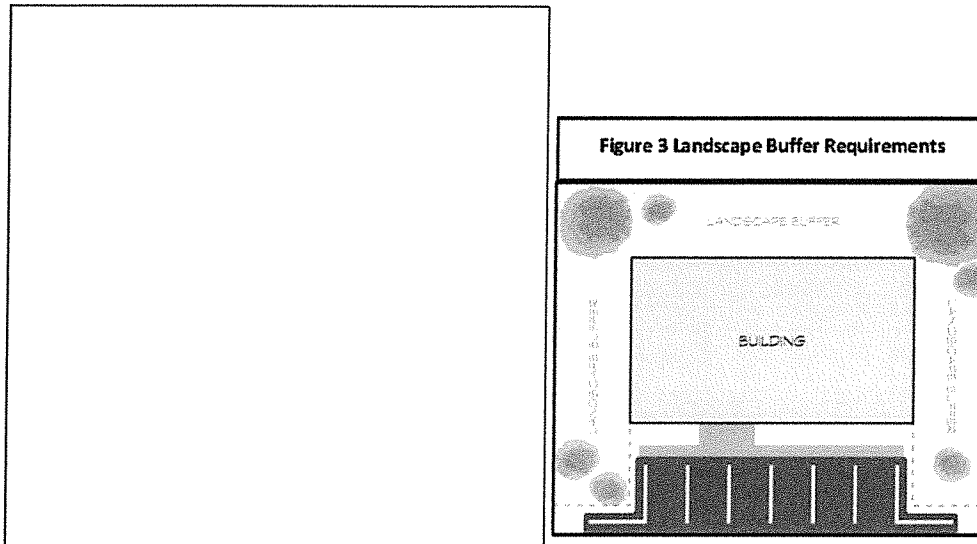
(Ord. No. O15-04, 5-5-2015)

17.27.070 - Site design requirements.

- A. Inter-site circulation is required to provide for orderly and appropriate vehicular traffic between adjacent properties. This will also limit the number of necessary approaches on busy roadways.
- B. Parking exceeding the minimum requirement is discouraged.
- C. Landscape islands are required at the terminal ends of all parking rows.
- D. Pedestrian connectivity from parking areas to buildings shall be provided by interior sidewalks or designated, striped pedestrian crossings.
- E. Shared parking is encouraged when property owners have a written agreement as to the terms of the shared parking. The written agreement is not subject to approval by the city but should be presented if it is applicable to meeting off-street parking requirements. See Figure 2.



- F. Landscaping must be an integral part of the site design. A landscape buffer is required as part of any site development. The buffer shall be designed to provide both screening and aesthetic effect. See Figure 3.



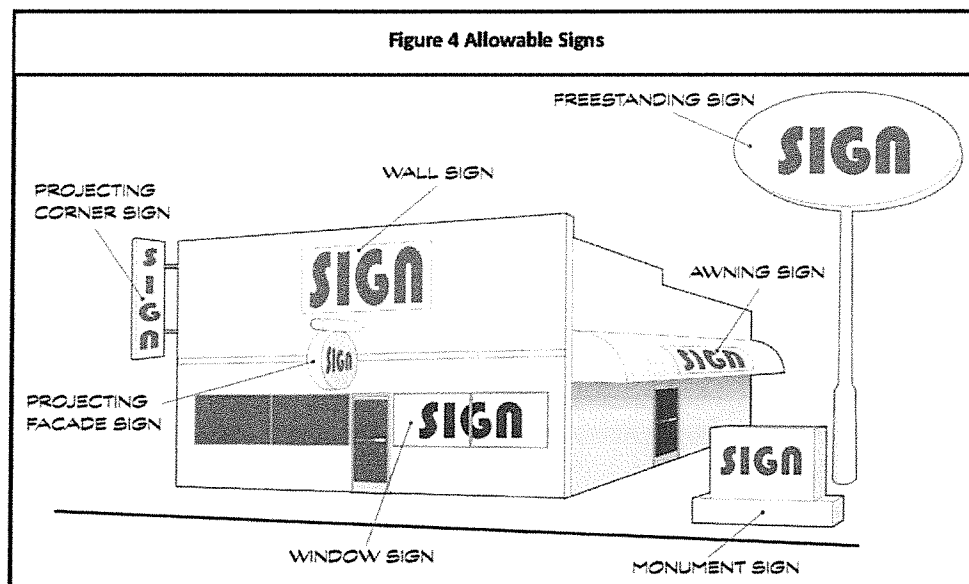
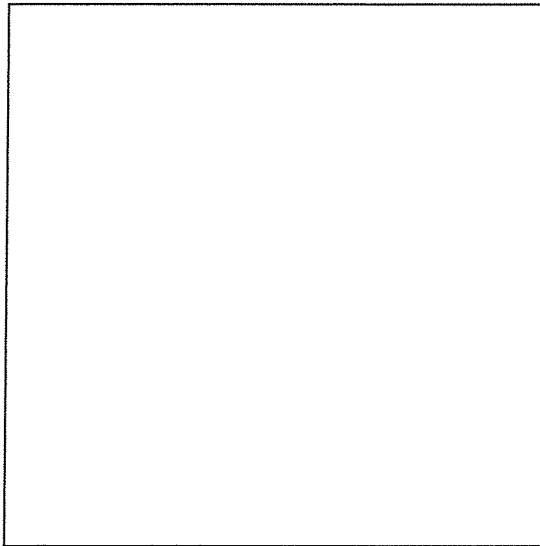
- G. Landscaping should be of an indigenous species or one that is acclimated to the city's climate.
- H. Landscaping shall include a mix of plants, shrubs, sod and trees. A minimum of fifty percent of the trees shall be at least 2.5 inch in caliper size.
- I. Landscaping shall not interfere with clear vision requirements.
- J. If a property is located in this district and the entryway zoning district, parking and landscape requirements of the entryway zoning district shall apply.

(Ord. No. O15-04, 5-5-2015)

17.27.080 - Signage requirements.

Laurel Municipal Code Chapter 17.42 governs signage within the city of Laurel. Exceptions to LMC 17.42 occur only when a property is located in a special zoning district. If a property is located in this District and the Entryway Zoning District, signage requirements of the Entryway Zoning District shall apply.

- A. Allowable sign types include wall signs, window signs, awning signs, corner projecting signs, and projecting signs. See Figure 7.



- B. Illumination is encouraged to be internal. When external illumination is used, it must be focused only upon the sign face and must have cut off shields to prevent light spillage.
- C. Any projecting or corner projecting sign shall not extend above the roofline of the attached building.
- D. Any wall sign shall not exceed 30 percent of the area of any building façade.
- E. Electronic message boards are not permitted in this district.

(Ord. No. O15-04, 5-5-2015)



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board / Zoning Commission
FROM: Nicholas Altonaga, Planning Director
RE: 801 E. Main Street Zone Change
DATE: March 24, 2021

DESCRIPTION OF REQUEST

The Owner of 801 E. Main Street has requested a zone change from Community Commercial (CC) to Central Business District (CBD). Shannon Otis, the representative of the property owner, submitted the application packet to the Planning Department on February 17, 2021. The Applicant previously met with the Planning Director on site to discuss the zone change process and what a change of zoning designation would mean.

Owner: Investment Properties Finance Group LLC
Legal Description: NUTTING SUBD, S10, T02 S, R24 E, BLOCK 20, Lot 12A, AMND LESS 2731' FOR MAIN ST (08)
Address: 801 E. Main Street
Parcel Size: 10,939sqft
Existing Land Use: Commercial, vacant (under construction)
Existing Zoning: Community Commercial
Proposed Land Use: Central Business District

BACKGROUND AND PROCEDURAL HISTORY

- Applicant met with Planning Director in January of 2021 to discuss the current project on the property and the zone change process.
- Applicant submitted the zone change application on February 17, 2021.
- A Public Hearing was held at the Laurel City-County Planning Board meeting on March 17, 2021 to receive public comment and approve, approve with conditions, or deny the zone change.
- The Planning Board voted to approve the Zone Change Request with the stated staff conditions.

- A Public Hearing is scheduled at the Laurel City Council meeting on April 13, 2021 to receive public comment and approve, approve with conditions, or deny the zone change.

STAFF FINDINGS

The Applicant is requesting a zone change for the property at 801 E. Main Street. They request a zone change from the existing Community Commercial (CC) designation to the Central Business District (CBD) designation.

- The Applicant has met with the Planning Director regarding the zone change application.
- The Applicant has submitted the application and applicable fees.
- The Applicant has a goal of redeveloping and rehabilitating the parcel in order to build more residential units within the East downtown area.
- The Applicant has stated that the CBD designation provides greater opportunities for future lot development.
- The property is directly adjacent to the current delineated Central Business District.
- The property is one of two commercial properties directly East of the Central Business District zoning district that were not included in that zoning at the time of its establishment.
- The public noticing requirements have been met.

PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

17.72.060 - Zoning commission action.

- A. The zoning commission shall review and take action upon each application in accordance with the provisions of this chapter, and after a public hearing at which the application shall be presented to the zoning commission by the planning director together with his findings and conclusions on the matter. A report of the commission's recommendation and the planning director's findings and conclusions shall be submitted to the city council.
- B. The zoning commission shall make a recommendation to the city council to:
 1. Deny the application for amendment to the official map;
 2. Grant action on the application for a period not to exceed thirty days;
 3. Delay action on the application for a period not to exceed thirty days;
 4. Give reasons for the recommendation.
- C. The zoning commission shall adopt such rules and regulations for the conduct of public hearings and meetings, which shall be published and available to the public, as well as conflict of interest rules, to ensure that no member is entitled to vote on a matter in which he has an interest directly or indirectly.

