



**AGENDA  
CITY OF LAUREL  
CITY COUNCIL WORKSHOP  
TUESDAY, JANUARY 29, 2019  
6:30 PM  
COUNCIL CHAMBERS**

**Public Input:** *Citizens may address the Council regarding any item of City business that is not on tonight's agenda. The duration for an individual speaking under Public Input is limited to three minutes. While all comments are welcome, the Council will not take action on any item not on the agenda. If a citizen would like to speak or comment regarding an item that is on tonight's agenda, 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.*

*Be advised, if a discussion item has an upcoming public hearing, we would request members of the public to reserve your comments until the public hearing. At the public hearing, the City Council will establish an official record that will include all of your comments, testimony and written evidence. The City Council will base its decision on the record created during the public hearing. Any comments provided tonight will not be included in the record or considered by the City Council.*

**General Items**

1. [Appointments](#) to the Laurel Volunteer Fire Department  
Amee Patrick  
Ryan Robertus  
Bridger Fournier  
Levi Klamert  
Steven Hiller
2. Appointments to the Laurel Volunteer Ambulance Service.  
Mariah Haugen  
David Jackson  
Boady Harper  
Bryanna Ruskanen
3. [Public](#) Hearing: Annexation and Initial Zoning Request from Goldberg Investments for Residential Light Multi-Family on Nutting Brothers 2nd filing Lot 18 and Nutting Brothers 3rd Filing Lots 19-24 and Community Commercial on Lot 25 Nutting Brothers 3rd Filing.

**Executive Review**

4. Planner agreement.
5. Laurel BK Lot Access
6. A Resolution Of The City Council Authorizing The Release Of Funds From The Tax Increment Financing District Fund For Façade Improvements And Signage For The Property Located At 117 West Main Street, Laurel Montana.

**Council Issues**

7. Nuisance Barking Dogs

**Other Items**

**Review of Draft Council Agendas**

8. Draft Council Agenda for February 5, 2019.

**Attendance at Upcoming Council Meeting**

**Announcements**

9. Employee/Volunteer Recognition:

**Employees:**

Stan Langve	19 years on the 5 <sup>th</sup>	Police
Kurt Markegard	14 years on the 3 <sup>rd</sup>	Public works
Julia Torno	1 year on the 17 <sup>th</sup>	Library

**Volunteer:**

Rick Gallegos	20 years on the 20 <sup>th</sup>	Fire
Corey McIlvain	15 years on the 24 <sup>th</sup>	Fire
John Beck	1 year on the 16 <sup>th</sup>	Fire
Jayson Nicholson	1 year on the 16 <sup>th</sup>	Fire
Jesse Gee	1 year on the 19 <sup>th</sup>	Fire

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**

**Backup material for agenda item:**

Appointments to the Laurel Volunteer Fire Department

Amee Patrick  
Ryan Robertus  
Bridger Fournier  
Levi Klamert  
Steven Hiller

Appointments to the Laurel Volunteer Ambulance Service.

Mariah Haugen  
David Jackson  
Boady Harper  
Bryanna Ruskanen



# LAUREL FIRE/EMS

215 WEST 1ST STREET • LAUREL, MT • 59044  
OFFICE 406.628.4911 • FAX 406.628.2185

City of Laurel  
PO Box 10  
Laurel, Mt. 59044

January 17, 2019

Mayor, CAO and Laurel City Council,

The following have been selected by the members of the Laurel Fire/EMS to become volunteers.

**Firefighters.**

Amee Patrick  
Ryan Robertus  
Bridger Fournier  
Levi Klamert  
Steven Hiller

**Ambulance Drivers**

Mariah Haugen (currently in an EMT class)  
David Jackson  
Boady Harper (currently in an EMT class)  
Bryanna Ruskanen (currently in an EMT class)

They have all been selected unanimously by the Department, and are seeking your appointment.

All personnel have been approved by the Chief of the Department.

This will bring the total to:

Fire- 41 of 45

EMS- 15 of 30

Ambulance Drivers- 5

Brent Peters  
Fire Chief  
City of Laurel Fire/ EMS



**Backup material for agenda item:**

Public Hearing: Annexation and Initial Zoning Request from Goldberg Investments for Residential Light Multi-Family on Nutting Brothers 2nd filing Lot 18 and Nutting Brothers 3rd Filing Lots 19-24 and Community Commercial on Lot 25 Nutting Brothers 3rd Filing.



November 13, 2018

Mr. Forrest Sanderson, AICP  
Laurel City Planner  
City of Laurel  
115 West 1<sup>st</sup> Street  
Laurel, MT 59044

**RE: *Annexation and Zoning of Nutting Bros Subdivision Lots 5, 18-24***

Dear Mr. Sanderson:

This letter is accompanying a full annexation application, with requested zoning, for Lots 5, and 18-24 of the Nutting Bros Subdivision on the eastern boundary of the City of Laurel. We are requesting specific zoning be applied at the time of annexation into the City of Laurel. The application, maps and supplementary information outline the request and satisfy the application requirements as laid out in our pre-application meeting and the application itself. Below is a summary of the discussions we've had as part of the application process, provided to memorialize and ensure all reviewing parties are informed of the application and properties past and proposed future.

This property has went through a formal Yellowstone County Zone Change application and City of Laurel Annexation application in the past with a prior development group. That application requested a zoning of Residential Manufactured Homes (RMH) over the entire property. Much of the discussion and opposition to that application revolved around the continuation of manufactured or mobile home units being placed on the property and its fit with adjacent neighborhoods. Much of the comment from the neighborhood suggested that this property should be developed with stick-built rooftops and family homes. As such the zoning and annexation into the City of Laurel were denied and the development did not occur.

The new development group, Goldberg Developments, is proposing a wholly different type of style of development for the property and the City's consideration. The developer is applying for annexation and requesting approximately 9 acres along the Yard Office Road be zoned Community Commercial (CC) and the remaining 23 acres north of Eleanor Roosevelt Drive be zoned Residential Light Multi-Family (RLMF). The intent is to allow for some light commercial development and business park along Yard Office Road while providing the community with buildable single family residential lots allowing for some multi-family development interspersed within the development. This request matches the requests of the



adjacent neighborhoods for single family, stick built housing in the area while still matching the zoning of adjacent properties to the south and east.

This project will help serve as an infill project for the City, tying to existing utilities located along its boundary. The proposed project will help to reduce the cost of basic services provided to the area by adding to the City's rate payer base. Commercial businesses along Yard Office Road will help to offset the cost of services to the area while addition to the tax base of the City. The proposed RLMF will add to the diversity of housing for the community and allow for the desired residential stick-built homes in the area. All of these items align with the goals of the City of Laurel Growth Policy.

During our pre-application meeting it was suggested that a meeting be set with Public Works Director Kurt Markegard to discuss system capacity of the water and wastewater facilities. Performance Engineering and the developer met with Mr. Markegard to discuss the proposed zoning and potential for development of the property. System capacities were specifically discussed in the meeting to which it was noted by Mr. Markegard that there is sufficient capacity in the treatment facilities to handle the potential demand from the development. There may be potential collection and distribution upgrades required of the developer along Eleanor Roosevelt/8<sup>th</sup> Ave. but those would be based on system modeling. At this time there were no major red flags for the development based on the capacity of the system.

We are excited about the proposed project annexation and zoning request as we believe it will start laying the ground work for continued expansion, growth, and prosperity on the eastern edge of Laurel. It is our hope that this application will receive favorable consideration from the City of Laurel and we look forward to working with the Planning Board and City Council through the process. Please do not hesitate to call should you have any questions at 406-384-0080.

Best Regards,

  
Scott Aspenlieder, PE  
Project Manager



CITY OF LAUREL, MONTANA  
REQUEST FOR ANNEXATION  
AND PLAN OF ANNEXATION

Applicant is required to meet with the City Planner prior to filling out this application. All blanks of this application are to be filled in with explanation by the applicant. Incomplete applications will not be accepted.

1. Only parcels of land adjacent to the City of Laurel municipal limits will be considered for annexation. "Adjacent to" also includes being across a public right of way. If the parcel to be annexed is smaller than one city block in size (2.06 acres), the city council must approve consideration of the request; the applicant must make a separate written request to the city council stating their wish to annex a parcel of land less than one city block in. Once the council approves the request, the applicant can apply for annexation.
2. Applicant landowner's name: Goldberg Investments, LLP  
Address: P.O. Box 907, Laurel, MT 59044  
Phone: (406) 360-6364
3. Parcel to be annexed: (If it is not surveyed or of public record, it must be of public record PRIOR to applying for annexation.) NUTTING BROS 2ND FILING, S10, T02 S, R24 E, LOT 18, & LTS 19-25  
Legal description: NUTTING BROS 3RD 32.56 AC (07)  
Lot size: 32.56 AC  
Present use: AGRICULTURE  
Planned use: RESIDENTIAL AND COMMERCIAL  
Present zoning: RESIDENTIAL TRACTS  
(Land which is being annexed automatically becomes zoned R-7500 when it is officially annexed [City ordinance 17.12.220])
4. City services: The extension of needed city services shall be at the cost of the applicant after annexation by the city has been approved. As part of the application process, each of the following city services must be addressed with an explanation:

Water Service:

Location of existing main: 6-inch water main located along southern and eastern boundaries of property.

Cost of extension of approved service: TBD

How cost determined: WILL BE BID BY CONTRACTORS

Timeframe for installation: 2019

Sewer Service:

Location of existing main: Sewer located at both intersections of Yard Office/Maryland and 8th St./Juniper Ave. Likely to require force main connection west to system along 8th St.

Cost of extension of approved service: TBD

How cost determined: WILL BE BID BY CONTRACTORS

Timeframe for installation: 2019

How financed: PRIVATE CONTRACT

Streets:

Is there any adjoining County ROW to the proposed annexation: YES

Location of existing paved access: YARD OFFICE RD. & ELEANOR ROOSEVELT DR.

Cost of paving: TBD

How cost determined: WILL BE BID BY CONTRACTORS

Timeframe for construction: 2019

Other required improvements: Provide above information on attached pages.

5. A map suitable for review of this application of the proposed area to be annexed must be submitted with this application.
6. A written Waive of Protest must accompany this application, suitable for recording and containing a covenant to run with the land to be annexed, waiving all right of protest to the creation by the city of any needed improvement district for construction or maintenance of municipal services. This Waiver of Protest must be signed by the applicant prior to annexation by the city.
7. Requests for annexations are referred to the City-County Planning Board for recommendation to the City Council. Within 30 days after receiving the properly filled out application with all required accompaniments and after conducting a duly advertised public hearing, the City-County Planning Board shall make recommendation to the City Council as to this Request for Annexation. If more information is needed from the applicant during the review of the application, such application shall be deemed incomplete and the timeframe for reporting to the City Council extended accordingly, in needed.
8. A non-refundable application fee of \$300 + \$25.00 per acre (80 acres or less); \$300 + \$35.00 per acres (81 acres or more) must accompany the submission of this application.