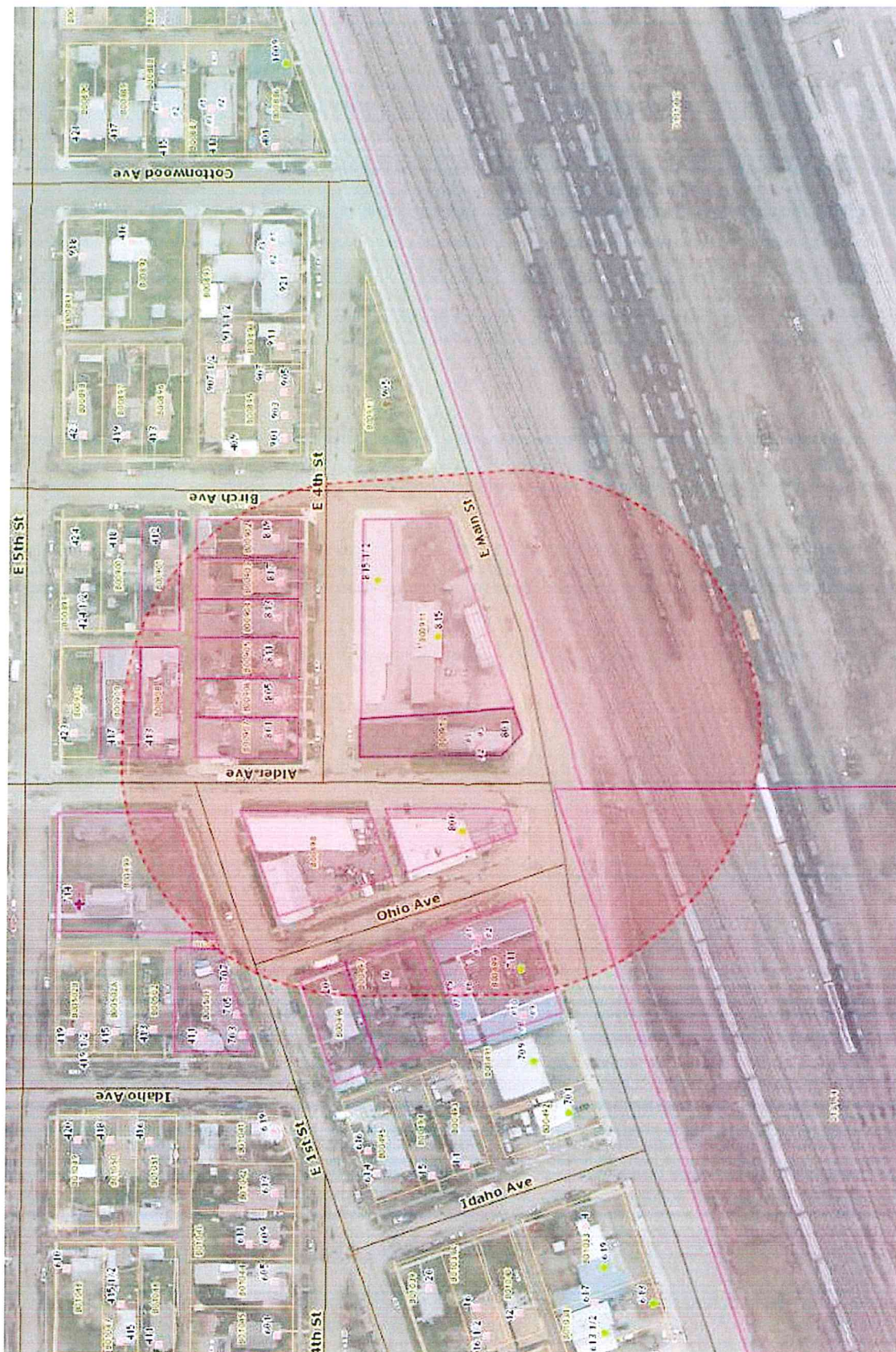
RECOMMENDATIONS

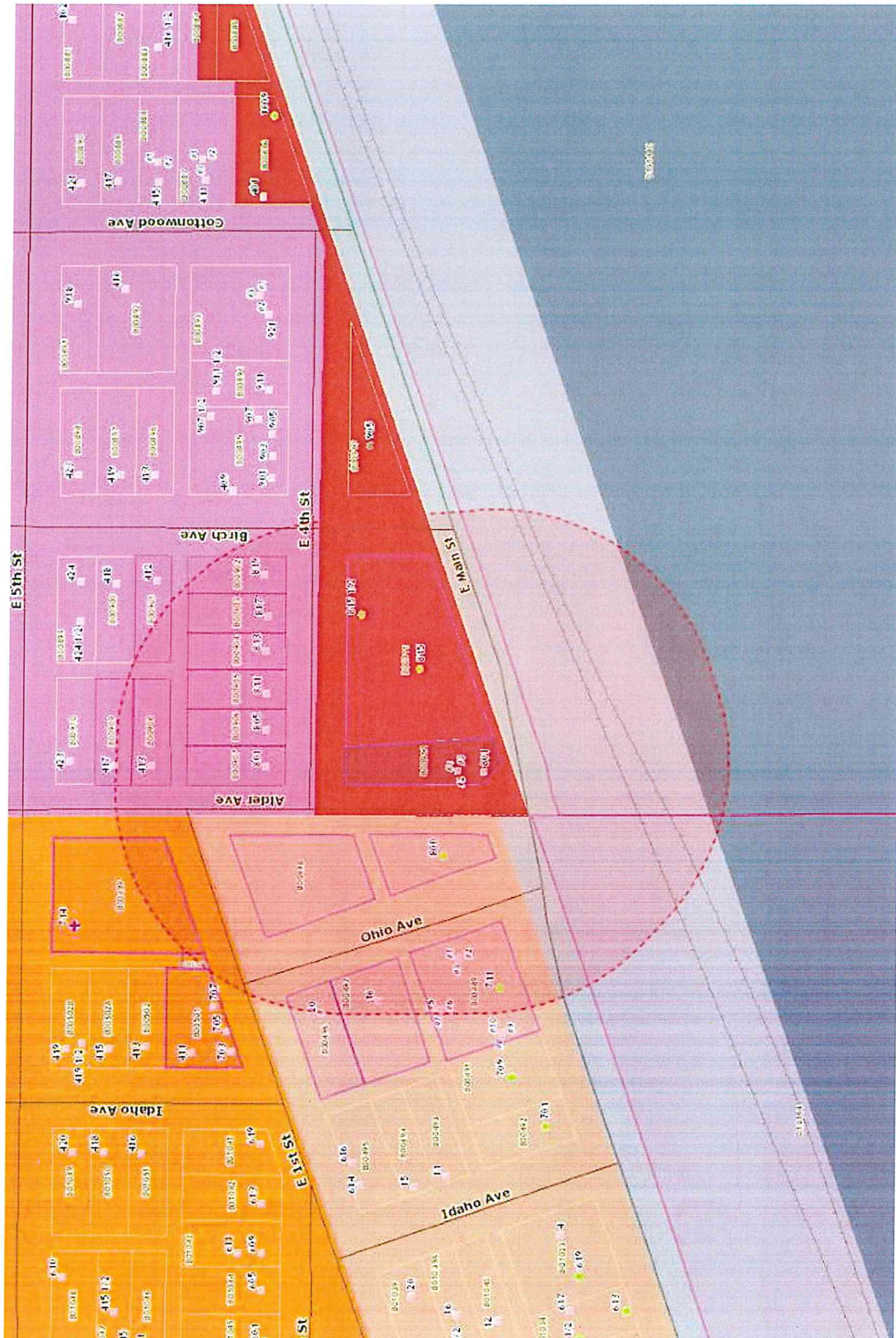
The Planning Director recommends that the Zoning Commission approve the zone change request. The Planning Director has drafted conditions of approval which are presented below.

1. The Owner/Developer shall comply with all the requirements of LMC Chapter 17.72
2. The Owner/Developer shall submit any and all applicable and necessary permits and fees for development of the parcels subject to this zone change approval.
3. The Owner/Developer shall not install and/or operate any uses on parcels subject to this zone change which are not allowable under LMC Chapter 17.16.

ATTACHMENTS

1. 801 E. Main Street Zone Change Application
2. Overhead Map with 300ft buffer
3. Nutting Subdivision Plat (1909)
4. List of Adjacent Property Owners
5. Public Hearing Notice
6. LMC 17.72 – Amendments
7. LMC 17.20 – Commercial-Industrial Use Regulations





2419 11TH LLC
B00501
PO BOX 7128
SHERIDAN, WY 82801-7003

ARROYO SECO GROUP INC
B00489
7308 EL NIDO
LA VERNE, CA 91750-1127

BRADLEY, CURTIS J & BONNIE
J
B00904
813 E 4TH ST
LAUREL, MT 59044-2801

CITY OF LAUREL
B00500
115 W 1ST ST.
LAUREL, MT 59044

DEMARAY, ROGER D &
KRISTINA R
B00497
4207 RIMROCK RD
BILLINGS, MT 59106-1420

EAST MAIN DEVELOPMENT
LLC
B00911
1415 RIDGE DR.
LAUREL, MT 59044-1817

HOLYCROSS, DAVID A
B00907
801 E 4TH ST
LAUREL, MT 59044

INVESTMENT PROPERTIES
FINANCE GROUP LLC
B00912
801 MAIN ST
LAUREL, MT 59044

LAUREL CHURCH OF CHRIST
B00499
PO BOX 95
LAUREL, MT 59044-0095

MONSON, CHRIS
B00903
817 E 4TH ST
LAUREL, MT 59044

MONTANA RAIL LINK
D13144C
PO BOX 16624
MISSOULA, MT 59808-6624

MORAN, MICHAEL G
B00908
PO BOX 461
LAUREL, MT 59044-0461

PORCH LIGHT LLC
B00906
805 E 4TH ST
LAUREL, MT 59044

RICHARDS, STEVEN W &
JENNY L
B00902
819 E 4TH ST
LAUREL, MT 59044

SMITH, LANCE E & AMBER
B00496
20 OHIO AVE
LAUREL, MT 59044

TOWN & COUNTRY SUPPLY
ASSOCIATION
B00498
PO BOX 367
LAUREL, MT 59044-0367

VANDYKE, BECKY L
B00909
417 ALDER AVE
LAUREL, MT 59044

WEATHERFORD, KEENAN
B00901
412 BIRCH AVE
LAUREL, MT 59044

PUBLIC HEARING NOTICE

The Laurel City-County Planning Board and Zoning Commission will conduct a public hearing on a zone change requested for 801 East Main Street. The Zoning Commission hearing is scheduled for **5:35 P.M., in the City Council Chambers at City Hall, 115 West 1st Street, Laurel, Montana, on Wednesday, March 17th, 2021.**

Additionally, the City Council has scheduled a public hearing for the consideration of the zone change request. The City Council hearing is scheduled for **6:30 P.M., in the City Council Chambers at City Hall, 115 West 1st Street, Laurel, Montana, on Tuesday, April 13th, 2021.**

The applicant is requesting a zone change from the Community Commercial zoning District to the Central Business District zoning district. The Community Commercial district is intended to accommodate community retail, service and office facilities offering a greater variety than would normally be found in a neighborhood or convenience retail development. The requested Central Business District zoning district is intended to primarily accommodate stores, hotels, governmental and cultural centers and service establishments at the central focal point of the city's transportation system.

Public comment is encouraged and can be provided in person at the public hearings on March 17th and April 13th. Public comment can also be made via email to the Planning Director, or via letter to the Planning Department office at 115 West 1st Street Laurel, MT 59044. A copy of the zone change documentation is available for review upon request at the Planning Department office. Questions regarding this public hearing may be directed to the Planning Director at 628-4796 ext. 5302, or via email at cityplanner@laurel.mt.gov.

Chapter 17.72 - AMENDMENTS

Sections:

17.72.010 - Purpose of provisions.

Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the city council may amend, supplement, or change the regulations in this title, or the zoning boundaries or classification of property on the zoning map, as set forth in this chapter.

(Prior code § 17.84.010)

17.72.020 - Amendment procedure.

Amendments to the text of the title and/or changes in the zoning boundaries or classification of properties shown on the zoning map may be initiated by the city council on their own motion, or upon recommendation of the planning board but no amendment shall become effective unless it shall have been submitted to the zoning commission for review and recommendation. Before enacting an amendment to this title, the city council shall give public notice and hold a public hearing thereon.

(Ord. 96-5 (part), 1996; prior code § 17.84.020 (part))

17.72.025 - Amendment by private property owner.

Amendments to the zoning boundaries or classification of property shown on the zoning map may be initiated by property owners of the land proposed to be rezoned, by the filing with the zoning commission secretary of a zoning change application, which application shall be provided by the zoning commission secretary, and accompanied by all other materials and data required in the application.

(Ord. 01-4 (part), 2001; Ord 96-5 (part), 1996; prior code § 17.84.020 (part))

17.72.030 - Preapplication conference required.

Persons or parties interested in submitting an application for a zoning change shall consult with the planning director and the building inspector, at a joint meeting, if possible, concerning a proposed zoning change, its relation to and effect upon the comprehensive plan, any applicable specific plans or any plans being prepared by the planning department, and whether the proposed change is in conformance with public necessity, convenience, general welfare and good zoning practice.

(Prior code § 17.84.030)

17.72.040 - Application requirements.

- A. Unless initiated by the city council or planning board, all applications for official map amendments must be submitted by the owner of such property, the contract purchaser, or the authorized agent of the owner. An application for an amendment affecting the same property shall not be submitted more often than once every twelve months. The zoning change application shall contain the following information:
1. Name of applicant;
 2. Mailing address;
 3. Telephone number;

4. Accurate legal description of location;
 5. Nature of zoning change requested;
 6. Description of present land uses;
 7. Description of adjacent land uses;
 8. Statement of intended land use;
 9. Statement concerning any expected effect upon the adjacent neighborhood;
 10. Date of preapplication conference;
 11. Names and addresses of adjacent property owners, within three hundred feet;
 12. Signature of applicant;
 13. Payment of all applicable fees.
- B. An application for amendment to the official map shall be made on or before five p.m. of the first day of the month preceding the date of the public hearing before the zoning commission. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following day before five p.m.
- C. An application for a zone change may not be withdrawn or amended after the legal advertising, as required by this section, has appeared for final public hearing before the city council. An applicant may be allowed to withdraw at the time of the zoning commission hearing by a majority vote of the members present without requiring council approval of the withdrawal and without prejudice with respect to the twelve month waiting period providing, however, that no application be allowed to be withdrawn more than once within the twelve month period after application shall have first been submitted.