The City Council of the City of Laurel, Montana, after review and consideration of this Application for Annexation, found such to be in the best interest of the City, that it complied with state code, and approved this request at its City Council meeting of \_\_\_\_\_



FOR THE ANNEXATION OF THE HEREIN DESCRIBED PROPERTY AND CREATION OF  
ANY FUTURE SPECIAL IMPROVEMENT DISTRICT

1

**MINUTES  
CITY OF LAUREL  
CITY/COUNTY PLANNING BOARD  
THURSDAY, JANUARY 03, 2019**

**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.*

**General Items**

1. Public Hearing: Annexation and Initial Zoning Request from Goldberg Investments for Residential Light Multi-Family on Nutting Brothers 2nd filing Lot 18 and Nutting Brothers 3rd Filing Lots 19-24 and Community Commercial on Lot 25 Nutting Brothers 3rd Filing.

Judy read the rules for the Public Hearing. Forrest Sanderson the contract City Planner introduced the agent representing the property owners, Scott Aspenlieder PE from Performance Engineering 609 29<sup>th</sup> Street. Scott informed the public hearing of the proposed annexation and initial zoning for Nutting Brothers Subdivision 2<sup>nd</sup> Filing Lot 18 and Nutting Brothers Subdivision 3<sup>rd</sup> Filing lots 19-24 all Residential Light Multi-Family(RLMF) and on Lot 25 of the 3<sup>rd</sup> Filing of Nutting Brothers Subdivision for Community Commercial. Scott said that there will be no deviations to their request for the zoning that the City currently has in the area. Scott said that there will not be any mobile homes on the property like what was proposed in an earlier annexation and zoning request. The zoning request will allow for single family homes and some commercial activity off of Yard Office Road. In the future, Scott said that a subdivision review will come later if the annexation and zoning is granted. Scott said that this request is in line with the neighbors desired the last time this property was proposed for annexation and zoning. Scott stated that no mobile home will be placed on the land. Ron Benner ask about the low density statement and the difference between the low density and high density. Forrest stated the density is medium to high in the Residential Light Multi-Family zoning. Forrest stated that the density would be moderate designation versus the low density. Forrest asked Scott that the proposal is for moderate density and will not be turned into a Planned Unit Development in the future. Scott stated that there is no plan for any deviations of the proposed zoning request. Jon asked what is the density for RLMF and Judy stated that it is in the packet. Forrest stated that for one unit they need a 6,000 square feet, 7,500 for two units, 8,500 for three, and 10,000 square feet for four units. The limit is maxed at four units and the lot coverage is forty percent. The difference between this zoning and Multi- Family (MF) zoning is that RMLF zoning limits the lots to a four plex and under the MF zoning you could build larger than a four plex as long as you have the land area needed under lot size limits. Ron stated that the Growth Management Policy adopted by the City lists the proposed zoning as high density. Ron stated that the other issue with the previous request was not the mobile homes but the traffic. Scott stated that the last request was about the mobile home designation in his opinion. Forrest stated that the last request doesn't matter today and only what is being presented today. Subdivision review will be in the future and that will have its own hearing. Ron asked about the Commercial zoning request and Forrest said that it this zoning allows for a diverse allowance for businesses that work with the Residential Districts. The district is compatible with moderate density zoning standards.

Forrest stated that the City is statutorily required to have the public hearing on both requests of annexation and zoning and Forrest is suggesting lumping together both requests because if annexation is denied then the zoning request is mute. Forrest stated that the City has an

Annexation Policy and this property is adjacent to the City and is larger than the minimum acres needed for annexation. Staff submits that this is the type of annexation that the City has desired through the Annexation Policy. The request is in line with the 2013 Growth Management Plan and public infrastructure. The executed Special Improvement District Waiver is included. The required Fees were submitted. The adjacent right of ways will also need to be annexed. The annexation will also have to include an annexation map. Staff recommendation is to approve the requested annexation by the Planning Board.

Forrest stated that the RLMF and the CC zoning are applicable zoning districts assign by the City of Laurel. Forrest stated there is no deviations of the requested zoning. Forrest finds that the zoning is in compliance with all the regulations of local and state laws. Forrest's report is attached to these minutes that goes through the required zoning and annexation statutorily requirements. This report was presented to the public in an overhead projector. In Forrest's report, the findings support approval of the zoning an annexation with the conditions that are contained in the staff report.

Forrest asked the Planning Board members if there were any more questions and the Planning Board did not have any more questions. Forrest read into the record that the Public Hearing notice was mailed out to the surrounding property owners and two letters were returned. These letters returned were to Dale and Laura Mussetter of 1920 E. Maryland Lane and Neil Gunderson of 2024 E. Maryland Lane.

The Public Hearing was opened for Public Comment. Nancy Lousch of 1608 E. Maryland Lane commented that the property was not listed on the Montana Cadastral Mapping as being owned by Goldberg Investments. Kurt Markegard, the Public Works Director, informed Nancy that the Planning Board had the ownership records in their packet and it was confirmed that they are the recorded owners of the property being requested to be annexed. Nancy commented that the traffic in the area needs to be addressed with the 55 lot mobile home park that is being built. Nancy also asked how she was to get the information to make a formal protest prior to the City Council meeting on February 5<sup>th</sup> at the next public hearing. Forrest said that he would get her the statutorily information at the close of this meeting. Scott Aspenlieder stated that they are not asking for anything that doesn't comply with the zoning in the area. They will comply with the current zoning and the rules. Scott stated that this development will fit with the neighborhood.

Judy closed the Public Hearing as there was no other public comment.

2. Judy call for a roll call of the Planning Board

Planning Board member present Ron Benner, Jerry Williams, Jonathan Klasna, Evan Bruce, Roger Giese, and Judy Goldsby. Forrest stated that a quorum is reached.

3. Approval of Minutes from 11.1.2018

Jerry motion to approve the minutes and Ron seconded the motion to approve. All members were in favor of the minutes.

### **New Business**

4. Recommendation of Annexation and Initial Zoning Request from Goldberg Investments for Residential Light Multi-Family on Nutting Brothers 2nd filing Lot 18 and Nutting Brothers 3rd Filing Lots 19-24 and Community Commercial on Lot 25 Nutting Brothers 3rd Filing.



Roger motioned to approve the annexation and zoning for Goldberg Investments. Jerry seconded the motion. Judy opened up the board discussion. Ron commented about the traffic from the commercial portion of this request. Ron read off many businesses that could be allowed in the community commercial zoning. Ron is concerned that traffic from these types of businesses. Jon asked Forrest what is the spacing requirements for the commercial zoning and is it similar to the residential. Forrest said there is not a lot size requirement but there is set backs from the street of twenty feet. There are no set back requirements from the side of the lots, and ten feet from a side streets and also no set back requirements from the rear of the lot. The height of any building is 25 feet and a maximum of fifty percent lot coverage. The minimum area for this type of zoning is 2.07 acres. The RLMF zoning is similar to the Community Commercial in lot size requirements. Jon asked how big lot 25 in acreage is and Forrest stated that lot 25 it is five or six acres. Ron asked if they can subdivide lot 25 into smaller lots. Forrest stated that they would have to go through subdivision regulations and that would come back to this board before the City Council would take action. Scott stated that lot 25 is nine acres. Ron spoke about the roads when the City annexes property and is concerned that the city will drop the ball when it comes to connecting the roads and making the City a livable city with connected roads. Ron stated that there are roads that have never been finished. Ron asked Kurt if the city will do their part. Kurt explained that when the City annexes land, the City must annex the entire road right of ways as required by state law. This does not give the right for the City to pass a special improvement district in the area and have the County residents pay for a portion of the costs associated of road improvement onto the county parcels. The county residents could protest this creation of special improvement district to complete road improvements. Most costs for road improvements are tied to the lots that are adjacent to the roads. Ron stated that there are roads all over the city that are not paved. Kurt stated that citizens can petition to create a special improvement district to do road improvements any time they want to if they want the improvements. There is always the concern that if fifty one percent of the lot owners protest the creation of a special improvement district. Forrest stated that on these lots being considered for annexation there is a waiver of protest document so the current property owners and any subsequent property owners cannot protest the creation of a special improvement district. Forrest also stated that there can be a late comer agreement to help the developer to recoup costs if other property owners would like to connect to improvements that the developers paid for with their development.

Judy asked if there is any public comment on the discussion for the recommendation of approval for annexation and zoning for Goldberg Investments. There was no public comment.

Judy asked for a roll call vote on the motion for approval of Nutting Brothers Subdivision Recommendation of Annexation and Initial Zoning Request from Goldberg Investments for Residential Light Multi-Family on Nutting Brothers 2nd filing Lot 18 and Nutting Brothers 3rd Filing Lots 19-24 and Community Commercial on Lot 25 Nutting Brothers 3rd Filing. Jerry said I, Ron yes, Jon yes, Evan yes, Roger yes, and Judy yes. The motion was approve with a unanimous yes vote.

Forrest stated that there will be a Public Hearing on February 5, 2019 at the City Council meeting at 6:30 pm.

## **Old Business**

### **5. Planner Update**

Matt Lurker stated that he is completing back ground references for two applicants and he is hoping that the City will have a planner in the next month. Matt stated that he would like a recommendation to the Mayor in the next few weeks.

### **Other Items**

6. Ron asked for information to be sent out sooner so that they have a chance to review the documents prior to the meeting. Kurt stated the information was sent out a week prior to the meeting except for the zoning allowances from the Laurel Municipal Code. Kurt also stated that the board should have a book with the regulations. Kurt stated that the new board members probably have not had a chance to get all the information they need to understand all the regulations. Kurt stated that there probably should be a review of the regulations with the Planning Board members in the near future. Forrest stated that there is a booklet that has been created by the State that has the subdivision and annexation regulations laws in this booklet.

### **Announcements**

7. Next Meeting: February 7, 2019.
8. Judy asked for a motion to adjourn the meeting. It was moved and seconded to adjourn and all were in favor. The meeting adjourned at 11:22am.



**AGENDA  
CITY OF LAUREL  
CITY/COUNTY PLANNING BOARD  
THURSDAY, JANUARY 03, 2019  
10:00 AM  
CITY COUNCIL CHAMBERS**

**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.*

**General Items**

1. Public Hearing: Annexation and Initial Zoning Request from Goldberg Investments for Residential Light Multi-Family on Nutting Brothers 2nd filing Lot 18 and Nutting Brothers 3rd Filing Lots 19-24 and Community Commercial on Lot 25 Nutting Brothers 3rd Filing.
2. Approval of Minutes from 11.1.2018

**New Business**

3. Recommendation of Annexation and Initial Zoning Request from Goldberg Investments for Residential Light Multi-Family on Nutting Brothers 2nd filing Lot 18 and Nutting Brothers 3rd Filing Lots 19-24 and Community Commercial on Lot 25 Nutting Brothers 3rd Filing.

**Old Business**

4. Planner Update

**Other Items**

**Announcements**

Next Meeting: February 7, 2019

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**

**Backup material for agenda item:**

Approval of Minutes from 11.1.2018

MINUTES

CITY OF LAUREL

City/County Planning Board

11/01/2018 10:00 AM

City Council Chambers

**COMMITTEE MEMBER PRESENT:**

Judy Goldsby, Chair                      John Klasna  
Even Bruce                                  Roger Giese  
Jerry Williams

**OTHERS PRESENT:**

Forrest Sanderson, Contract Planner KLJ

Richard Herr, Bob Ulrich, Kris Vogeles, Linda Frickel, Kathleen Gilluly, Dan Koch

1. Public Comment- none

2. General Items

- a. Approval of the previous minutes was approved
- b. Public Hearing Vue and Brew in the Central Business District. Judy read the rules for the public hearing and Forrest read the application and the process for advancing the request through the City-County Planning and City Council.

Judy asked if there was any proponents of the special review request. Kris Vogeles who lives at 306 East 4<sup>th</sup> Street spoke as one of the owners of the LLC that operates the Vue and Brew. Kris is also the applicant of the special request and informed the Planning Board of his intentions on the sale of alcohol at the Vue and Brew. Kris stated that all monies from the sale of alcohol will go to Sonny O'Days as per Montana Statue and that they plan on working with Sonny O'Days for staffing and sale of the alcohol in a concession agreement. Kris also stated that they received sixty comments on their Facebook page with fifty nine of those comments in support and Kris welcomed anyone to go and view the Vue and Brew's Facebook page. Linda Frickel who lives at 1737 Groshell Boulevard and was the previous owner of the Owl Café for over twenty years had the same concession agreement with Sonny O'Days and received no monies from the sale of alcohol but wanted to offer the opportunity for her customers to consume alcohol at the Owl Café. Linda is in support of this application and would like the Planning Board to also support their plans. Linda stated she has been a customer of the Vue and Brew since it opened and enjoys watching movies in Laurel. Judy asked for additional proponents twice and no additional proponents came forward. Judy then asked for any opponents three times and no opponents came forward to speak. Forrest read into the record an email he received from Shannon Cole-



Merchen on October 30, 2018. This email was in support of the proposal to allow for the alcohol sale and consumption at the Vue and Brew. The Public Hearing was closed.

### 3. New Business

- a. Judy asked the Planning Board members if they had any questions about the special review for the Vue and Brew about the sale and consumption of alcohol. Roger asked about the location in the building where the alcohol will be served. Kris stated that there is a separate area as you walk in through a window is where the alcohol will be sold. Kris stated that it would be similar to what the Billing Exchange does at the Metra. Kris stated one of the stipulations is that you cannot have an area where minors can access the storage of alcohol. Kris said that the concession employees will not be in the same area as the sale of alcohol. Evan asked if the area was going to be in the area of ticket sales. Kris stated that the area would be right as you walk in the building off to the side, it will be its own separate area. Roger asked about the relationship between Sonny O'Days and the Owl Café and now with the Vue and Brew. Judy stated that it will be up to the State of Montana to decide. Kris stated there will be a concession agreement with Sonny O'Days and Sonny O'Days will have the responsibility to for all requirements including liability insurance. Roger asked Kris if he felt it was necessary for there to be another avenue to sell alcohol in this city. Kris stated that the word "necessary" may not be the word but he feels that many customers would like to have a beverage while they watch their movie. Roger asked if they can take it into the movie with them or do they have to consume it in a special area. Kris stated within the confines of the entire building. Evan asked about training of the employees that will serve the alcohol. Kris states that the shared employees will be trained per the state guidelines. Evan asked if they sought out the transfer of the license into the Vue and Brew name. Kris said no. John stated that Kris is providing a space for the continuance of Sonny O'Days to operate and Kris said yes. Roger asked if they have submitted this to the state yet and Kris said that they have not. Kris stated they needed to have the City signed off on the request before they submitted the application to the State. Jerry stated that he thinks it is a great idea personally. Jerry also stated that he can see that this will help this business stay open. Forrest read his statement of analysis and finds that the application and comments from the public hearing are adequate for the board's consideration of approval with two conditions. Those conditions are that the operation and management of the facility shall be in accordance with the application, plans and testimony to this board and that they comply with City of Laurel's Codes and they comply with State Rules and Regulations. John asked about the Church next door that uses the building for youth events. Forrest stated that the standard to be further than 600 feet from a place of worship is waived in the Central Business District. Judy said that they rarely use the building for youth activities. Judy stated that Roger made the motion to approve the Special Use and forward it onto City Council for approval and was needing a seconding on the motion. Evan seconded the motion and all board members were in favor with a roll call vote. Forrest stated that this recommendation would be forwarded onto the next City Council Workshop and posted as required.
- b. Forrest presented the final plat application for Russel Minor Subdivision that had been previously approved by this board and by the Yellowstone County Commissioners. John made

the motion to approve Judy signing the final plat for approval. Evan questioned the location of the subdivision and Forrest explained and showed the check print of the subdivision to the board. Jerry seconded the motion and all board members approved.

- c. Forrest explained the CDBG Grants and what they can be used for like Growth Management Policy or a Capital Improvement Plan. Subdivision regulations could also be reviewed with this type of grant. Forrest stated that these are really competitive grants and the City will be prepared to apply for a grant as to what the City Council will. Jerry asked about traffic issues and grants for a traffic study. Judy spoke of the previous transportation grant and Forrest stated that there are other ways to get funds for urban transportation plan. John asked if there are two grants to apply for and Forrest indicated that all plans are presented to City Council and the City Council then determines what the priority will be and they will vote for the highest priority for funding. Forrest stated you can only submit one application per funding application. Evan asked what the grant will applied for and Judy stated that is what has to be determined. Evan asked where the public hearings would take place and Forrest said it would be at the City Council meetings. Judy said that the planning board is an advisory committee. Jerry stated that if we are to grow that the traffic issues needs to be resolved. Judy asked the members to review the growth management plan and the traffic study that was previously prepared for the City.

#### 4. Old Business

- a. Planner Update- Forrest said the City received one application so far.

#### 5. Other- Jerry asked about improvements at Riverside Park. Judy briefed the board that the process is moving forward

#### 6. Announcements- Next meeting scheduled December 6<sup>th</sup>, 2018. Forrest said so far there is nothing on the agenda.

#### 7. Adjournment was called for by Judy, Roger motioned to adjourn with John seconding the motion, all were in favor and the meeting adjourned at 10:55am.

Respectfully Submitted,

Kurt Markegard

**Backup material for agenda item:**

Recommendation of Annexation and Initial Zoning Request from Goldberg Investments for Residential Light Multi-Family on Nutting Brothers 2nd filing Lot 18 and Nutting Brothers 3rd Filing Lots 19-24 and Community Commercial on Lot 25 Nutting Brothers 3rd Filing.



**Corrected notice for City Council hearing date. Planning Board  
time/date did not change.**

**PUBLIC HEARING NOTICE**

The Laurel – Yellowstone Planning Board and Zoning Commission will conduct a public hearing on a proposed annexation and initial zoning request submitted by Goldberg Investment LLP to the City of Laurel, Montana. The hearing is scheduled for **10:00 A.M., in the City Council Chambers at City Hall, 115 West First Street, Laurel, Montana, on Thursday, January 3, 2019.**

Additionally, the City Council has scheduled a public hearing and consideration of adoption, by Ordinance, on First Reading the proposed annexation and initial zoning request. The City Council public hearing is scheduled for **6:30 P.M., in the City Council Chambers at City Hall, 115 West First Street, Laurel, Montana, on Tuesday, February 5, 2019.**

Specifically, Goldberg Investment has proposed to annex Nutting Brothers 2<sup>nd</sup> Filing Lot 18 and Nutting Brothers 3<sup>rd</sup> Filing Lots 19 – 25 located in Section 10, Township 2 South, Range 24 East, into the City of Laurel, Yellowstone County, Montana.

Additionally, Goldberg Investments has proposed and initial zoning upon annexation of Residential Light Multi-Family (RLMF) on Nutting Brothers 2<sup>nd</sup> Filing Lot 18 and Nutting Brothers 3<sup>rd</sup> Filing Lots 19 – 24 and Community Commercial (CC) on Lot 25 Nutting Brothers 3<sup>rd</sup> Filing.

The RLMF is intended to provide a suitable residential environment for medium to high density residential dwellings and where possible a buffer between residential and commercial zones. The CC is intended to accommodate retail, service, and office facilities offering a greater variety than would normally be found in a neighborhood or convenience retail development. Both the RLMF and CC zones exist on properties annexed into the City of Laurel that are adjacent to the proposed annexation and initial zoning request.

A copy of the annexation petition and initial zoning request are available for public review at The City Planners Office during regular business hours. Questions may be directed to the Laurel Public Works Department at 628-4796. Public comment is encouraged.



November 13, 2018

Mr. Forrest Sanderson, AICP  
Laurel City Planner  
City of Laurel  
115 West 1<sup>st</sup> Street  
Laurel, MT 59044

**RE: Annexation and Zoning of Nutting Bros Subdivision Lots 5, 18-24**

Dear Mr. Sanderson:

This letter is accompanying a full annexation application, with requested zoning, for Lots 5, and 18-24 of the Nutting Bros Subdivision on the eastern boundary of the City of Laurel. We are requesting specific zoning be applied at the time of annexation into the City of Laurel. The application, maps and supplementary information outline the request and satisfy the application requirements as laid out in our pre-application meeting and the application itself. Below is a summary of the discussions we've had as part of the application process, provided to memorialize and ensure all reviewing parties are informed of the application and properties past and proposed future.