(Prior code § 17.84.040)

17.72.050 - Planning department evaluation responsibility.

The planning director, upon receiving an application for rezoning of an area or a particular place of property shall do the following:

- A. Consult with other departments of the city or county to fully evaluate the impact of any zoning change upon public facilities and services including, but not limited to schools, drainage, traffic and related facilities;
- B. Study each application with reference to its appropriateness and effect on existing and proposed land use, and references to the comprehensive plan;
- C. In the case of a protest petition filed in the matter of any application for rezoning determine the validity of such petition;
- D. Advertise twice in a newspaper of general circulation in the jurisdictional area of the Laurel-Yellowstone city-county planning board at least fifteen days in advance of the time and place of the public hearing;
- E. Notify, by mail, the applicant or his authorized agent five days prior to the date of the public hearing of the time and place of such hearing;
- F. Notify, by mail, all property owners within three hundred feet of the exterior boundaries of the property subject to the rezoning; of the time, date, place of the public hearing and the existing and proposed classification. Further, he may notify property owners within a radius of more than three hundred feet if he determines that the proposed use of the property would have substantial environmental impact on surrounding land uses;
- G. The planning director shall report his findings and conclusions in writing to the zoning commission, which report shall be a matter of public record.

(Ord. 01-4 (part), 2001; prior code § 17.84.050)

17.72.060 - Zoning commission action.

- A. The zoning commission shall review and take action upon each application in accordance with the provisions of this chapter, and after a public hearing at which the application shall be presented to the zoning commission by the planning director together with his findings and conclusions on the matter. A report of the commission's recommendation and the planning director's findings and conclusions shall be submitted to the city council.
- B. The zoning commission shall make a recommendation to the city council to:
 - 1. Deny the application for amendment to the official map;
 - 2. Grant action on the application for a period not to exceed thirty days;
 - 3. Delay action on the application for a period not to exceed thirty days;
 - 4. Give reasons for the recommendation.
- C. The zoning commission shall adopt such rules and regulations for the conduct of public hearings and meetings, which shall be published and available to the public, as well as conflict of interest rules, to ensure that no member is entitled to vote on a matter in which he has an interest directly or indirectly.

(Prior code § 17.84.060)

17.72.070 - Public hearing—Notice required.

- A. Before taking action on an application for an amendment to the official map, and after presentation of the zoning commission's recommendation, the city council shall hold a public hearing on the application.
- B. The recommendations of the zoning commission shall be published twice in a newspaper of general circulation in the jurisdictional area of the Laurel-Yellowstone city-county planning board, and not less than fifteen days after the first publication of such notice, a final hearing shall be held at the next regular meeting of the city council.
- C. When such proposed amendment has been denied by the city council neither it nor one involving the same tract(s) shall be offered for adoption within one year after such denial.
- D. In case, however, of a valid protest petition against such change signed by the owners of twenty per centum or more either of the lot included in such proposed change, or of those immediately adjacent in the rear of extending one hundred fifty feet therefrom or of those adjacent on either side thereof within the same block, or of those directly opposite thereof extending one hundred fifty feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the city council.

(Ord. 01-4 (part), 2001; prior code § 17.84.070)

17.20.010 - List of uses.



Table 17.20.010 designates the special review (SR) and allowed (A) uses as governed by commercial — industrial use regulations.

	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		
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	
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		
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

17.20.010 - List of uses.



Table 17.20.010 designates the special review (SR) and allowed (A) uses as governed by commercial — industrial use regulations.

	AG	RP	NC	CBD	CC	HC	LI	HI	P
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
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	A		
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		
Fertilizer manufacturing								SR	
Fertilizer wholesale sales						SR	SR	A	
Fertilizer - retail sales					A	A	A		
Florist, wholesale sales	SR				A	A	A		
Florist, retail sales			A	A	A	A	A		
Flour mills							SR	SR	
Food products manufacturing, storage and processing						SR	SR	A	
Food stores (retail only)				A	A	A	A		
Food stores (retail only) - 3000 sq. ft.			A	A	A	A	A		
Foundry								A	
Frozen food lockers					A	A	A		
Fuel oil, gasoline and petroleum products bulk storage or sale						A	A	A	
Furnace repair and cleaning					A	A	A	A	
Furniture and home furnishings, retail sales			A	A	A	A	A		
Furriers, retail sales and storage			A	A	A	A	A		
Gambling establishments				A	A	A	A		
Garbage, offal and animal reduction or processing							SR		
Garbage and waste incineration								SR	
Gas storage								SR	

17.20.010 - List of uses.



Table 17.20.010 designates the special review (SR) and allowed (A) uses as governed by commercial — industrial use regulations.

	AG	RP	NC	CBD	CC	HC	LI	HI	P
Gases or liquified petroleum gases in approved portable metal containers for storage or sale						A	A	A	
Grain elevators	A					SR	SR	A	
Greenhouses	A				A	A	A	A	
Hardware, appliance and electrical supplies, retail sales				A	A	A	A		
Hatcheries	A						SR	SR	
Heliports				SR		SR	SR	SR	SR
Hobby and toy stores			A	A	A	A	A		
Hospitals (for the care of human patients)			A	A	A	A		A	
Hospital, animal		A		SR	SR	A	A	A	
Hotels				A	A	A			
Industrial chemical manufacture except highly corrosive, flammable or toxic materials								SR	
Irrigation equipment sales and service					A	A	A	A	
Jails and penal institutes									A
Janitor service				A	A	A	A		
Jewelry and watch sales			A	A	A	A	A		
Kennels – commercial	A				SR	A	A		
Laboratories for research and testing						SR	A	A	
Landfills - reclamation or sanitary									A
Laundries, steam and dry-cleaning plants							A	A	
Laundries, steam pressing, dry-cleaning 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		
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

17.20.010 - List of uses.



Table 17.20.010 designates the special review (SR) and allowed (A) uses as governed by commercial — industrial use regulations.

	AG	RP	NC	CBD	CC	HC	LI	HI	P
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					
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	
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

(Ord. No. 009-01, 3-17-09; Ord. No. 009-07, 7-7-09; Ord. No. 011-01, 2-15-2011; Ord. No. 0-14-03, 8-5-2014)

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.
(Prior code § 17.32.020)

Zoning Requirements	A	RP*	NC*	CBD*	CC*	HC	LI	HI	P
Lot area requirements in square feet, except as noted, 20 acres	20 acres	NA	NA	NA	NA	NA	NA	NA	NA
Minimum yard requirements:									
Front ^(a)	NA	20	20	NA	20	20	20	20	20
Side ^(b)		0	0		0	0	0	0	0
Side adjacent to street		10	10		10	10	10	10	10
Rear ^(b)		0	0		0	0	0	0	0
Maximum height for all buildings ^(c)	NA	25	25	NA	25	45	70	NA	NA
Maximum lot coverage in percent	NA	50	50	NA	50	75	75	75	50
Minimum district size (expressed in acres)	20 acres	2.07	2.07	2.07	2.07	2.07	2.07	2.07	NA
(NA means not applicable)									
*The lot area, yard and lot coverage requirements for 1 and 2 single family dwellings in commercial zoning districts shall be the same as those in the RLMF residential zoning district.									
(a) Arterial setbacks									
(b) Side and rear yards									
(c) Except as provided in the airport zone									

(Ord. No. O-14-03,8-5-2014)

File Attachments for Item:

4. Council Workshop Minutes of December 15, 2021.

**MINUTES
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, DECEMBER 15, 2020**

A Council Workshop was held via Zoom and called to order by Mayor Tom Nelson at 6:32 p.m. on December 15, 2020.

COUNCIL MEMBERS PRESENT:

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

OTHERS PRESENT:

Kurt Markegard, Public Works Director
Stan Langve, Police Chief
Brent Peters, Fire Chief

Public Input:

There were none.

General Items

1. Appointment to Yellowstone Historic Preservation Board for a two-year term ending December 31, 2022.

Mayor Nelson stated the only person to submit a letter of interest for the Board opening was Evan Bruce.

2. Appointment to Park Board for a four-year term ending December 31, 2024.

Mayor Nelson stated there are three vacancies. The City has received two letters of interest. One from Council Member Herr and the other from Phyllis Bromgard. Council Member Stokes is the Board Chair. He stated he will be reaching out to him to see if he is still interested in serving on this Board.

It was questioned if Richard Herr was already on the Park Board. It was clarified he is asking to be reappointed. The opening is a Council Member opening currently filled by Council Member Stokes.

2. Appointment to the Laurel Urban Renewal Advisory Board for a four-year term ending December 31, 2024.

Mayor Nelson stated there is one vacancy. The City received one letter of interest from Diane Lehm asking for reappointment to the Board.

3. Appointment to the Laurel Urban Renewal Agency for a four-year term ending December 31, 2024. (2 vacancies)

Mayor Nelson stated there are two openings. The City received two letters of interest. One from Dan Klein is asking for reappointment to the Board. The second from Dennis Eaton asking to fill one of the vacancies.

Executive Review

5. Resolution - A Resolution Of The City Council Authorizing The Mayor To Sign A Memorandum Of Understanding With The United States Marshals Service For Participation In The Fugitive Task Force Program.

Stan Langve, Police Chief, stated this is a mutual aid agreement. There is no cost to the City, but it does add a layer of protection. Detective Brew fully supports this agreement. They are working the same scene with the same people; it makes sense to have a mutual aid agreement. It also allows our department to assist agencies outside of our jurisdiction as needed via the mutual aid agreement.

It was questioned if this MOU has been in place in the past. It was clarified that it had come up in the past. This is a piece of housekeeping and adds an extra layer of protection for the City. Chief Langve has spoken with the resident agent in charge of the DEA Taskforce. The two agencies work the same scene with the same people. It could have been done in the past; it just had not been done yet.

Mayor Nelson stated recently; there was a shooting that involved members of the Marshalls Service and the Billings Police Department who were working with them. Laurel PD could be in the same type of situation.

6. Resolution - Task Order - Yellowstone River Crossing

Kurt Markegard, Public Works Director, stated this is a task order replacing the waterline that goes to Riverside Park. The waterline froze in 2008 or 2009, and that spring, it ruptured. At the time, it was costly to replace. Put in a \$3200 pipe on the inside and had Ace Electric pull that pipe through with their cable truck. It is not a stable way to get water over there.

This task order is to replace the line with an insulated pipe. It is a 4-inch pipe; they did look at replacing a 6-inch line to have fire flow. This task order will have KLJ design the project and then go out to bid. The money has been budgeted and is the match for the campground. We have been working on this for a few years to get water to Riverside Park.

Mayor Nelson stated this is part of the Park Master Plan and part of the match to complete the campground.

Council Issues

7. Update on West Railroad

Kurt Markegard, Public Works Director, stated he, the Mayor, and the Clerk/Treasurer met with the DOT to review the Urban funds' balance. Currently, there are \$4.1 million in the fund. The rate of inflation is exceeding the cost of the project. The DOT wants to know what commitment Laurel has to fund the gap. Staff and the Mayor expressed that West Railroad is still the number one priority for the Urban Route funds. Talked about stormwater and utilities. There is an additional funding source through a TA Grant. The TA Grant is due in February if the Federal budget is passed. Important for congress to act and get that funded.

They let the DOT know that the Council has made it clear they do not want the project cut up. The project needs to be from 1st to 8th. There was discussion about not doing curb, gutter, and sidewalk for the project's full length to reduce the cost of the project. If they do not do curb and gutter, they do not need to address the stormwater as the water would shed into the southside.

Once the EDII project is complete, we can look at what funding is available through the TIF District. The first five blocks are part of the TIF District. The Mayor, Public Works Director, and Clerk/Treasurer will meet in January to discuss what funding options are available through the TIF District. Will meet with DOT in February. Everyone is still interested in moving this project forward.