This property has went through a formal Yellowstone County Zone Change application and City of Laurel Annexation application in the past with a prior development group. That application requested a zoning of Residential Manufactured Homes (RMH) over the entire property. Much of the discussion and opposition to that application revolved around the continuation of manufactured or mobile home units being placed on the property and its fit with adjacent neighborhoods. Much of the comment from the neighborhood suggested that this property should be developed with stick-built rooftops and family homes. As such the zoning and annexation into the City of Laurel were denied and the development did not occur.

The new development group, Goldberg Developments, is proposing a wholly different type of style of development for the property and the City's consideration. The developer is applying for annexation and requesting approximately 9 acres along the Yard Office Road be zoned Community Commercial (CC) and the remaining 23 acres north of Eleanor Roosevelt Drive be zoned Residential Light Multi-Family (RLMF). The intent is to allow for some light commercial development and business park along Yard Office Road while providing the community with buildable single family residential lots allowing for some multi-family development interspersed within the development. This request matches the requests of the



adjacent neighborhoods for single family, stick built housing in the area while still matching the zoning of adjacent properties to the south and east.

This project will help serve as an infill project for the City, tying to existing utilities located along its boundary. The proposed project will help to reduce the cost of basic services provided to the area by adding to the City's rate payer base. Commercial businesses along Yard Office Road will help to offset the cost of services to the area while addition to the tax base of the City. The proposed RLMF will add to the diversity of housing for the community and allow for the desired residential stick-built homes in the area. All of these items align with the goals of the City of Laurel Growth Policy.

During our pre-application meeting it was suggested that a meeting be set with Public Works Director Kurt Markegard to discuss system capacity of the water and wastewater facilities. Performance Engineering and the developer met with Mr. Markegard to discuss the proposed zoning and potential for development of the property. System capacities were specifically discussed in the meeting to which it was noted by Mr. Markegard that there is sufficient capacity in the treatment facilities to handle the potential demand from the development. There may be potential collection and distribution upgrades required of the developer along Eleanor Roosevelt/8<sup>th</sup> Ave. but those would be based on system modeling. At this time there were no major red flags for the development based on the capacity of the system.

We are excited about the proposed project annexation and zoning request as we believe it will start laying the ground work for continued expansion, growth, and prosperity on the eastern edge of Laurel. It is our hope that this application will receive favorable consideration from the City of Laurel and we look forward to working with the Planning Board and City Council through the process. Please do not hesitate to call should you have any questions at 406-384-0080.

Best Regards,

  
Scott Aspenlieder, PE  
Project Manager

406-384-0080

7100 Commercial Ave. #4  
Billings, Montana 59101

performance-ec.com

- Page 9 -





**CITY OF LAUREL, MONTANA  
REQUEST FOR ANNEXATION  
AND PLAN OF ANNEXATION**

Applicant is required to meet with the City Planner prior to filling out this application. All blanks of this application are to be filled in with explanation by the applicant. Incomplete applications will not be accepted.

1. Only parcels of land adjacent to the City of Laurel municipal limits will be considered for annexation. "Adjacent to" also includes being across a public right of way. If the parcel to be annexed is smaller than one city block in size (2.06 acres), the city council must approve consideration of the request; the applicant must make a separate written request to the city council stating their wish to annex a parcel of land less than one city block in. Once the council approves the request, the applicant can apply for annexation.
2. Applicant landowner's name: Goldberg Investments, LLP  
Address: P.O. Box 907, Laurel, MT 59044  
Phone: (406) 360-6364
3. Parcel to be annexed: (If it is not surveyed or of public record, it must be of public record PRIOR to applying for annexation.) NUTTING BROS 2ND FILING, S10, T02 S, R24 E, LOT 18, & LTS 19-25  
Legal description: NUTTING BROS 3RD 32.56 AC (07)  
Lot size: 32.56 AC  
Present use: AGRICULTURE  
Planned use: RESIDENTIAL AND COMMERCIAL  
Present zoning: RESIDENTIAL TRACTS  
(Land which is being annexed automatically becomes zoned R-7500 when it is officially annexed [City ordinance 17.12.220])

4. City services: The extension of needed city services shall be at the cost of the applicant after annexation by the city has been approved. As part of the application process, each of the following city services must be addressed with an explanation:

**Water Service:**

Location of existing main: 6 inch water main located along southern and eastern boundaries of property.  
Cost of extension of approved service: TBD  
How cost determined: WILL BE BID BY CONTRACTORS  
Timeframe for installation: 2019

**Sewer Service:**

Sewer located at both intersections of Yard Office/Maryland and 8th St./Juniper Ave. Likely to require force main connection west to system along 8th St.  
Location of existing main: Ave. Likely to require force main connection west to system along 8th St.  
Cost of extension of approved service: TBD  
How cost determined: WILL BE BID BY CONTRACTORS

Timeframe for installation: 2019  
How financed: PRIVATE CONTRACT

**Streets:**

Is there any adjoining County ROW to the proposed  
annexation: YES  
Location of existing paved access: YARD OFFICE RD. & ELEANOR ROOSEVELT DR.  
Cost of paving: TBD  
How cost determined: WILL BE BID BY CONTRACTORS  
Timeframe for construction: 2019

**Other required improvements:** Provide above information on attached pages.

5. A map suitable for review of this application of the proposed area to be annexed must be submitted with this application.
6. A written Waiver of Protest must accompany this application, suitable for recording and containing a covenant to run with the land to be annexed, waiving all right of protest to the creation by the city of any needed improvement district for construction or maintenance of municipal services. This Waiver of Protest must be signed by the applicant prior to annexation by the city.
7. Requests for annexations are referred to the City-County Planning Board for recommendation to the City Council. Within 30 days after receiving the properly filled out application with all required accompaniments and after conducting a duly advertised public hearing, the City-County Planning Board shall make recommendation to the City Council as to this Request for Annexation. If more information is needed from the applicant during the review of the application, such application shall be deemed incomplete and the timeframe for reporting to the City Council extended accordingly, in needed.
8. A non-refundable application fee of \$300 + \$25.00 per acre (80 acres or less); \$300 + \$35.00 per acres (81 acres or more) must accompany the submission of this application.

The City Council of the City of Laurel, Montana, after review and consideration of this Application for Annexation, found such to be in the best interest of the City, that it complied with state code, and approved this request at its City Council meeting of \_\_\_\_\_

AFFIDAVIT OF WAIVER OF PROTEST  
BEFORE THE CITY COUNCIL  
OF THE CITY OF LAUREL, MONTANA

FOR THE ANNEXATION OF THE HEREIN DESCRIBED PROPERTY AND CREATION OF  
ANY FUTURE SPECIAL IMPROVEMENT DISTRICT

The undersigned hereby waives protest to the annexation of the property described below by the City of Laurel. Undersigned also waives their right to seek judicial review under M.C.A. § 7-2-4741 (2007), subsequent to the City's annexation of the below described property.

The undersigned hereby additionally waives protest to the creation of future Special Improvement District(s) created and/or formed for future street improvements including, but not limited to, paving, curb, gutter, sidewalk and storm drainage or any other lawful purpose.

This Affidavit is submitted pursuant to and as a part of the Annexation Agreement and future contemplated Subdivision Improvement Agreement (SIA) with the City of Laurel.

This Affidavit of Waiver shall run with the land and shall forever be binding upon the Grantee, their transferees, successors and assigns.

LEGAL DESCRIPTION OF THE PROPERTY:

"NUTTING BROS 2ND FILING, S10, T02 S, R24 E, LOT 18 & LOTS 19-25 NUTTING BROS 3RD (07)"

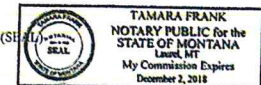
DATED this 7<sup>th</sup> day of November, 2018

Angie  
Grantee Name  
(Company..)

STATE OF Montana )  
County of Yellowstone ) ss.

On this day of 9<sup>th</sup> of November, 2018, personally appeared before me,  
Anthony J. Golden proved to me on the basis of satisfactory evidence to be  
the person(s) whose name(s) are subscribed to this instrument, and acknowledged the he/she/they executed  
the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal on the day  
and year in this certificate first above written.



Tamara Frank  
Notary Public for the State of Montana  
Residing at: Laurel, MT  
My Commission Expires: 12-02-2018



CITY HALL  
115 W. 1<sup>ST</sup> 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



## Office of Planning

Office of the Director of Public  
Works

Date: November 21, 2018  
To: Laurel – Yellowstone City – County Planning Board and Zoning Commission  
From: Forrest Sanderson, AICP, CFM – Contract Planner  
Re: Annexation Request, Goldberg Investment LLP

### BACKGROUND:

On November 13, 2018, an annexation request for Lot 18 Nutting Brothers 2<sup>nd</sup> Filing and Lots 19 – 25 Nutting Brothers 3<sup>rd</sup> Filing in Section 10, Township 2 South, Range 24 East was submitted along with a request for initial zoning. The initial zoning request, which is analyzed in a separate Report is for Residential Limited Multi-Family (RLMF) and Community Commercial (CC).

### ANALYSIS OF REQUEST

City Council Resolution #R08-22 (March 4, 2008) and the aforementioned Application Form establishes the criteria and requirements for the annexation of property.

#### Standard:

1. Only parcels of land adjacent to the City of Laurel will be considered for annexation. If the parcel to be annexed is smaller than one city block in size (2.06 acres), the city council must approve consideration of the request; the applicant must make a separate written request to the city council stating their wish to annex a parcel of land less than one city block in size. Once the council approves the request, the applicant can apply for annexation.

#### Findings:

- A. The property requested for consideration is adjacent to the existing Laurel city limits;
- B. The property requested for consideration is 32.56 acres in size;
- C. The property owner (Goldberg Investments LLP) owns or has been authorized to submit the annexation petition.;
- D. Should the request for annexation be denied by the City of Laurel the request for initial zoning will not proceed further;



- E. This is the type of comprehensive annexation and initial zoning requests that are desired under the City of Laurel Annexation Policy.
- F. The annexation and initial zoning appears to be consistent with your 2013 Growth Policy. (Infrastructure, Land Use, and Transportation Sections). These sections encourage comprehensive 'big picture' looks at development, growth and the extension of public infrastructure.

### **MOVING FORWARD**

- 1. The application adequately addresses the following items as required by Council Policy:
  - a. An extension of City Streets, Water, Sewer, Sidewalks, Storm Water, Curb and Gutter and how the developer/owner intends to pay for these infrastructure extensions;
  - b. An executed waiver of the right to protest the creation of SID's;
  - c. Adequate discussion of the suitability of the proposed zoning for the property to be annexed;
  - d. A notarized signature from the record property owner authorizing the annexation and requested initial zoning;
  - e. Adequate discussion of the subdivision process to create lots that conform to the minimum district requirements and use limitations imposed by the Laurel Zoning Regulations.
- 2. The application did include a fee for the consideration of annexation and zoning.
  - a. The fee is adequate for the application as presented.
- 3. The annexation map, to be prepared at the developers expense shall include all adjacent public rights-of-way

### **RECOMMENDATION:**

The request to proceed with annexation of Lot 18 Nutting Brothers 2<sup>nd</sup> Filing and Lots 19 – 25 Nutting Brothers 3<sup>rd</sup> Filing in Section 10, Township 2 South, Range 24 East Subdivision should be APPROVED for the following reasons:

- 1. The annexation request is consistent with the City of Laurel Annexation Policy.
- 2. The requested annexation is consistent with the 2013 Laurel Growth Policy.
- 3. The requested initial zoning for the properties is existing Laurel Zoning classifications.

CITY HALL  
115 W. 1<sup>ST</sup> 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



## Office of Planning

Office of the Director of Public  
Works

Date: November 30, 2018  
To: Laurel – Yellowstone City – County Planning Board and Zoning Commission  
From: Forrest Sanderson, AICP, CFM – Contract Planner  
Re: Initial Zoning Request, Goldberg Investment LLP

### **BACKGROUND:**

On November 13, 2018, an annexation request for Lot 18 Nutting Brothers 2<sup>nd</sup> Filing and Lots 19 – 25 Nutting Brothers 3<sup>rd</sup> Filing in Section 10, Township 2 South, Range 24 East was submitted along with a request for annexation.

The initial zoning request is for Residential Light Multi-Family (**RLMF**) on Nutting Brothers 2<sup>nd</sup> Filing Lot 18 and Nutting Brothers 3<sup>rd</sup> Filing Lots 19 – 24 and Community Commercial (**CC**) on Lot 25 Nutting Brothers 3<sup>rd</sup> Filing.

### **ANALYSIS OF REQUEST**

LEGAL DESCRIPTION: Lot 18 Nutting Brothers 2<sup>nd</sup> Filing and Lots 19 – 25 Nutting Brothers 3<sup>rd</sup> Filing in Section 10, Township 2 South, Range 24 East, P.M.M., Yellowstone County, Montana

### **GENERAL INFORMATION**

1. The RLMF is intended to provide a suitable residential environment for medium to high density residential dwellings and where possible a buffer between residential and commercial zones.
2. The CC is intended to accommodate retail, service, and office facilities offering a greater variety than would normally be found in a neighborhood or convenience retail development.
3. Both the RLMF and CC zones are generally applicable existing standard Zoning Districts within the City of Laurel. Further, the zoning classifications exist on properties annexed into the City of Laurel that are adjacent to the proposed annexation and initial zoning request.



## FINDINGS OF FACT

The City of Laurel is an incorporated City within the State of Montana with powers established by the City Charter. The power and processes for the City to establish zoning regulations are found in §76-2-301 et. seq. M.C.A.

In the State of Montana, all jurisdictions proposing to zone or rezone property or to adopt or revise their zoning regulations must issue findings of fact on a twelve-point test that constitutes the rational nexus/legal basis for the adoption of or amendments to a zoning district or zoning regulations, as follows:

I. Is the zoning in accordance with the growth policy;

- The proposed zoning regulations and map are based on the 2013 Growth Policy. A quick comparison of the Future Land Use Map verifies that the proposed zoning is consistent with the anticipated future zoning for the area.
- The RLMF and CC zones are generally applicable existing standard Zoning Districts within the City of Laurel that are supported by the 2013 Growth Policy.
- The zoning classifications exist on properties annexed into the City of Laurel that are adjacent to the properties proposed annexation and initial zoning request.
- Several strategies from the Growth Policy pertaining to the residential development are met with the new zoning. Most notably; The regulations are designed to provide easier use, reuse and restoration of existing structures and properties and the regulations encourage infill development and expanded use opportunities.

Finding: The requested zoning is in accordance with the Growth Policy and other adopted rules and regulations of the City of Laurel.

II. Is the zoning designed to lessen congestion in the streets;

- The requested zoning encourages compact walkable development as well as expanded opportunities within new developments.
- The requested zoning encourages compact urban development as such the need for vehicular travel is limited.
- The requested zoning in conjunction with the development standards adopted with the Subdivision Regulations will provide for flow through development, logical extension of the gridded infrastructure network, and encourage pedestrian- friendly growth.

Finding: The requested zoning will lessen congestion in the streets by ensuring orderly growth and development of the property that is consistent with the zoning and other regulations adopted by the City of Laurel.

III. Is the zoning designed to secure safety from fire, panic, and other dangers;

- The requested zoning will provide for consistency in development along with provision of urban services including but not limited to water, sewer, police and fire protection.
- The requested zoning regulations incorporates enforcement of development standards, setbacks and compliance with the Building Code program adopted by the City of Laurel.

- The requested zoning has restrictions on lot coverage, grading and development on steep slopes and other areas that are potentially hazardous.

Finding: The recommended zoning will provide safety to residents and visitors to the City from fire, panic and other dangers.

IV. Is the zoning designed to promote health and the general welfare;

- The requested zoning imposes limitations on uses, setbacks, height limits and building restrictions.
- The requested zoning groups together like and consistent uses within existing neighborhoods.
- The requested zoning is consistent with the prevailing zoning established by the City of Laurel on lands already located within the City limits.
- The proposed zoning implements the legislative intent of the City Council, provide consistency in the administration of the regulations and encourages responsible growth and development in and adjacent to the City of Laurel.

Finding: The grouping together of like and consistent uses promotes the health and general welfare of all citizens of the City of Laurel. Further, the requested zoning is substantially consistent with the land use in the neighborhood.

V. Is the zoning designed to provide adequate light and air;

- The requested zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.
- The text of the regulations in the requested zones implement the concept that the City of Laurel was developed historically on a gridded network. The requested zoning requires the perpetuation of this pattern. In doing so as the City plans for growth, the spacing and layout of new development will facilitate provision of light and air to new development.

Finding: The requested zoning will ensure the provision of adequate light and air to residents of the City through various development limitations.

VI. Is the zoning designed to prevent the overcrowding of land;

- The zoning regulations impose minimum lot size, use regulations and other limitations on development.
- The minimum lot size established with the requested zoning provides for ease of transition from rural to urban development. These standards encourage annexation to the City and development at a scale that justifies the capital extension of water and sewer while spreading the costs out on an equitable basis.
- The text of the proposed regulations encourages compact urban scale development while preventing undue overcrowding in any given segment of the community.
- The regulations encourage the creation of adaptive open space uses in conjunction with more intensive uses of property.



Finding: The existing standards of the requested zoning will prevent the overcrowding of land.

VII. Is the zoning designed to avoid undue concentration of population;

- The requested zoning is part of the holistic approach to land use regulation for the entirety of the City of Laurel and is not focused on any single special interest.
- The requested zoning takes advantage of areas that were created and intended as suitable for residential and commercial uses.
- The existing RLMF regulations are a part of the City residential zoning districts that provide a continuum of residential densities and managed development to create land use compatibility.
- The existing CC regulations are a part of the City commercial zoning districts that provide a tiered set of commercial uses, bulk of structures, and densities to enhance land use compatibility within the City.
- The requested zoning imposes minimum lot sizes, reasonable use restrictions on the subject properties, fencing limitations and setback standards.

Finding: The existing standards of the requested zoning will prevent the undue concentration of population by encouraging the most appropriate use and development on the subject property.

VIII. Is the zoning designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;

- The existing RLMF regulations are a part of the City residential zoning districts that provide a continuum of residential densities and managed development to create land use compatibility.
- The existing CC regulations are a part of the City commercial zoning districts that provide a tiered set of commercial uses, bulk and densities to enhance land uses within the City.
- The prevailing zoning along with the City Subdivision Regulations establishes minimum standards for the provision of infrastructure such as roads, sidewalks, water sewer, wire utilities and storm water management.
- The prevailing zoning encourages compact urban scale development and groups together similar uses that will not detract from the quality of life expected in Laurel while providing the economies of scale to extend water, sewer, streets, parks, quality schools and other public requirements.

Finding: The standards of the requested zoning will ensure the adequate provision of transportation, water, sewerage, school, parks and other public requirements.

IX. Does the zoning give reasonable consideration to the character of the district and its peculiar suitability for particular uses;

- The requested zoning (CC and RLMF) specify development standards and solidify the legislative intent of the City Council that was stated in the initial adoption of the regulations and the 2013 Growth Policy.

- The proposed changes do not impact any of the adopted district standards that were established to ensure that the regulations provide for land uses that are compatible with existing uses and neighborhood characteristics.
- The requested zones, by definition, are designed to be adjacent to each other, provide buffers and transitional areas between residential and commercial development.
- The petitioner has not proposed to change height limits and other building restrictions. These restrictions ensure compatible development.
- The requested zoning groups together like and consistent uses and is consistent with the existing zoning in the neighborhoods currently within the City of Laurel.

Finding: The requested zoning gives due consideration to the character of the existing neighborhoods, within the City as well as suitability for the particular uses.

X. Does the zoning give reasonable consideration to the peculiar suitability of the property for its particular uses;

- The requested zoning assignments are districts created by the City to implement the significant sections of the 2013 Growth Policy.
- The 2013 Growth Policy represented a major turning point in the theory of land use and land use regulation for the City of Laurel.
- The Growth Policy ties directly to and values the City's history and existing use of property and structures, the tools used to encourage development of property needed to be designed to reflect this change in direction.
- The proposed changes do not impact any of the currently adopted district standards that were established to ensure that the regulations provide for land uses that are compatible with existing uses and neighborhood characteristics.
- The requested zones, by definition, are designed to be adjacent to each other, provide buffers and transitional areas between residential and commercial development.
- The requested zoning groups together like and consistent uses and is consistent with the existing zoning in the neighborhoods currently within the City of Laurel.

Finding: The recommended zoning gives reasonable consideration to the peculiar suitability of the property for its particular uses.

XI. Will the zoning conserve the value of buildings;

- The requested zoning groups together like and consistent uses and is consistent with the existing zoning in the various neighborhoods of the City of Laurel.
- The requested zoning reinforces that RLMF (residential) and CC (commercial) flexibility in the location and development of the permitted and conditionally permitted uses. In doing so the value of both residential and commercial properties is enhanced.
- The RLMF and the CC are compatible adjoining land uses per the 2013 Growth Policy.
- The requested zoning was proposed by the property owner. Any consideration of the value of existing buildings on the property would have been considered in the selection of the available Laurel Zoning Districts.
- Where the requested zoning is currently in place on surrounding properties the value of existing buildings should not be impacted because of the development of property with the same land use restrictions as the adjoining property.