It was questioned how much the City would save if they do not do curb and gutter. It is not clear how much they would be saving. They were brainstorming ways to reduce the cost. One side of the street could suffice for the sidewalk. It may not need on both sides. There is some foot traffic on this stretch of road. Hope to discuss at Public Works Committee in January and look at what costs can be shaved off this project.

KLJ is working on the stormwater on the southside. The goal is to get the streets, including infrastructure, done on the southside. Can't start addressing the streets down there until the stormwater has been addressed.

They did talk about the Build Program if we could use Build dollars. The same as the Tiger Grant. The State is asking for \$20 million for their projects. This is a possibility. Not sure how successful Laurel would be requesting a Build Grant. Dependent on the Federal budget passing.

Other Items

Brent Peters, Fire Chief, stated yesterday morning, Laurel Volunteer Fire Department responded to a single-vehicle rollover involving a semi located on the Interstate near S. 8th Ave. Another semi hit Squad 5 on the scene. Squad 5 is a heavy rescue truck. It sustained quite a bit of damage. It ripped part of the tanker's trailer open as well. The other trucker received a failure to yield and reckless as well. A firefighter was on top of Squad 5 approximately 2 mins before being struck. This incident could have been far worse. The mechanic has looked at the vehicle and stated it is still drivable. It is back into operable condition and will still use going forward. The goal when purchasing this truck was that it could take a hit on the Interstate and protect the

first responders on the scene. When it was purchased, we only needed to pay shipping which was approximately \$8,900. A claim has been filled with MMIA.

Mayor Nelson stated he heard this unfold over the scanner and is grateful no one was injured.

About three weeks ago, another Highway Patrol Vehicle was hit. They had a near miss a few weeks ago where a firefighter was about 1.5 feet away from a trailer that was sliding. That was about 9 hours before the two tow truck drivers were struck and killed.

Going to legislation next year asking for stricter penalties for not moving over for emergency vehicles. Currently, the fine is \$80; in other states, it is as high as \$2k.

Review of Draft Council Agendas

8. Draft Council Agenda for December 22, 2020.

There were no changes to the agenda.

Attendance at Upcoming Council Meeting

All present will be at next week's meeting

Announcements

Mayor Nelson announced the open vacancies. Vacancies include Police Commission, Public Works Committee, Cemetery Commission, Park Board, City/County Planning Board, and Tree Board.

There is a Wreath's Across America ceremony this Friday at Noon. Due to the restrictions, they will be placing wreaths on headstones Saturday at 10 a.m. There are over 900 wreaths to be placed.


The December Public Works Committee has been canceled. The next meeting will be on January 11, 2021.

Council stated they were grateful no one was injured in the accident.

Dianne Lehm stated she was on another meeting earlier on the agenda. She briefly introduced herself to Council.

The council workshop adjourned at 7:15 p.m.

Respectfully submitted,


Brittney Moorman
Administrative Assistant

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

File Attachments for Item:

5. Council Workshop Minutes of January 5, 2021.

**MINUTES
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, JANUARY 05, 2021**

A Council Workshop was held via Zoom and called to order by Mayor Tom Nelson at 6:30 p.m. on January 5, 2021.

COUNCIL MEMBERS PRESENT:

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

OTHERS PRESENT:

Nick Altonaga, Planning Director

Public Input:

There were none.

General Items

1. Appointment to the Police Commission for a three-year term ending April 30, 2023. Council had no comment about this appointment.

2. Appointment to the Laurel Urban Renewal Agency for the remainder of a four-year term ending December 31, 2023. Council had no comment about this appointment.

Executive Review

3. Resolution - Resolution Of The City Council To Adopt The 2020 City Of Laurel Growth Policy.

Nick Altonaga, Planning Director, stated this is no new to Council. It has been in front of the Council for the past few months. This resolution is to adopt, which follows 30 days after the resolution of intent. The 30-day comment period has closed. No public comment was received.

Council thanked the Planning Director for all his hard work on this plan.

It was questioned where this plan goes from here. It was clarified it is the City's responsibility to adhere to the policy when looking at developments. This will be the City's guide for growth for the next five years. At which time it will be reviewed per MCA.

4. Ordinance - An Ordinance Creating A New Title 13 Entitled "Fire Prevention And Protection" And Amending And Renumbering Certain Sections Of Title 15 And 8 Of The Laurel Municipal Code Updating The City's Fire Prevention And Protection Codes.

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

Council Issues

5. Meeting Venue Discussion

Mayor Nelson stated that some had had issues meeting virtually. He asked the Board, Commission, Committee chairs if they had any concerns about how they are meeting.

Council noted that some committee members do not have internet, making it challenging to meet virtually. They noted that members would socially distance themselves and wear masks. They agreed these meetings can comfortably meet in Council Chambers.

As far as City Council, Workshop, and Budget/Finance Committee will continue to meet virtually. There is still staff concerned with gathering in person. Since the Budget/Finance Committee meets directly before Council, it will also meet virtually. If anyone has questions or comments, please email the Mayor.

Other Items

Review of Draft Council Agendas

6. Draft Council Agenda for January 12, 2020.

There were no suggested changes.

Attendance at Upcoming Council Meeting

Mayor Nelson stated he would gone at next week's meeting.

Announcements

Mayor Nelson stated that he has met with Laurel's representative Vince Ricci to work with the new budget director to get the 25% match that they did not want to participate in as approved by FEMA in 2011.

The council workshop adjourned at 6:54 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Brittney Moorman', followed by a long horizontal flourish.

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.

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
<https://cityoflaurelmontana.com/>



Staff Report – Title 13 Ordinance

While reviewing Title 15 and Title 8, I found that there were Fire Protection codes in two separate locations. In order to organize and make searchability easier, I created Title 13 Fire Protection and Prevention.

When the 2012 IFC was adopted by Administrative Order in 2015, the jurisdictional amendments to the fire code were not updated to reference the sections in 2012 IFC (International Fire Code). Therefore, when moving to new Title, these references were updated to reflect the proper code reference in the IFC. As well the State of Montana had changed the Administrative Rules section that amended the Fire Code. This Ordinance will update to the proper State level references and amendments.

Other Fire Protection and Prevention Codes were in Title 8. This included Fireworks and Miscellaneous Fire Protection Regulations. These were reviewed and the language was changed to clarify the updated references to Federal, State and County regulations. By correcting the language within these Chapters, it allows citizens to be able to access the references and cleaned up sections that were not adopted by the State or had been deleted in previous years.

The creation of Title 13 will also allow for future Fire Protection and Prevention Regulations to be placed in one location within the Laurel Municipal Code.

File Attachments for Item:

6. Council Workshop Minutes of January 19, 2021.

**MINUTES
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, JANUARY 19, 2021**

A Council Workshop was held via Zoom and called to order by Mayor Tom Nelson at 6:30 p.m. on January 19, 2021.

COUNCIL MEMBERS PRESENT:

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

OTHERS PRESENT:

Nick Altonaga, Planning Director
Bethany Langve, Clerk/Treasurer
Nancy Schmidt, Library Director
Kurt Markegard, Public Works Director
Stan Langve, Police Chief
Matt Smith, KLJ
Karen Courtney, Building Official

Public Input:

There were none.

General Items

Executive Review

1. Resolution - A Resolution Of The City Council Authorizing The Mayor To Sign A Contract With Shallow Creek Kennels Inc. For The Provision Of K-9 Training Services For The City Of Laurel's Police Department.

Stan Langve, Police Chief, stated this is the next big step in the K-9 program. The program is nationally recognized. Billings has used their services in the past. Officer Booth will go in February to pick out his dog and then go back in March for training.

It was questioned if the dog will be trained for marijuana detection. It was stated with the recent change in the law; the dog will not be trained in marijuana detection. It was further clarified that once a dog knows a smell, they cannot be untrained on that scent. The dog also doesn't know it's working. If it were to alert on a legal substance, the probable cause for the search is illegal. Carbon County has a young K-9; they had to retire because they were trained to detect marijuana.

Some Council Members noted they attended the recent fundraising event. Kudos to those who have helped raise money for this program, in particular Officer Booth. There has been overwhelming community support for this program.

2. Resolution - A Resolution Of The City Council Approving A Task Order Between The City Of Laurel And Klj Engineering Inc. To Authorize Work For The Project Known At The 5th Avenue Water Main Re-Route.

Kurt Markegard, Public Works Director, stated this task order is to design and reconstruct the main water relocation from 5th Avenue to 4th Avenue. It will connect to Valley Drive as well. This is the water line that feeds the reservoir. It will give redundancy to the reservoir in case there is an issue with water distribution. It will go into construction later this year.

Matt Smith, KLJ, stated the reroute would consist of a 12-inch water main. They will need to survey the area but plan to go out to bid in April. It will take approximately 45 to 60 days for a construction timeline.

It was questioned if the plan was to abandon the current water main and if there is any danger of the pipe collapsing. It was clarified that they are anticipating filling that line with concrete before they walk away.

It was questioned if this will help the areas that have low water pressure. It was clarified that this is just the water main to get to the reservoir. It will do nothing to help with water pressure.

3. Resolution - A Resolution Of The City Council Approving A Task Order Between The City Of Laurel And KLJ Engineering Inc. To Authorize The Reconstruction And Rehabilitation Of Screw Pump "B" At The City's Wastewater Treatment Plant.
fix the screw and provide redundant pumping at the WWTP bid and award for this.

Kurt Markegard, Public Works Director, stated last year, the City rehabbed a screw. The screws are used to move the waste in elevation to where it can gravity feed through the rest of the treatment process before being sent out to the river. That screw had been in service since 1986. They rebuilt the channel. Some grout had come off and damaged the screw. It needed to have redundant pumping down and the Wastewater Treatment Plant.

3. Resolution - A Resolution Of The City Council Approving A Task Order Between The City Of Laurel And KLJ Engineering Inc. To Authorize Work For The Water Treatment Plant Lift Well Replacement Project.

Kurt Markegard, Public Works Director, stated this is to replace a wet well sump pump. It is a concrete culvert that goes down into the ground that has a pump installed. It is not unlike a sewer lift station. It lifts the water to our pond from the water plant. During the treatment process, they lift water off the bottom of the new SED Basins. Off the floor drains and rain gutters of the building. It goes into this wet well and then is pumped up to the pond. It is believed the pump was installed in 1978. Want to get two pumps installed, so there is redundancy. When rebuilding,

need to ensure the wet well is built below the floor drains of the SED Basins to get rid of the mud and sediment.

This project is planned for mid to late summer and is expected to cost approximately \$690k.

4. Resolution - A Resolution Of The City Council Approving A Task Order Between The City Of Laurel And KLJ Engineering Inc. To Authorize A Southside Storm Water Study For The City Of Laurel.

Kurt Markegard, Public Works Director, stated this task order is an attempt to understand the stormwater on the southside. Currently, the stormwater is directed to the southeast side, where it enters a culvert and runs underneath the refinery. They will create a plan for the southside so that those streets can be addressed. The goal is to get rid of all the culverts. They are moving in a positive direction to rebuild those streets. They will use a drone to survey the land and see where the water wants to go. They will use this data to build a model of where the stormwater wants to go. They will also address the impacts of the Italian Drain and the Laurel Drain in the area. Will have conversations with all stakeholders in this project. This needs to be done before the City can deal with W. Railroad Street.

5. Resolution - Budget Amendment Resolution Amending Revenues And Appropriations For The Library And Permissive Medical Levy Funds For Fiscal Year 2019-2020

Bethany Langve, Clerk/Treasurer, stated this is the last two budget amendments for FY20. This is the first year the Library has had its own fund. When budgeting the revenues, it was the best guess—recommending the General Fund transfer \$6144.42 to the Library Fund. Last year she did not anticipate the insurance for the Library Fund. That money should come from General Fund. When the Library was in the General Fund, insurance was not budgeted. Liability is in a separate fund.

For the Permissive Levy, the taxed came in higher than expected. There was \$5k in FY21 less. General Fund moved all \$205k out of Permissive Levy and into General Fund.

6. Ordinance O21-01: An Ordinance Creating A New Title 13 Entitled "Fire Prevention And Protection" And Amending And Renumbering Certain Sections Of Title 15 And 8 Of The Laurel Municipal Code Updating The City's Fire Prevention And Protection Codes.