Finding: The recommended zoning will conserve or in many cases enhance the value of buildings.

XII. Will the zoning encourage the most appropriate use of land throughout the municipality?

- The requested zoning provides for grouping like and compatible uses.
- The proposed zoning recognizes that buildings that are in residential or commercial areas have options either to remain as they are or to be utilized in a manner that reflect the highest and best use, in the owner's opinion, for the subject property.
- The requested zoning groups together like and consistent uses and is consistent with the existing zoning in the various neighborhoods of the City of Laurel.
- The requested zones, by definition, are designed to be adjacent to each other, provide buffers and transitional areas between residential and commercial development.

Finding: The recommended zoning will encourage the most appropriate use of land throughout the municipality.

#### **RECOMMENDATIONS AND CONDITIONS OF APPROVAL**

Staff Recommends that the Zoning Commission find that the proposed Zoning Assignment submitted by Goldberg LLP reflects the 2013 Growth Policy; that the rational nexus for the adoption of zoning has been met or exceeded by the proposed amendments; and that the citizens of Laurel have participated in the amendment of the Zoning Regulations.

The request to proceed with initial zoning of Lot 18 Nutting Brothers 2<sup>nd</sup> Filing and Lots 19 – 25 Nutting Brothers 3<sup>rd</sup> Filing in Section 10, Township 2 South, Range 24 East Subdivision should be APPROVED subject to the following conditions:

1. The annexation request is completed in accordance with Montana Law and the City of Laurel Annexation Policy.
2. The zoning shall be assigned at the time of filing the annexation map.
3. That all adjacent public road rights of way outside of the boundaries of the Goldberg LLP properties shall be included on the final annexation map and the exhibit prepared for final approval of the annexation by the City Council.

## Chapter 17.16

## RESIDENTIAL DISTRICTS

## Sections:

## 17.16.010 List of uses.

## 17.16.020 Zoning classified in districts.

## 17.16.010 List of uses.

Table 17.16.010 designates the special review (SR) and allowed uses (A) in residential districts. (Ord. 04-1 (part), 2004; Ord. 01-4 (part), 2001; Ord. 99-22, 1999; Ord.

96-5 (part), 1996; Ord. 1049, 1992; Ord. 1026, 1992; Ord. 997, 1991; prior code § 17.28.010)

## 17.16.020 Zoning classified in districts.

Zoning for residential districts is classified in and subject to the requirements of Table 17.16.020. (Ord. 06-12 (part), 2006; Ord. 06-06 (part), 2006; Ord. 05-13, 2005; Ord. 99-23, 1999; Ord. 96-5 (part), 1996; Ord. 94-5, 1994; Ord. 1068, 1993; Ord. 1065, 1993; Ord. 820, 1985; prior code § 17.28.020)

Table 17.16.010

	RE 22,000	R 7,500	R 6,000	RLMF	RMF	RMH	PUD	SR	RT
Accessory building or use incidental to any permitted residential use customarily in connection with the principal building and located on the same land parcel as the permitted use		A	A	A	A	A	A	A	A
Animals (see zoning district description for specifics)								A	
Automobile parking in connection with a permitted residential use		A	A	A	A	A	A	A	A
Bed and breakfast inn		SR	SR	SR	SR	SR	SR	SR	SR
Boarding and lodging houses		SR	SR	SR	SR	SR	SR	SR	SR
Cell towers (see Sections 17.21.020—17.21.040)									
Cemetery		SR	SR	SR	SR	SR	SR	SR	
Child care facilities									
Family day care home		A	A	A	A	A	A	A	A
Group day care home		A	A	A	A	A	A	A	A
Day care center		SR	SR	SR	SR	SR	SR	SR	SR
Churches and other places of worship including parish house and Sunday school buildings		SR	SR	SR	SR	SR	SR	A	SR
Communication towers (see Sections 17.21.020—17.21.040)									
Community residential facilities serving eight or fewer persons		A	A	A	A	A	A	A	A
Community residential facilities serving nine or more persons		SR	SR	SR	SR	SR	SR	SR	SR
Orphanages and charitable institutions		SR	SR	SR	SR	SR	SR	A	SR
Convents and rectories		SR	SR	SR	SR	SR	SR	A	SR
Crop and tree farming, greenhouses and truck gardening									
Day care facilities		SR	SR	SR	SR	SR	SR	SR	SR
Kennels (noncommercial)		A	A	A	A	A	A	A	A
Dwellings Single-family		A	A	A	A	A	A	A	A
Two-family			A	A	A		A		
Multifamily				A	A		A		



	RE 22,000	R 7,500	R 6,000	RLMF	RMF	RMH	PUD	SR	RT
Manufactured homes									
Class A						A			
Class B						A			
Class C						A			
Row Housing				SR	SR		A		
Family day care homes		A	A	A	A	A	A	A	A
Greenhouses for domestic uses		A	A	A	A	A	A	A	A
Group day care homes		A	A	A	A	A	A	A	A
Home occupations		A	A	A	A	A	A	A	A
Parking, public		SR	SR	SR	SR	SR	SR	SR	SR
Parks, playgrounds, playfields, and golf courses community center buildings—operated by public agency, neighborhood or homeowners' associations		A	A	A	A	A	A	A	A
Planned developments							A		
Post-secondary school		A	A	A	A	A	A	A	A
Preschool		SR	SR	SR	SR	SR	SR	SR	SR
Public service installations		SR	SR	SR	SR	SR	SR	SR	SR
Schools, commercial		SR	SR	SR	SR	SR	SR	SR	SR
Schools, public elementary, junior and senior high schools		A	A	A	A	A	A	A	A
Towers (see Sections 17.21.020— 17.21.040)									

## Chapter 17.20

COMMERCIAL—INDUSTRIAL USE  
REGULATIONS

## Sections:

## 17.20.010 List of uses.

17.20.020 Zoning classified in  
districts.

## 17.20.010 List of uses.

Table 17.20.010 designates the special review (SR) and allowed (A) uses as gov-

erned by commercial — industrial use regulations. (Ord. 04-1 (part), 2004; Ord. 01-4 (part), 2001; Ord. 96-5 (part), 1996; Ord. 998, 1991; Ord. 923, 1987; Ord. 922, 1987; Ord. 917, 1987; prior code § 17.32.010)

## 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)

Table 17.20.010									
	AG	RP	NC	CBD	CC	HC	LI	HI	P
Accessory buildings or uses incidental and customary to a permitted residential use and located on the same parcel as the permitted residential use	A	A	A	A	A	A	A	A	A
Airports	A								A
Alcoholic beverages manufacturing and bottling (except below):							A	A	
1,500 to 5,000 31-gallon barrels per year				SR	SR	SR	A	A	
Less than 1,500 gallon barrels per year				A	A	A	A	A	
Ambulance service			A	A	A	A	A	A	
Antique store				A	A	A	A		
Appliance - (household) sales and service			A	A	A	A	A		
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	

Table 17.20.010									
	AG	RP	NC	CBD	CC	HC	LI	HI	P
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
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	



Table 17.20.010

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

Table 17.20.010									
	AG	RP	NC	CBD	CC	HC	LI	HI	P
Woodworking shops, millwork						SR	A	A	
Zoo, arboretum	SR								A

(Ord. No. O09-01, 3-17-09; Ord. No. O09-07, 7-7-09; Ord. No. O11-01, 2-15-2011; Ord. No. O-14-03, 8-5-2014)

Table 17.20.020									
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 <sup>(a)</sup>	NA	20	20	NA	20	20	20	20	20
Side <sup>(b)</sup>		0	0		0	0	0	0	0
Side adjacent to street		10	10		10	10	10	10	10
Rear <sup>(b)</sup>		0	0		0	0	0	0	0
Maximum height for all buildings <sup>(c)</sup>	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)



Table 17.16.020

Zoning Requirements	R 7,500	R 6,000	RLMF	RMF	RMH	PUD	SR	RT
Minimum lot area per dwelling unit in square feet								
One unit	7,500	6,000	6,000 <sup>1</sup>	6,000 <sup>1</sup>	6,000 <sup>3</sup>	See	5 acres	1 acre
Two units		7,500	7,500	<del>7,500</del> 7,500		Chapter		
Three units		8,500	8,500	<del>8,500</del> 7,500		17.32		
Four units			10,000	<del>10,000</del> 11,250				
Five units				<del>11,500</del> 13,000				
Six units and more				Add 1,500- each 2500 additional unit				
Minimum yard— setback requirements (expressed in feet) and measured from public right-of-way								
Front	20	20	20	20	10		25 <sup>5</sup>	25
Side	5	5 <sup>4</sup>	5 <sup>4</sup>	5 <sup>4</sup>	5		5 <sup>5</sup>	5
Side adjacent to street	20	20	20	20	20		10 <sup>5</sup>	10
Rear	5	5	5	5	5		25 <sup>5</sup>	25
Maximum height for all buildings	30	35	35	NA <sup>2</sup> 40	30		30	30
Maximum lot coverage (percentage)	30	30	40	<del>55</del> 45	40		15	30
Minimum district size (expressed in acres)	2.07	2.07	2.07	2.07	2.07		20	5

<sup>1</sup> Row housing may be permitted to be constructed on 3,000 square foot lots if approved through the special review process.

<sup>2</sup> NA means not applicable.

<sup>3</sup> The requirements for the mobile homes contained herein relate only to a mobile home subdivision; see Chapter 17.44 of this code for the requirements for a mobile home park.

<sup>4</sup> Zero side setbacks may be permitted if approved through the special review process.

<sup>5</sup> All pens, coops, barns, stables, or permanent corrals shall be set back not less than 50 feet from any residence, public road, or water course, and any property line.

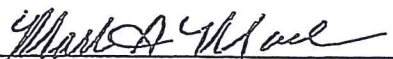
This Ordinance shall become effective thirty (30) days after final passage by the City Council and approved by the Mayor.

Introduced and passed on first reading at a regular meeting of the City Council on July 7, 2015, by Council Member Poehls.

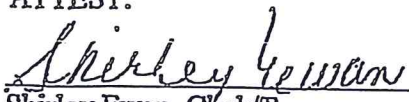
PASSED and ADOPTED by the Laurel City Council on second reading this 21<sup>st</sup> day of July, 2015, upon motion of Council Member Poehls.