This is the second reading of this ordinance.

Nick Altonaga, Planning Director, stated that he and Karen have been working on the code's problematic areas.

Karen Courtney, Building Official, stated this ordinance is moving Fire Prevention into its own title. It is needed to update all references as well.

Council Issues

Recently Council Member Klose took a phone call from the Public Works Superintendent that a Veterans headstone was broken at the City Cemetery. He called Billings Monument, who will get ahold of Kelly to see if there is a DD214 on record to replace it. The VA replaces headstones at no cost.

Emergency Services Committee's next meeting is on Monday at 6:00 p.m.

Council asked for an update on the Personnel Manual update at the next Workshop.

Other Items

Review of Draft Council Agendas

7. Draft Agenda Council Agenda for January 26, 2021.
There were no changes made.

Attendance at Upcoming Council Meeting


Council Member Sparks will be absent at next week's meeting.

Announcements

9. Employee Recognition January 2021- June 2021.
Mayor Nelson recognized employee years of service. He thanked all of them for their hard work.

The council workshop adjourned at 7:20 p.m.

Respectfully submitted,


Brittney Moorman
Administrative Assistant

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

File Attachments for Item:

7. Council Workshop Minutes of February 2, 2021.

**MINUTES
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, FEBRUARY 02, 2021**

A Council Workshop was held via Zoom and called to order by Council President Eaton at 6:44 p.m. on February 2, 2021.

COUNCIL MEMBERS PRESENT:

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

OTHERS PRESENT:

Nick Altonaga, Planning Director
Bethany Langve, Clerk/Treasurer
Kurt Markegard, Public Works Director
Stan Langve, Police Chief

Public Input:

There were none.

General Items

Executive Review

1. Resolution - Fees for Hall Rental in Riverside Park

Park Board sat down last Wednesday evening to discuss possible rental fees for renting the hall. See attached proposed rental fees.

It was questioned if the City Clerk would take care of the fees. It was clarified an agreement would be set up and need to sign. Eventually would like to go to a website where people could rent it through the website. They would like the camp spots, Thompson Park Pavilion, and Lions Park Pavilion rented on the website as well.

It was questioned if they will require a \$500 deposit if people are going to have alcohol. It was further questioned who is going to monitor whether they have alcohol or not. What's to stop them from saying they are not going to have alcohol and having it anyways. It was clarified that that is what a lot of rental halls do. That they don't know if they will have to trust the people renting, to be honest about alcohol consumption. By reserving through the website, a credit card will be on file and could be charged for damages. It will be on the honor system.

It was questioned why there is a \$75 fee for the use of the kitchen. It was further questioned what someone would get for \$350 per day. It was clarified that they would have use of the bill hall. If you bring your own food and don't need the use of the kitchen, you would not be charged \$75. The \$75 fee will be used to maintain and replace kitchen equipment such as a stove or a fridge.

The example of someone having a reception. Everything is being brought, but they need to put the salads in the refrigerator. It was questioned if they would be charged \$75. It was clarified that is correct. The kitchen will be closed off, so they can't get into it if they don't need it.

It was questioned if the building is referred to as the old Jaycee Hall. It was clarified that is correct.

It was further clarified that the refrigerators and stove are quite old. They are still working very well. At some point in time, they will crash and need to be replaced. We need to have a mechanism to have the money set aside to replace or repair those appliances as needed.

Some Council Members noted that it was not clear what people would be charged as there are so many variables.

It was questioned how much time Staff has to refund a deposit. What if someone comes in the next day to get their deposit, and they get their deposit back, and someone goes down to check it, and they did not clean it up and should not have gotten their deposit back.

Bethany Langve, Clerk/Treasurer, stated no deposits would be refunded until whoever is in charge of checking out and signing off on that building had done so.

It was questioned if the person checking the building had been identified yet. It was clarified that had not been decided. All the rules have not been established yet, or who will be taking care of that. The goal was to get the fees added to the schedule as soon as possible. The fees are lower than what the hall was rented before.

Kurt Markegard, Public Works Director, encouraged Council to look at what the Joliet Community Center rents their building for. The Rules and Regulations still need to be established. They will be discussing at the next Park Board.

It was questioned what the rush was to get it on the Fees and Schedule. It was clarified there are groups requesting to rent out the space. The goal is to generate revenue from this to put money back into the parks.

Council Issues

2. Personnel Handbook Update

Council had asked for this to be a follow-up update to this. In November 2019, there was a discussion about updating the handbook. Pages 40, 41, and 42 were handed out about internet usage. There was some confusion if the handbook applies to volunteers. There were some posts on Facebook. Some Council Members were approached about these posts at the time. The result

was that the Personnel Handbook needed to be updated. The Mayor had stated he would have Staff update the Personnel Handbook.

Bethany Langve, Clerk/Treasurer, stated the Personnel Handbook is currently being updated. Some of those requests are from the Mayor, and some are from MMIA. The MMIA updates are verbiage requests. Such as referencing the collective bargaining agreements in various sections of the Handbook or Police Disciplinary Policy. Once those updates are done, they will go to MMIA for a review then it will go to the City Attorney for review. She doesn't expect much to change in the Personnel Handbook. Right now, these changes are on hold. We need to wait and see what the legislature does, especially with Unions. It is not clear how that will affect the Personnel Handbook. Once that happens, MMIA will send out memos on what needs to be updated. Once it goes out, Council and Employees will see all the changes.

The Council Member who requested the update will not ask for any more updates unless asked by his/her constituents. The Personnel Handbook really falls under the Mayor's purview.

3. Discussion on Emergency Services Community Survey

The Emergency Services Committee Chair requested its committee members to take the survey handed out by the Fire Chief a while ago. He will type up the responses in an easily digestible format.

4. Discussion - Traffic Study on W. Main and 5th Ave.

Nick Altonaga, Planning Director, a few months ago he had a conversation with the Police Chief regarding a traffic study at W. Main Street and 5th Avenue. He spoke to Rod Nelson with MDOT. The City will need to submit a letter to the State requesting the traffic study.

Stan Langve, Police Chief, stated the speed limit has not changed from 35 mph. With increased traffic and the new development coming into the west end. It is time to get the speed reduced to 25 mph. Would like the 25-mph extended to Wood Power Grip. E. Main is four lanes and still 25 mph.

It was questioned what the next step would be. It was clarified that Council would review and approve a letter requesting the traffic study. It is not clear when that will come before Council. After Council approval, it will be sent to MDOT.

There is also discussion about the type of intersection at W. Main and 5th Avenue.

It was questioned if there is a cost associated with this request. It was clarified they do not believe there is a cost associated, but it would be double-checked.

Emergency Services Committee has discussed this a little bit, especially with the new interchange. There are times of the day the intersection is difficult to cross. Don't want something tragic to occur before this intersection is addressed.

Other Items**Review of Draft Council Agendas**

There were no changes.

Attendance at Upcoming Council Meeting

All in attendance will be at next week's meeting.

Announcements

The council workshop adjourned at 7:20 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brittney Moorman", with a long horizontal flourish extending to the right.

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.

Riverside Hall Rental Hours and Fees

\$350 per day(7am-10pm) and each additional day is \$175.

\$175 per half day for the following times 7am-2pm or 2pm-10pm.

\$75 fee for the use of the kitchen.

\$200 deposit for non-alcohol rentals that will be returned if the hall is cleaned and picked up.

\$500 deposit for alcohol served that will be returned if the hall is cleaned and picked up. Renters must comply with state alcohol statues.

\$30 fee for the meeting room for a maximum of four hours at any given time if the hall is available - no deposit required.

Laurel non-profits will receive a 50% discount on rentals excluding deposits. The meeting room has no discount.

Youth meetings are free.

Rental Agreements are required to be signed and approved prior to your event or meeting.

File Attachments for Item:

9. Budget/Finance Committee Minutes of April 13, 2021.

**Minutes of City of Laurel
Budget/Finance Committee
Tuesday, April 13, 2021**

Members Present: **Emelie Eaton** **Bruce McGee**
 Richard Klose
Others Present: **Mayor Nelson** **Bethany Langve**

The meeting was called to order by the Committee Chair at 5:32pm.

Public Input: *Citizens may address the committee regarding any item of business that is not on the agenda. The duration for an individual speaking under Public Input is limited to three minutes. While all comments are welcome, the committee will not take action on any item not on the agenda.*

There was no public input.

General Items –

1. Review and approve the March 23, 2021 Budget and Finance Committee meeting minutes. Bruce McGee moved to approve the minutes of the March 23, 2021 Budget and Finance Committee meeting. Richard Klose seconded the motion, all in favor, motion passed.
2. Review and Approve purchase requisition – The Committee was presented with an increase to a previously approved purchase requisition from for installation of air conditioning in the FAP building. The increase amount was for \$313.00, and there were no questions or comments from the Committee. Richard Klose made a motion to approve the increase to the previously approved purchase requisition for installation of air conditioning in the FAP building. Bruce McGee seconded the purchase requisition, all in favor, motion passed.
3. Review and Approve purchase requisition – The Committee was presented with an increase to a previously approved purchase requisition for repairs to the 2012 street sweeper. The increase amount was for \$423.52, and there were no questions or comments from the Committee. Bruce McGee made a motion to approve the increase to the previously approved purchase requisition for repairs to the 2012 street sweeper. Richard Klose seconded the purchase requisition, all in favor, motion passed.
4. Review and recommend approval to Council, Claims entered through 04/09/2021. The claims and check register had previously been reviewed by the Committee. The Committee asked why there was a claim paying AMR. The Mayor stated the new Ambulance Director has a great relationship with AMR and is purchasing supplies with them to get better pricing. Bruce McGee made a motion to approve the claims entered through 04/09/2021. Richard Klose seconded the motion, all in favor, motion passed.
5. Review and approve Payroll Register for pay period ending 03/21/2021 totaling \$188,095.20. Richard Klose made a motion to recommend approval of the payroll register for pay period ending 03/21/2021 totaling \$188,095.20. Bruce McGee seconded the motion, all in favor, motion passed.
6. Review and approve Payroll Register for pay period ending 04/04/2021 totaling \$199,003.57. The Committee asked why this payroll was greater than the previous payroll. There was a water break that caused double time pay. Richard Klose made a motion to recommend approval of the payroll register for pay period ending 04/04/2021 totaling \$199,003.57. Bruce McGee seconded the motion, all in favor, motion passed.

New Business – None

Old Business –

7. The Mayor stated the Meal Pay and Drill Pay resolutions would be on the next workshop if the City Attorney can get them completed. The Mayor stated he received an email from the Auditors he was waiting for and these resolutions should be on the next workshop.
8. Regarding the cemetery parking lot, the Planning Director was checking on the wording of the transfer. He now has everything he needs for the legal description. The American Legion will need to approve of the contract once it is drafted and approved by the City Attorney. The City is selling the land to the American Legion at a reduced cost. This update will be on the next Budget and Finance meeting.

Other Items –

9. Review the Pay Period Ending 04/4/2021 Comp/Overtime Report. The Committee reviewed the comp/overtime reports and had no questions or comments.
10. Clerk/Treasurer Update – The Clerk/Treasurer stated the new Utility Billing Clerk has begun working and is doing great. She also stated all her staff is back in the office full time, and the office will reopen with limited hours April 26th.
11. Mayor Update – The Mayor stated he has been speaking with Vince Ricci regarding the State providing Laurel money. The Mayor is still working on getting approximately \$1.1 million for the intake project. Laurel should get a hair over a million dollars for the ARC funds. The Mayor is trying to get preliminary engineering drawings done for a new water tank. If the Senate passes the new infrastructure bill, then Laurel should get \$1.6 million and that can be used for a new reservoir. The City would have to match the funds, but we have plenty. FEMA has never audited one of our projects and if they did, they would realize the State had not provided the 25% match for the intake.

Announcements –

12. The next Budget and Finance Committee meeting will be held on April 27, 2021 at 5:30pm.
13. Emelie Eaton will be reviewing the claims for the next meeting.

Respectfully submitted,

Bethany Langve
Clerk/Treasurer

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

File Attachments for Item:

10. Tree Board Minutes of March 18, 2021.

MINUTES
CITY OF LAUREL
Tree Board
3/18/2021 09:30 AM
City Council Conference Room

A Tree Board was held in the Public Works Conference Room and called to order by Walter Widdis at 9:30 AM on 3/18/2021.

COMMITTEE MEMBERS PRESENT:

- ✓ Walter Widdis, Dale Ahrens, Phyllis Bromgard
- ✓ Matt Wheeler, Kurt Markegard

OTHERS PRESENT:

- ✓ None

1. Public Input
 - a. None
2. General Items
 - a. February 2021 minutes approved
 - b. Arbor Day – May 4, 2021 – Thomson Park – tree replacement of dead ones and 1 Spring Crab in Veteran’s Park (Aaron was not present to verify the species)
 - c. T-shirt designs – design was submitted to Dynamic. (after the meeting I went to dynamic to complete the process. They will be giving us a proof)
 - d. Grants
 1. Wal-Mart submitted for \$1000
 2. NWE submitted for \$600
 3. DNRC - Completed by Kurt, in relation with Tree City certification.
 - e. Vendor Update – no new information.
 - g. Donation letter – no new information
 - h. Account balance - ~\$1700 City of Laurel, ~\$600 Laurel Public Schools
3. New Business
 - a. Action plan for a tree replacement downtown – Nick, In progress.
4. Old Business
 - a. South Pond – project out for bid.
5. Other Items
 - a. Some discussion concerning the Kid’s Kingdom project
6. Announcements
 - a. Next Meeting April 15th – 9:30 AM – Council Conference Room

File Attachments for Item:

11. Park Board Minutes of April 1, 2021.

April 1, 2021

Laurel Park Board Meeting

Started 5:30 PM with Scot Stokes, Irv Wilke, Jon Rutt, Evan Bruce, Phyllis Bromgard, Matt Wheeler, Richard Herr.

Evan moved Jon 2nd to approve the minutes of the Mar 4th meeting.

New Business:

Group wanting to build a Skateboard Park in Laurel presented their idea for support. Amanda Wilson, Darren Wilson and Dana Burgess offered ideas and a budget of \$500,000 for a new full equipped and landscaped park to be located in a city park. Discussion of locations and possible ideas followed and with the Laurel Park Board asking for more of a plan and a organizational structure to present to the Park Board meeting on May 6, 2021.

Kids Kingdom discussion about the replacement of the entire playground and the costs. The Laurel Park Board agreed that replacement was a better value and recommended the City Council hear the proposal and vote to approve the replacement.

Old Business:

Riverside Park tree was damaged and is in the process of being removed. Some repairs to Jaycee Hall have been quoted and will be considered before opening to the public.

Jon Rutt found a Grant for the Historical Buildings at Riverside Park.

Evan moved to have Nick submit an application and Jon 2nd.

Meeting adjourned at 6:15

Jon Rutt

File Attachments for Item:

12. Public Works Committee Minutes of March 15, 2021.

**MINUTES
CITY OF LAUREL
PUBLIC WORKS COMMITTEE
MONDAY, MARCH 15, 2021**

The Public Works Committee meeting was called to order at 6:00pm on Monday, March 15, 2021 by Committee Chair, Heidi Sparks.

Members Present: Heidi Sparks- Chair, Irv Wilke- Vice Chair, Richard Herr, Marv Carter, Dan Koch

Others Present: Kurt Markgard- Public Works Director, Nathan Herman

Public Input: None

General Items

1. Approval of the Public Works Committee Minutes from February 8, 2021. Motion by Irv Wilke. Seconded by Richard Herr. Motion carried.

New Business

2. Emergency Call Out Report- Report attached
3. KLJ Engineering Report- Report attached
Items of note: Sanitary Sewer- Ozoneator will be installed in area of Locust and Juniper with a new manhole. City is working with the State on the new manhole.

Old Business

Other Items

4. Sewer Video- Kurt shared a video of the new camera being used on the south side of the highway to see inside the pipe lines

Announcements

5. Next meeting will be Monday, April 19, 2021 at 6:00pm in Council Chambers

Emergency Call Out for March 15, 2021 Public Works Meeting

2-12-2021	Frozen Water Meter leaking.
2-13-2021	Sand streets
2-14-2021	Village lift station low temp alarm.
2-15-2021	generator will not shut off.
2-15-2021	2511 Lackawanna water turn off.
2-15-2021	1306 Old Highway 10 water turn off.
2-19-2021	Lackawanna water turn off.
2-27-2021	Elm Lift Station Alarm
2-28-2021	Sanding Streets
3-7-2021	219 7 th Ave water shut off.



Water System PER (KLJ #2104-00147)

Reason for Project: To update the Preliminary Engineering Report that was completed in April 2014 with the most current information.

Project Scope: To Update the existing computer model for the water distribution system, review the booster station alternatives with regards to the new proposed school location, analyze up to 3 different sites for a new water tank, and explore funding alternative for all potential projects.

Current Status:

- Task Order approved on February 23, 2021.

5th Ave. Water Re-Route (KLJ #2104-00118)

Reason for Project: To abandon the existing waterline between W. 11th and W. 12th Streets that crosses existing properties without an easement.

Project Scope: Abandonment of a 12" waterline that connects 11th St. to 12th St north of 5th Ave. in Laurel. A new 12" waterline will connect at the intersection of 5th Ave. and 11th St, route east to 4th Ave. and then north to 12th St. where it will turn back west and connect at the original connection point along 12th St.

Current Status:

- Survey Completed
- Preliminary Design is in process

Southside Stormwater Study (KLJ #2004-01470)

Reason for Project: Analyze Laurels South side to determine needed improvements for stormwater.

Project Scope: : To complete a stormwater master plan for the areas south of the train tracks and west of Highway 212.

Current Status:

- Survey to be flown this week
- Mapping preparation and previous study investigation on going

WWTP Screw Pump B Replacement (KLJ #2004-01359)

Reason for Project: To replace screw pump B at the Laurel Wastewater Treatment Plant.

Project Scope: Reconstruction and rehabilitation of the Archimedes Screw Pump "B" at the City of laurel Wastewater Treatment Plant.



City of Laurel Project Status Update
March 15, 2021



Current Status:

- Project plans are in process

WTP Lift Well Replacement (KLJ #2004-01487)

Reason for Project: To replace a lift well at the Laurel Water Treatment Plant.

Project Scope: Reconstruction and rehabilitation of the lift well at the City of Laurel Water Treatment Plant.

Current Status:

- Topo to occurred last week.
- Base drawings being processed

2021 Pavement Maintenance Project (KLJ #2004-00831)

Reason for Project: To provide yearly maintenance and improvements to the City of Laurel Roads Network.

Project Scope: Miscellaneous annual pavement maintenance design, bidding and construction in locations throughout the City of laurel

Current Status:

- Quantity measurement completed
- Processing plans and specifications

Sanitary Sewer H₂S Remediation (KLJ #1804-00122)

Reason for Project: Buildup of H₂S within the WW collection system has led to deterioration of manholes and other system components.

Project Scope: Complete design and construction administration to address H₂S build-up in the system.

Current Status:

- Waiting on Pricing to come back from supplier

Water Tank Recoat (KLJ #1904-01843)

Reason for Project: The coating on the City water tank has deteriorated to the point where it is flaking and peeling.

Project Scope: Design, bid, and administer the recoating of the water tank.

Current Status:



City of Laurel Project Status Update March 15, 2021



- Existing Paint samples have been provided by the City

Yellowstone River Crossing (KLJ #2004-00542)

Reason for Project: The 4" waterline that serves Riverside park campground freezes during the winter months and leaks where it crosses the Yellowstone River.

Project Scope: Design, bid, and administer the replacement the waterline that is attached to the bridge crossing the Yellowstone River

Current Status:

- Permits have been coming back good
- Still waiting on Urecon to respond on electrical

Data and Asset Management (KLJ # 1804-00461)

Reason for Project: Consolidate infrastructure information

Project Scope: Assemble city infrastructure data into a single source, which can be used to track and manage assets

Current Status:

- Final comments incorporated and set delivered to City

Design Standards & Rules Update (KLJ # 1804-02569)

Reason for Project: Update old standards

Project Scope: Develop a set of cohesive and concise design standards for public improvements to help facilitate reviews of new developments and ensure the public improvements are designed in the City of Laurel's best interest.

Current Status:

- Drafts of the all sections of the manual are complete
- Final sections of streets, water and sewer are complete

Laurel Planning Services (KLJ #1804-00554)

Reason for Project: KLJ has been retained to provide City of Laurel planning services as needed.

Project Scope: Planning services may include; subdivision, zoning, development, floodplain hazard management, miscellaneous reviews and other related work. KLJ will prepare staff reports, recommendations, and attend meetings upon request.



City of Laurel Project Status Update March 15, 2021



Current Status:

- Floodplain Management – Joint Application for improvements at Riverside Park has been approved
- Subdivision Review – Goldberg Sporting Estates Oct 21, 2020
- Subdivision Review – Cherry Hills 3rd Filing Preapplication Meeting Jan 7, 2021
- Growth Policy Update – Completed December 15, 2020
- Iron Horse Station Subdivision – Water & Sewer Plans reviewed; comments delivered to City for discussion prior to owner response

Other Notes and Information

Other potential projects have been identified during recent conversations between City staff and KLJ. City Public Works staff and KLJ task leaders meet bi-weekly to discuss current and future projects. As these are tentative, the timing and extent of KLJ's services are TBD, unless noted otherwise.

Anticipated FY21 Projects

1. West Railroad Street Reconstruction- Proposal submitted
2. South Side Drainage Plan and Traffic Study
3. Water Storage Tank Recoat - 2021
4. Water System Planning
 - a. Master Plan Update (potentially update PER concurrently)
 - b. Booster station rehabilitation or replacement (task order forthcoming)
 - c. Water storage tank Preliminary Engineering Report
5. Capital Improvement Plan (CIP) assistance – CDBG Grant Applied.
6. Water Line/Yellowstone River Crossing- Task Order
7. Sewer Main Repair of Elm Lifts station
8. WWTP Archimedes Screw Rehabilitation
9. 7th Street reconstruction from 1st Street to
10. Replace Water main located under houses in 12 Street
11. Waterline extension out to Golf Course Road

Other Potential Future Projects

1. West Side TIFF
2. Sewer pipe under Interstate at Lindy Lane.

File Attachments for Item:

13. Resolution No. R21-27: A Resolution Of The City Council Authorizing The Mayor To Sign A Contract With All Seasons Roofing For Repairs And Installation Of Roofing Materials At The Fire, Ambulance And Police (FAP) Building And The Library.

RESOLUTION NO. R21-27

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE MAYOR TO
SIGN A CONTRACT WITH ALL SEASONS ROOFING FOR REPAIRS AND
INSTALLATION OF ROOFING MATERIALS AT THE FIRE, AMBULANCE AND
POLICE (FAP) BUILDING AND THE LIBRARY.**

BE IT RESOLVED by the City Council of the City of Laurel, Montana,

Section 1: Approval. The Independent Contractor Service Contract (“Contract”) recommended by the Mayor and Staff, is attached hereto and incorporated herein and by adoption of the resolution, hereby approved retroactively to April 13, 2021.

Section 2: Adoption and Execution. The Mayor and City Clerk are hereby authorized to execute the Contract on the City’s behalf.

Introduced at a regular meeting of the City Council on April 27, 2021, by Council Member_____.

PASSED and APPROVED by the City Council of the City of Laurel, Montana, this 27th day of April 2021.

APPROVED by the Mayor this 27th day of April 2021.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, City Clerk/Treasurer

Approved as to form:

Sam S. Painter, Civil City Attorney

INDEPENDENT CONTRACTOR SERVICE CONTRACT

This Contract is made and entered into this 13th day of April, 2021, between the City of Laurel, a municipal corporation organized and existing under the laws of the State of Montana whose address is P.O. Box 10, Laurel, Montana 59044, hereinafter referred to as "City" and All Seasons Roofing, a contractor licensed to conduct business in the State of Montana, whose address is 66 River View Road, Park City MT 59063, hereinafter referred to as "Contractor".