APPROVED BY THE MAYOR this 21<sup>st</sup> day of July, 2015.

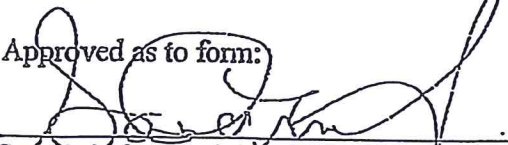
CITY OF LAUREL

  
Mark A. Mace, Mayor

ATTEST:

  
Shirley Ewan, Clerk/Treasurer

Approved as to form:

  
Sam S. Painter, Civil City Attorney

CITY HALL  
115 W. 1<sup>ST</sup> 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



Office of the Director of Public  
Works

## Office of Planning

Date: January 7, 2019  
To: Laurel Mayor and City Council  
From: Laurel – Yellowstone City – County Planning Board and Zoning Commission  
Forrest Sanderson, AICP, CFM – Contract Planner  
Re: Annexation Request, Goldberg Investment LLP

## **BACKGROUND:**

On November 13, 2018, an annexation request for Lot 18 Nutting Brothers 2<sup>nd</sup> Filing and Lots 19 – 25 Nutting Brothers 3<sup>rd</sup> Filing in Section 10, Township 2 South, Range 24 East was submitted along with a request for initial zoning. The initial zoning request, which is analyzed in a separate Report is for Residential Limited Multi-Family (RLMF) and Community Commercial (CC).

The Laurel – Yellowstone Planning Board and Zoning Commission did on January 3, 2019 conduct a public hearing on the proposed annexation request.

## **ANALYSIS OF REQUEST**

City Council Resolution #R08-22 (March 4, 2008) and the aforementioned Application Form establishes the criteria and requirements for the annexation of property.

Standard:

1. Only parcels of land adjacent to the City of Laurel will be considered for annexation. If the parcel to be annexed is smaller than one city block in size (2.06 acres), the city council must approve consideration of the request; the applicant must make a separate written request to the city council stating their wish to annex a parcel of land less than one city block in size. Once the council approves the request, the applicant can apply for annexation.

Findings:

- A. The property requested for consideration is adjacent to the existing Laurel city limits;
- B. The property requested for consideration is 32.56 acres in size;
- C. The property owner (Goldberg Investments LLP) owns or has been authorized to submit the annexation petition.;

- D. Should the request for annexation be denied by the City of Laurel the request for initial zoning will not proceed further;
- E. This is the type of comprehensive annexation and initial zoning requests that are desired under the City of Laurel Annexation Policy.
- F. The annexation and initial zoning appears to be consistent with your 2013 Growth Policy. (Infrastructure, Land Use, and Transportation Sections). These sections encourage comprehensive 'big picture' looks at development, growth and the extension of public infrastructure.

### **MOVING FORWARD**

- 1. The application adequately addresses the following items as required by Council Policy:
  - a. An extension of City Streets, Water, Sewer, Sidewalks, Storm Water, Curb and Gutter and how the developer/owner intends to pay for these infrastructure extensions;
  - b. An executed waiver of the right to protest the creation of SID's;
  - c. Adequate discussion of the suitability of the proposed zoning for the property to be annexed;
  - d. A notarized signature from the record property owner authorizing the annexation and requested initial zoning;
  - e. Adequate discussion of the subdivision process to create lots that conform to the minimum district requirements and use limitations imposed by the Laurel Zoning Regulations.
- 2. The application did include a fee for the consideration of annexation and zoning.
  - a. The fee is adequate for the application as presented.
- 3. The annexation map, to be prepared at the developers expense shall include all adjacent public rights-of-way

### **RECOMMENDATION:**

The request to proceed with annexation of Lot 18 Nutting Brothers 2<sup>nd</sup> Filing and Lots 19 – 25 Nutting Brothers 3<sup>rd</sup> Filing in Section 10, Township 2 South, Range 24 East Subdivision should be APPROVED for the following reasons:

- 1. The annexation request is consistent with the City of Laurel Annexation Policy.
- 2. The requested annexation is consistent with the 2013 Laurel Growth Policy.
- 3. The requested initial zoning for the properties is existing Laurel Zoning classifications.

CITY HALL  
115 W. 1<sup>ST</sup> 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



Office of the Director of Public  
Works

## Office of Planning

Date: January 7, 2019  
To: Laurel Mayor and City Council  
From: Laurel – Yellowstone City – County Planning Board and Zoning Commission  
Forrest Sanderson, AICP, CFM – Contract Planner  
Re: Initial Zoning Request, Goldberg Investment LLP

### **BACKGROUND:**

On November 13, 2018, an annexation request for Lot 18 Nutting Brothers 2<sup>nd</sup> Filing and Lots 19 – 25 Nutting Brothers 3<sup>rd</sup> Filing in Section 10, Township 2 South, Range 24 East was submitted along with a request for annexation.

The initial zoning request is for Residential Light Multi-Family (**RLMF**) on Nutting Brothers 2<sup>nd</sup> Filing Lot 18 and Nutting Brothers 3<sup>rd</sup> Filing Lots 19 – 24 and Community Commercial (**CC**) on Lot 25 Nutting Brothers 3<sup>rd</sup> Filing.

The Laurel – Yellowstone City County Planning Board and Zoning Commission did on January 3, 2019 conduct a public hearing on the proposed initial zoning request.

### **ANALYSIS OF REQUEST**

LEGAL DESCRIPTION: Lot 18 Nutting Brothers 2<sup>nd</sup> Filing and Lots 19 – 25 Nutting Brothers 3<sup>rd</sup> Filing in Section 10, Township 2 South, Range 24 East, P.M.M., Yellowstone County, Montana

### **GENERAL INFORMATION**

1. The RLMF is intended to provide a suitable residential environment for medium to high density residential dwellings and where possible a buffer between residential and commercial zones.
2. The CC is intended to accommodate retail, service, and office facilities offering a greater variety than would normally be found in a neighborhood or convenience retail development.
3. Both the RLMF and CC zones are generally applicable existing standard Zoning Districts within the City of Laurel. Further, the zoning classifications exist on properties annexed into the City of Laurel that are adjacent to the proposed annexation and initial zoning request.





## **FINDINGS OF FACT**

The City of Laurel is an incorporated City within the State of Montana with powers established by the City Charter. The power and processes for the City to establish zoning regulations are found in §76-2-301 et. seq. M.C.A.

In the State of Montana, all jurisdictions proposing to zone or rezone property or to adopt or revise their zoning regulations must issue findings of fact on a twelve-point test that constitutes the rational nexus/legal basis for the adoption of or amendments to a zoning district or zoning regulations, as follows:

I. Is the zoning in accordance with the growth policy;

- The proposed zoning regulations and map are based on the 2013 Growth Policy. A quick comparison of the Future Land Use Map verifies that the proposed zoning is consistent with the anticipated future zoning for the area.
- The RLMF and CC zones are generally applicable existing standard Zoning Districts within the City of Laurel that are supported by the 2013 Growth Policy.
- The zoning classifications exist on properties annexed into the City of Laurel that are adjacent to the properties proposed annexation and initial zoning request.
- Several strategies from the Growth Policy pertaining to the residential development are met with the new zoning. Most notably; The regulations are designed to provide easier use, reuse and restoration of existing structures and properties and the regulations encourage infill development and expanded use opportunities.

Finding: The requested zoning is in accordance with the Growth Policy and other adopted rules and regulations of the City of Laurel.

II. Is the zoning designed to lessen congestion in the streets;

- The requested zoning encourages compact walkable development as well as expanded opportunities within new developments.
- The requested zoning encourages compact urban development as such the need for vehicular travel is limited.
- The requested zoning in conjunction with the development standards adopted with the Subdivision Regulations will provide for flow through development, logical extension of the gridded infrastructure network, and encourage pedestrian- friendly growth.

Finding: The requested zoning will lessen congestion in the streets by ensuring orderly growth and development of the property that is consistent with the zoning and other regulations adopted by the City of Laurel.

III. Is the zoning designed to secure safety from fire, panic, and other dangers;

- The requested zoning will provide for consistency in development along with provision of urban services including but not limited to water, sewer, police and fire protection.

- The requested zoning regulations incorporates enforcement of development standards, setbacks and compliance with the Building Code program adopted by the City of Laurel.
- The requested zoning has restrictions on lot coverage, grading and development on steep slopes and other areas that are potentially hazardous.

Finding: The recommended zoning will provide safety to residents and visitors to the City from fire, panic and other dangers.

IV. Is the zoning designed to promote health and the general welfare;

- The requested zoning imposes limitations on uses, setbacks, height limits and building restrictions.
- The requested zoning groups together like and consistent uses within existing neighborhoods.
- The requested zoning is consistent with the prevailing zoning established by the City of Laurel on lands already located within the City limits.
- The proposed zoning implements the legislative intent of the City Council, provide consistency in the administration of the regulations and encourages responsible growth and development in and adjacent to the City of Laurel.

Finding: The grouping together of like and consistent uses promotes the health and general welfare of all citizens of the City of Laurel. Further, the requested zoning is substantially consistent with the land use in the neighborhood.

V. Is the zoning designed to provide adequate light and air;

- The requested zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.
- The text of the regulations in the requested zones implement the concept that the City of Laurel was developed historically on a gridded network. The requested zoning requires the perpetuation of this pattern. In doing so as the City plans for growth, the spacing and layout of new development will facilitate provision of light and air to new development.

Finding: The requested zoning will ensure the provision of adequate light and air to residents of the City through various development limitations.

VI. Is the zoning designed to prevent the overcrowding of land;

- The zoning regulations impose minimum lot size, use regulations and other limitations on development.
- The minimum lot size established with the requested zoning provides for ease of transition from rural to urban development. These standards encourage annexation to the City and development at a scale that justifies the capital extension of water and sewer while spreading the costs out on an equitable basis.
- The text of the proposed regulations encourages compact urban scale development while preventing undue overcrowding in any given segment of the community.

- The regulations encourage the creation of adaptive open space uses in conjunction with more intensive uses of property.

Finding: The existing standards of the requested zoning will prevent the overcrowding of land.

VII. Is the zoning designed to avoid undue concentration of population;

- The requested zoning is part of the holistic approach to land use regulation for the entirety of the City of Laurel and is not focused on any single special interest.
- The requested zoning takes advantage of areas that were created and intended as suitable for residential and commercial uses.
- The existing RLMF regulations are a part of the City residential zoning districts that provide a continuum of residential densities and managed development to create land use compatibility.
- The existing CC regulations are a part of the City commercial zoning districts that provide a tiered set of commercial uses, bulk of structures, and densities to enhance land use compatibility within the City.
- The requested zoning imposes minimum lot sizes, reasonable use restrictions on the subject properties, fencing limitations and setback standards.