SECTION ONE DESCRIPTION OF SERVICES

A. Purpose. City shall hire Contractor as an independent contractor to perform for City the services described in the Bid dated March 24, 2021, attached hereto as Exhibit "A" and by this reference made part of this contract.

B. Effective Date. This contract is effective upon the date of its execution by both Parties. Contractor shall complete the services within 60 days of commencing work. The parties may extend the term of this contract in writing prior to its termination for good cause.

C. Scope of Work. Contractor shall perform his/her work and provide services in accordance with the specifications and requirements of this contract, any applicable Montana Public Work Standard(s) and Exhibit "A".

SECTION TWO CONTRACT PRICE

Payment. City shall pay Contractor sixteen thousand seven hundred fifty dollars and no cents (\$16,750.00) for the work described in Exhibit A. Any alteration or deviation from the described work that involves extra costs must be executed only upon written request by the City to Contractor and will become an extra charge over and above the contract amount. The parties must agree to extra payments or charges in writing. Prior to final payment, Contractor shall provide City with an invoice for all charges.

SECTION THREE CITY'S RESPONSIBILITIES

Upon completion of the contract and acceptance of the work, City shall pay Contractor the contract price, plus or minus any additions or deductions agreed upon between the parties in accordance with Sections one and two, if any.

SECTION FOUR CONTRACTOR'S WARRANTIES AND RESPONSIBILITIES

A. Independent Contractor Status. The parties agree that Contractor is an independent contractor for purposes of this contract and is not to be considered an employee of the City for any purpose hereunder. Contractor is not subject to the terms and provisions of the City's personnel policies or handbook and shall not be considered a City employee for workers' compensation or any other purpose. Contractor is not authorized to represent the City or otherwise bind the City in any dealings, agreements, or sub-contracts in any dealings between Contractor and any third parties. The City is

interested solely in the results of this contract. Contractor is solely responsible for all work and work product under this contract, including techniques, sequences, procedures, and means. Contractor shall supervise and direct the work to the best of his/her ability.

B. Wages and Employment. Contractor shall abide by all applicable State of Montana Rules, Regulations and/or Statutes in regards to prevailing wages and employment requirements. Contractor shall comply with the applicable requirements of the Workers' Compensation Act. Contractor shall maintain workers' compensation coverage for all members and employees of his/her business, except for those members who are exempted as independent contractors under the provisions of §39-71-401, MCA. Contractor understands that all contractors or subcontractors working on publicly funded projects are required to have withheld from earnings a license fee of one percent (1%) of the gross contract price if the gross contract price is Five Thousand Dollars (\$5,000) or more. This license fee is paid to the Montana Department of Revenue pursuant to Montana law.

C. Unless otherwise specified by the terms of this Agreement, all materials and equipment used by Contractor on the Construction Project shall be new and where not otherwise specified, of the most suitable grade for their intended uses.

D. All workmanship and materials shall be of a kind and nature acceptable to the City.

E. All workmanship provided to, on, or for the Contract must be free of defects and nonconformities for a minimum period beginning with the commencement of the work and ending five (5) years from completion and final acceptance by the City. All material provided to, on, or for the Contract must be free of defects and nonconformities for a minimum period beginning with the commencement of the work and ending ten (10) years from completion and final acceptance by the City. Upon receipt of City's written notice of a defective or nonconforming condition during the warranty period, Contractor shall take all actions, including redesign and replacement, to correct the defective or nonconforming condition within a time frame acceptable to the City and at no additional cost to the City. Contractor shall also, at its sole cost, perform any tests required by City to verify that such defective or nonconforming condition has been corrected. Contractor warrants the corrective action taken against defective and nonconforming conditions for a period of an additional one (1) year from the date of City's acceptance of the corrective action.

F. Contractor and its sureties are liable for the satisfaction and full performance of all warranties.

G. Contractor has examined the facilities and/or has made field examinations. Contractor has knowledge of the services or project sought under this Contract and he/she further understands the site conditions to be encountered during the performance of this Contract. Contractor has knowledge of the types and character of equipment necessary for the work, the types of materials needed and the sources of such materials, and the condition of the local labor market.

H. Contractor is responsible for the safety of the work and shall maintain all lights, guards, signs, temporary passages, or other protections necessary for that purpose at all times.

I. All work is performed at Contractor's risk, and Contractor shall promptly repair or replace all damage and loss at its sole cost and expense regardless of the reason or cause of the damage or loss; provided, however, should the damage or loss be caused by an intentional or negligent act of the City, the risk of such loss shall be placed on the City.

J. Contractor is responsible for any loss or damage to materials, tools, work product or other articles

used or held for use in the completion or performance of the Contract.

K. Title to all work, work product, materials and equipment covered by any payment of Contractor's compensation by City, whether directly incorporated into the Contract or not, passes to City at the time of payment, free and clear of all liens and encumbrances.

**SECTION FIVE
INDEMNITY AND INSURANCE**

Contractor shall indemnify, defend, and save City, its officers, agents and employees harmless from any and all losses, damage and liability occasioned by, growing out of, or in any way arising or resulting from any intentional or negligent act on the part of Contractor or its agents or employees.

**SECTION SIX
COMPLIANCE WITH LAWS**

Contractor shall comply with all federal, state, local laws, ordinances, rules, and regulations. Contractor shall either possess a City business license or shall purchase one if a City Code requires a business license.

**SECTION SEVEN
NONDISCRIMINATION**

Contractor agrees that any hiring of persons as a result of this contract must be on the basis of merit and qualification and further that Contractor shall not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability or national origin.

**SECTION EIGHT
DEFAULT**

If either party fails to comply with any term or condition of this Contract at the time or in the manner provided for, the other party may, at its option, terminate this Contract and be released from all obligations if the default is not cured within ten (10) days after written notice is provided to the defaulting party. Said notice shall set forth the items to be cured. Additionally, the non-defaulting party may bring suit for damages, specific performance, and any other remedy provided by law except for punitive damages. The Parties hereby waive their respective claims for punitive damages. These remedies are cumulative and not exclusive. Use of one remedy does not preclude use of the others. Notices shall be provided in writing and hand-delivered or mailed to the parties at the addresses set forth in the first paragraph of this Contract.

**SECTION NINE
TERMINATION**

Either party may terminate the contract for their convenience upon thirty days written notice sent postage prepaid, to the addresses provided herein.

**SECTION TEN
GOVERNING LAW AND DISPUTE RESOLUTION**

The Parties agree that the laws of the State of Montana govern this Contract. The Parties agree that venue is proper within the Courts of Yellowstone County, Montana. If a dispute arises, the Parties, through a representative(s) with full authority to settle a dispute, shall meet and attempt to negotiate a resolution of the dispute in good faith no later than ten business days after the dispute arises. If negotiations fail, the Parties may utilize a third-party mediator and equally share the costs of the mediator or file suit.

**SECTION ELEVEN
ATTORNEY FEES**

If any action is filed in relation to this agreement, the unsuccessful party in the action shall pay to the successful party, in addition to all sums that either is ordered to pay, a reasonable sum for the successful party's attorney's fees and all costs charges and expenses related to the action.

**SECTION TWELVE
ENTIRE AGREEMENT**

This contract and its referenced attachment and Exhibit A contain the entire agreement and understanding of the parties and supersede any and all prior negotiations or understandings relating to this project. This contract shall not be modified, amended, or changed in any respect except through a written document signed by each party's authorized respective agents.

**SECTION THIRTEENTH
ASSIGNMENT OF RIGHTS**

The rights of each party under this Contract are personal to that party and may not be assigned or transferred to any other person, firm, corporation, or other entity without the prior, express, and written consent of the other party.

**SECTION FOURTEEN
SEVERABILITY**


Each provision, section, or subsection of this Contract shall stand separate and independent of every other. In the event that a court of competent jurisdiction shall find any provision, section, or subsection of this contract to be invalid, the remaining provisions, sections, and subsections of this contract shall remain in full force and effect.

**SECTION FIFTEEN
PARAGRAPH HEADINGS**

The titles to the paragraphs of this contract are solely for the convenience of the parties and shall not be used to explain, simplify, or aid in the interpretation of the provisions of this agreement.

SIGNED AND AGREED BY BOTH PARTIES ON THE 13th DAY OF APRIL 2021.

CITY OF LAUREL



Thomas C. Nelson, Mayor

CONTRACTOR



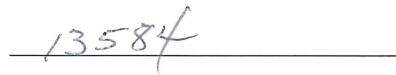
All Seasons Roofing

ATTEST:



Bethany Langve, Clerk/Treasurer

Employer Identification Number



66 River View Road
Park City, MT 59063
Office... 406.256.5657
Cell..... 406.855.3307
allseasonsroofing@yahoo.com

Owner's Name: CITY OF LAUREL	Owner's Address: P.O. BOX 10		Email:
Owner's City, State, Zip: LAUREL, MT 59044	Owner's Phone: 406-628-4796	Owner's Alt. Phone: 406-208-1885, MATT	
Project Name & Address: LAUREL SAFETY COMPLEX, 215 W 1ST ST., LAUREL PUBLIC LIBRARY, 720 W 3RD ST.			

a. **Scope of Work:** All Seasons Roofing of Montana, LLC hereby submits the following specifications and estimates:

LAUREL SAFETY COMPLEX - RE-ROOF LOW SLOPE AREA BETWEEN POLICE STATION AND FIRE DEPT.

REMOVE OLD BUR AND GRAVEL ROOF TO THE DECK. REMOVE AND REPLACE SHINGLES AS NEEDED TO COVER NEW ROOFING.

LAY 1.5 IN. POLY ISO INSULATION OVER DECK. INSTALL A FULLY ADHERED 60 MIL. TPO MEMBRANE (WHITE).

INSTALL FLASHING AND NEW METAL AS NEEDED.

5 YEAR WORKMANSHIP, 10 YR MATERIAL WARRANTY.

TPO ROOF TOTAL = \$15,595.00

LAUREL PUBLIC LIBRARY - REPAIR SHINGLE ROOF.

REMOVE AND REPLACE DAMAGED AND MISSING SHINGLES, (BEST MATCH)

REPAIR LIBRARY ROOF TOTAL = \$1,155.00

INCLUDES ALL MATERIAL, LABOR AND WARRANTY

THIS LIST OF SPECIFICATIONS MAY BE CONTINUED ON SUBSEQUENT PAGES (SEE PAGE NUMBER BELOW)

b. **Not Included:** This proposal does not include any unforeseen items or costs.

c. **WE PROPOSE** to furnish material, equipment and labor in accordance with the above specifications for the sum of:

\$16,750.00 dollars

NOTE: This proposal may be withdrawn if not accepted within
30 days from 3/24/2021 date.

Respectfully submitted by:

Rod Vetter
Company Representative

d. **WE ACCEPT** the prices, specifications, and terms as stated in this bid proposal are approved. We authorize you [redacted] so work can begin.

approved and accepted (owner or owner's authorized agent)

date

approved and accepted (second owner - if any)

date

File Attachments for Item:

14. Ordinance No. 021-03: An Ordinance Amending Certain Chapters Of Title 15 Of The Laurel Municipal Code Relating To The City's Miscellaneous Requirements For Homes, Buildings And Construction. (1st Reading)

ORDINANCE NO 021-03

AN ORDINANCE AMENDING CERTAIN CHAPTERS OF TITLE 15 OF THE LAUREL MUNICIPAL CODE RELATING TO THE CITY'S MISCELLANEOUS REQUIREMENTS FOR HOMES, BUILDINGS AND CONSTRUCTION.

WHEREAS, the City Council desires to keep the Laurel Municipal Code current by modifying and updating chapters, sections and subsections to address situations and problems within the City and to remain in accordance with Montana law; and

WHEREAS, the City's Public Works Department Staff worked with changes in the Montana law and prepared amendments to the Laurel Municipal Code to remain consistent and in accordance with the laws, rules, and regulations adopted by the State of Montana.

WHEREAS, City Staff prepared, reviewed, and approved the following amendments to the existing Title 15 as noted herein and hereby recommends the same to the City Council for their full approval.

Title 15 - MISCELLANEOUS CITY REQUIREMENTS FOR HOMES, BUILDINGS AND CONSTRUCTION¹¹

Chapters:

Footnotes:

--- (1) ---

* Prior history: Prior code §§ 15.04.010, 15.04.020, 15.06.010, 15.06.020, 15.14.010, 15.16.010, 15.16.020, 15.29.020, 15.33.010, 15.37.020, 15.44.010, 15.44.020, 15.48.010—15.48.030, 15.52.010, 15.52.020, 15.56.010, 15.56.020, 15.72.010—15.72.040 and 15.76.010 as amended by Ords. 853, 854, 856, 857, 859, 860, 863, 865, 866, 868, 869, 871, 872, 874, 877, 910, 932, 943, 944, 961—965, 1063, 94-1—94-3, 96-8—96-12, 97-2, 99-5—99-21, 00-1, 00-5, 02-32, 03-3 and 04-4.

~~Chapter 15.10—DISPLAY OF ADDRESS NUMBERS~~

~~Sections:~~

~~15.10.010—Display of address numbers required.~~

~~All houses, buildings or structures used or intended for use as a living quarters or as a place for the conduct of business in the city or the city's building permit jurisdictional area shall have a designated address number conspicuously displayed above or near a door or entrance that faces a public or private street.~~

~~(Ord. 05-15 (part), 2005)~~

~~15.10.020—Authority of director of the public works department to designate.~~

~~The director of the public works department, or his designee, shall designate the proper address numbers for all houses, buildings or structures required to be numbered by Section 15.10.010 of this~~

Ordinance No. 021-03 LMC Title 15 MISCELLANEOUS CITY REQUIREMENTS FOR HOMES, BUILDINGS AND CONSTRUCTION

~~chapter. The director of the public works department, or his designee, shall have the power to change such numbers when, in his judgment, such change is necessary to avoid or eliminate confusion with other numbers.~~

Sections:

~~15.20.010~~ 15.10.010 - Permit required—Application and investigation—Fees.

- A. No person shall erect, construct, enlarge or replace any fence until a fence permit for such work has been issued by the building department. No such permit shall be valid unless the proposed work is in compliance with all other applicable provisions of this code.
- B. Whenever any work for which a fence permit is required hereunder has been commenced without first obtaining the permit, then the building inspector may conduct a special investigation before a permit may be issued for such work.
- C. Whenever special investigation is required hereunder, both an investigation fee and the application permit fee shall be paid as established by annual city council resolution. ~~after a public hearing.~~

(Ord. 07-06 (part), 2007; Ord. 05-15 (part), 2005)

~~15.20.020~~ 15.10.020 - Enforcement—Violation—Penalty.

- A. This chapter shall be enforced by the building inspector or his ~~assistant~~ designee.
- B. If on inspection, the condition or placement of a fence is found not to comply with the requirements of this code, the building inspector shall issue written notice to the owner, specifying the nonconformity and require the owner to correct the same, as directed by the building inspector.
- C. Any person violating a provision of this chapter may, upon conviction thereof, be punished as set forth in Section 1.36.010 of this code.

(Ord. 05-15 (part), 2005)

Chapter 15.20 Dangerous Structures

Sections:

15.20.010 Purpose and Intent.

An unsafe structure is one that is found to be a threat to the health, safety, and welfare of the public and/or adjoining properties. It is the purpose of this chapter to provide a method in which to deem a structure as unsafe, unlawful, or unfit for human occupancy and allow for the property to be vacated, repaired, or demolished.

15.20.020 Dangerous Structure.

For the purpose of this chapter, the City of Laurel adopts by reference, Section 108.1.5 of the International Property Maintenance Code, to define the conditions or defects that would deem a structure as dangerous. A copy of which will be available in the offices of the city.

15.20.030 Enforcement.

When the building official or his designee has inspected any structure and has determined that such structure is a dangerous structure, the building official or his designee shall commence proceedings to cause the repair, vacation, or demolition of the building.

Notice shall be sent to the owner of record of the structure stating the street address and legal description sufficient for identification of the premises that the structure is upon, the conditions found deeming the structure dangerous and action recommended to address the defects or conditions found by the building official or his designee. The notice shall also contain a reasonable time for all permits, vacation or work must commence after notice is given. The notice shall also include right to appeal decision of building official or his designee within 30 days from date of service of such notice.

Notice shall be delivered in person or through certified mail to the owner(s) or the owner's agent. Proof of service of the notice shall be by a written declaration under penalty of perjury executed by the persons effecting the notice declaring time, date, and the manner in which the service was made. The declaration, together with the receipt card returned in acknowledgment or receipt by certified mail shall be attached to a copy of the notice and retained by the building official.

15.20.040 Placarding.

Upon failure of owner or owner's agent to comply with notice in time given, the building official or his designee shall post on the structure a placard deeming the structure as unsafe to enter or occupy.

15.20.050 Violations.

When an unsafe building has not been voluntarily abated within the time specified in the notice or by mutually agreed upon timeframe of owner and building official, it is a violation of this chapter and upon conviction thereof, be punished as set forth in Section 1.36.010 of this code.

Field Code Changed

Chapter 15.30 – ABATEMENT OF DANGEROUS BUILDINGS

Sections:

~~15.30.010—Adoption.~~

Commented [KC1]: Somewhat outdated – look for what we may use instead.

Chapter 15.50 – FIRE CODE^[a]

Sections:

Footnotes:

~~—(3)—~~

~~**Editor's note**—Ord. No. 008-07, adopted July 15, 2008, amended Chapter 15.50 in its entirety and enacted similar provisions as set out herein. The former Chapter 15.50 derived from Ord. 05-15 (part), adopted in 2005.~~

~~15.50.010—Adoption.~~

~~The International Fire Code, 2012 edition as published by the International Code Council, is adopted by reference as the Fire Code of the City of Laurel. It regulates and governs the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life and property in the occupancy of buildings and premises as herein provided; provides for the issuance of permits and collection of fees therefor; and each and all regulations, provisions, penalties, conditions, and terms of said fire code on file in the office of the Laurel City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out, with the additions, insertions, deletion and changes, if any, set by ordinance.~~

~~(Ord. No. 008-07, 7-15-08; Admin. Order AO-15-01 § 5, 2-24-2015)~~

~~15.50.020—Updated references.~~

~~The International Fire Code, 2012 edition, as published by the International Code Council as referenced in section 15.50.010 of this chapter, may be amended by resolution or administrative order of the mayor.~~

~~(Ord. No. 008-07, 7-15-08; Admin. Order AO-15-01, § 5, 2-24-2015)~~

~~15.50.030—Modifications to International Fire Code, 2006 edition.~~

~~The City of Laurel hereby adopts the following revisions to the International Fire Code manual as follows:~~

~~Section 101.1. Insert [City of Laurel, Montana]~~

~~Section 109.3. shall read:~~

~~Violations penalties. Persons who shall violate a provision of the code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 or by imprisonment not exceeding 6 months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

~~Section 111.4 Insert: [not less than \$100.00 or more than \$500.00]~~

Ordinance No. 021-03 LMC Title 15 MISCELLANEOUS CITY REQUIREMENTS FOR HOMES, BUILDINGS AND CONSTRUCTION

~~Section 906.1. Delete Exception to Section 906.1, #1.~~

The City of Laurel hereby establishes the following geographic limits are referred to in the 2006 International Fire Code as follows:

Sections:

~~15.60.010—Adoption of regulations—~~15.30.010 State Regulation Adopted

- A. ~~The City of Laurel hereby adopts by reference the Montana Department of Public Health and Human Services, Rule For Trailer Courts and Tourist Campgrounds, Administrative Rules of Montana, 37.111.2 and Montana Code Annotated 50-52 as the code of the city containing the standards, regulating construction, maintenance, and operation of trailer courts and tourist campgrounds. All of the regulations, provisions, conditions and terms of such code are made a part of this article as if fully set out herein. Regulation No. 54.500, amended November 11, 1971 by the Montana State Department of Health and Environmental Sciences, and subsequent amendments and additions for trailer courts, is adopted by reference and made a part of this chapter as fully, and for all intents and purposes, as though set forth herein at length.~~
- B. One full printed copy of the regulation is available in the offices of the city clerk.

(Ord. 05-15 (part), 2005)

~~15.60.020~~15.30.020 - Updated regulations.

The ~~Regulation No. 54.500 described~~reference described in Section ~~15.60.040~~15.30.010 of this chapter may be amended by resolution or administrative order of the mayor.

(Ord. 05-15 (part), 2005)

~~15.60.030~~15.30.030 - Living in trailer house outside trailer court prohibited.

No person shall live in or occupy any trailer house, whether it is movable or not within the city limits, unless it is parked in a licensed trailer court.

(Ord. 05-15 (part), 2005)

Chapter ~~15.70~~15.40 - FLOODPLAIN REGULATIONS

Sections:

~~15.70.010~~15.40.010 - Floodplain regulations—Purpose.

- A. The ordinance codified in this chapter is passed in order to comply with the Montana Floodplain and Floodway Management Act (Montana Code Annotated, Title 76, Chapter 5) and to ~~insure~~ensure compliance with the requirements for the continued participation by the city in the National Flood Insurance Program. Land use regulations, which are hereby adopted, are to be applied to all identified ~~one hundred year~~one hundred-year floodplains within the city's jurisdiction and are attached as Exhibit A and fully incorporated as part of this chapter by this reference.
- B. This chapter and Exhibit A, Floodplain Hazard Management Regulations dated August 2018, are adopted under the authority of Montana Code Annotated, Title 76, Chapter 5, Part 3.
- C. This chapter adopts the set of comprehensive land use regulations attached to the ordinance codified in this section as Exhibit A for identified one hundred-year floodplains within the city. The regulations are based upon the authorities specifically provided in Exhibit A.

Ordinance No. O21-03 LMC Title 15 MISCELLANEOUS CITY REQUIREMENTS FOR HOMES, BUILDINGS AND CONSTRUCTION

(Ord. 05-15 (part), 2005)

(Ord. No. O13-02, 10-1-2013; Ord. No. O18-01, 8-21-2018)

Editor's note— Exh. A to Ord. No. O18-01, adopted Aug. 21, 2018, is not set out herein but is available in the city clerk's office and public works department at City Hall.

This Ordinance shall become effective thirty (30) days after final passage by the City Council and approved by the Mayor.

Introduced and passed on first reading at a regular meeting of the City Council on April 27, 2021, by Council Member _____.

PASSED and ADOPTED by the Laurel City Council on second reading this 11th day of May 2021, upon motion of Council Member _____.

APPROVED BY THE MAYOR this 11th day of May 2021.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

APPROVED AS TO FORM:

Sam Painter, Civil City Attorney

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
<https://cityoflaurelmontana.com/>



Office of Building Official

Staff Report

RE: Amending Title 15 - Miscellaneous City Requirements for Homes, Building and Construction

Title 15 of Laurel Municipal Code is being amended to remove duplication in the Codes that have been adopted by the city, update references within the title and correct some of the language within the title.

Chapter 15.10 – Display of addresses exists within the Building and Fire Codes that have been adopted by the City therefore it is unnecessary to have conflicting regulations within the Laurel Municipal Code.

Chapter 15.20 Fence Permits and 15.70 Floodplain Regulations were renumbered and had language corrected. Reference to Exhibit A in Chapter 15.70 remains current and therefore was not changed.

Chapter 15.30 Abatement of Dangerous Buildings had an antiquated 1997 Code reference. The chapter was renumbered and updated to a current code reference for determining if a building should be considered unsafe or dangerous.

Chapter 15.50 Fire Code was moved to the previously adopted Title 13

Chapter 15.60 Trailer Courts referenced a Regulation that no longer existed and has the current state regulation reference.

These amendments are necessary to bring Title 15 up to date and remain enforceable by the City. Therefore, we are requesting that council approve to adopt the ordinance amending Title 15 of the Laurel Municipal Code.