Finding: The existing standards of the requested zoning will prevent the undue concentration of population by encouraging the most appropriate use and development on the subject property.

VIII. Is the zoning designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;

- The existing RLMF regulations are a part of the City residential zoning districts that provide a continuum of residential densities and managed development to create land use compatibility.
- The existing CC regulations are a part of the City commercial zoning districts that provide a tiered set of commercial uses, bulk and densities to enhance land uses within the City.
- The prevailing zoning along with the City Subdivision Regulations establishes minimum standards for the provision of infrastructure such as roads, sidewalks, water sewer, wire utilities and storm water management.
- The prevailing zoning encourages compact urban scale development and groups together similar uses that will not detract from the quality of life expected in Laurel while providing the economies of scale to extend water, sewer, streets, parks, quality schools and other public requirements.

Finding: The standards of the requested zoning will ensure the adequate provision of transportation, water, sewerage, school, parks and other public requirements.

IX. Does the zoning give reasonable consideration to the character of the district and its peculiar suitability for particular uses;



- The requested zoning (CC and RLMF) specify development standards and solidify the legislative intent of the City Council that was stated in the initial adoption of the regulations and the 2013 Growth Policy.
- The proposed changes do not impact any of the adopted district standards that were established to ensure that the regulations provide for land uses that are compatible with existing uses and neighborhood characteristics.
- The requested zones, by definition, are designed to be adjacent to each other, provide buffers and transitional areas between residential and commercial development.
- The petitioner has not proposed to change height limits and other building restrictions. These restrictions ensure compatible development.
- The requested zoning groups together like and consistent uses and is consistent with the existing zoning in the neighborhoods currently within the City of Laurel.

Finding: The requested zoning gives due consideration to the character of the existing neighborhoods, within the City as well as suitability for the particular uses.

X. Does the zoning give reasonable consideration to the peculiar suitability of the property for its particular uses;

- The requested zoning assignments are districts created by the City to implement the significant sections of the 2013 Growth Policy.
- The 2013 Growth Policy represented a major turning point in the theory of land use and land use regulation for the City of Laurel.
- The Growth Policy ties directly to and values the City's history and existing use of property and structures, the tools used to encourage development of property needed to be designed to reflect this change in direction.
- The proposed changes do not impact any of the currently adopted district standards that were established to ensure that the regulations provide for land uses that are compatible with existing uses and neighborhood characteristics.
- The requested zones, by definition, are designed to be adjacent to each other, provide buffers and transitional areas between residential and commercial development.
- The requested zoning groups together like and consistent uses and is consistent with the existing zoning in the neighborhoods currently within the City of Laurel.

Finding: The recommended zoning gives reasonable consideration to the peculiar suitability of the property for its particular uses.

XI. Will the zoning conserve the value of buildings;

- The requested zoning groups together like and consistent uses and is consistent with the existing zoning in the various neighborhoods of the City of Laurel.
- The requested zoning reinforces that RLMF (residential) and CC (commercial) flexibility in the location and development of the permitted and conditionally permitted uses. In doing so the value of both residential and commercial properties is enhanced.
- The RLMF and the CC are compatible adjoining land uses per the 2013 Growth Policy.
- The requested zoning was proposed by the property owner. Any consideration of the value of existing buildings on the property would have been considered in the selection of the available Laurel Zoning Districts.

- Where the requested zoning is currently in place on surrounding properties the value of existing buildings should not be impacted because of the development of property with the same land use restrictions as the adjoining property.

Finding: The recommended zoning will conserve or in many cases enhance the value of buildings.

XII. Will the zoning encourage the most appropriate use of land throughout the municipality?

- The requested zoning provides for grouping like and compatible uses.
- The proposed zoning recognizes that buildings that are in residential or commercial areas have options either to remain as they are or to be utilized in a manner that reflect the highest and best use, in the owner's opinion, for the subject property.
- The requested zoning groups together like and consistent uses and is consistent with the existing zoning in the various neighborhoods of the City of Laurel.
- The requested zones, by definition, are designed to be adjacent to each other, provide buffers and transitional areas between residential and commercial development.

Finding: The recommended zoning will encourage the most appropriate use of land throughout the municipality.

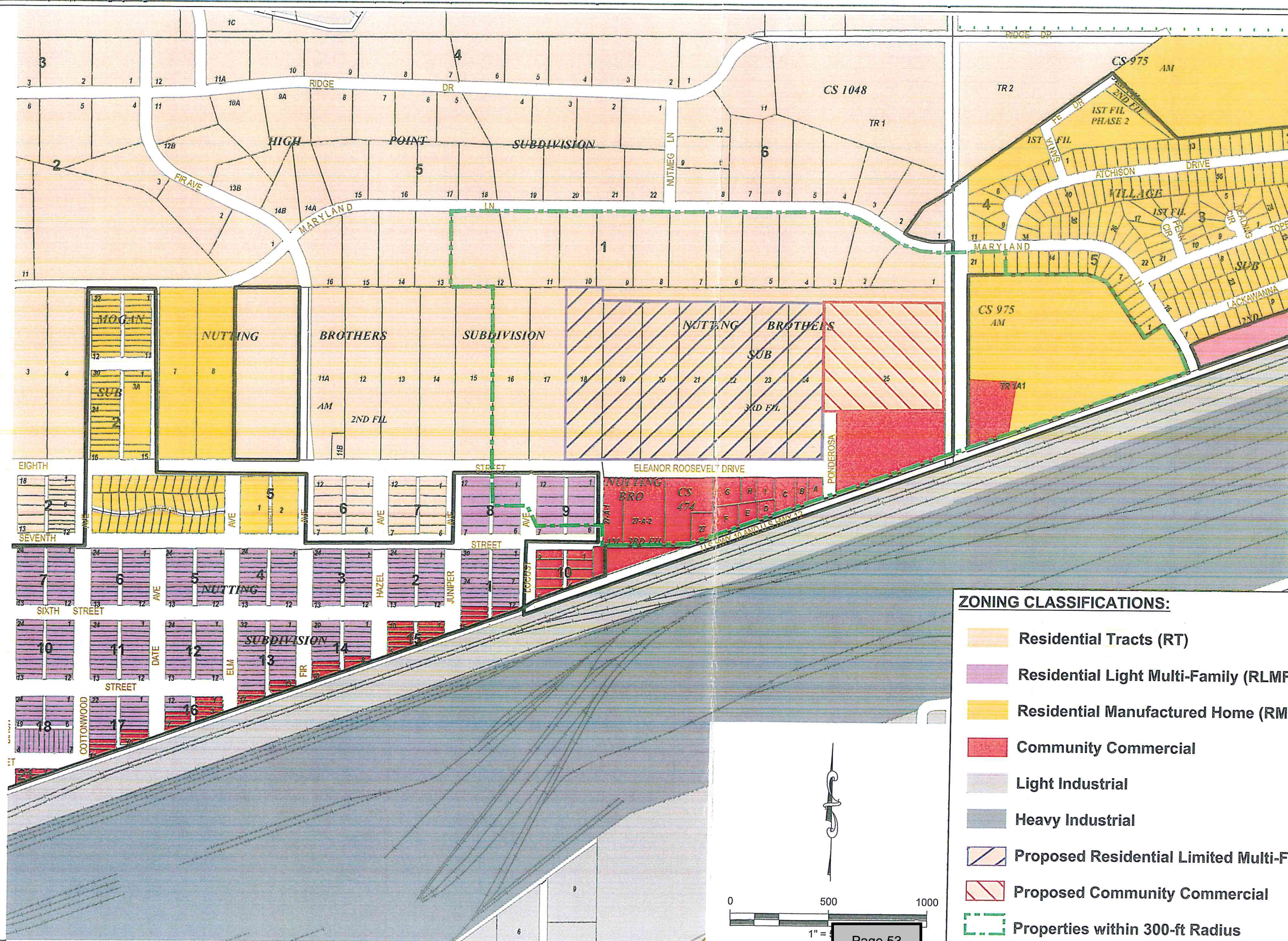
#### **RECOMMENDATIONS AND CONDITIONS OF APPROVAL**

Staff Recommends that the Zoning Commission find that the proposed Zoning Assignment submitted by Goldberg LLP reflects the 2013 Growth Policy; that the rational nexus for the adoption of zoning has been met or exceeded by the proposed amendments; and that the citizens of Laurel have participated in the amendment of the Zoning Regulations.

The request to proceed with initial zoning of Lot 18 Nutting Brothers 2<sup>nd</sup> Filing and Lots 19 – 25 Nutting Brothers 3<sup>rd</sup> Filing in Section 10, Township 2 South, Range 24 East Subdivision should be APPROVED subject to the following conditions:

1. The annexation request is completed in accordance with Montana Law and the City of Laurel Annexation Policy.
2. The zoning shall be assigned at the time of filing the annexation map.
3. That all adjacent public road rights of way outside of the boundaries of the Goldberg LLP properties shall be included on the final annexation map and the exhibit prepared for final approval of the annexation by the City Council.





GOLDBERG INVESTMENTS

<b>RDN</b> DESIGNED BY _____		<b>QUALITY</b> ASSURANCE	
<b>KMS</b> DRAWN BY _____		<b>CHKC BY</b> CHECKED BY _____	
<b>8/24/2018</b> DATE _____		<b>CHKC DATE</b> DATE _____	
<b>REV BY</b>	<b>DATE</b>	<b>CHKD BY</b>	

SHEET TITLE

PROJECT NUMBER
2018-017

SHEET NUMBER  
1 OF 1

DRAWING NUMBER  
**EX 1**  
COPYRIGHT 2018 ©



**Backup material for agenda item:**

Resolution to approve the Planner Agreement



**RESOLUTION NO. R19-\_\_**

**RESOLUTION AUTHORIZING AND APPROVING AN EMPLOYMENT CONTRACT  
BETWEEN THE CITY OF LAUREL AND \_\_\_\_\_ WHO SHALL SERVE  
AS THE CITY PLANNER II FOR THE CITY OF LAUREL.**

WHEREAS, the City conducted a nationwide search for applicants qualified for the position of City Planner II; and

WHEREAS, the Mayor created a search and selection committee to review and screen applications submitted for the position and to interview applicants on the City's behalf; and

WHEREAS, the committee recommends \_\_\_\_\_ as the most qualified for the position; and

WHEREAS, the City of Laurel negotiated the attached employment contract for the City Planner II position and it is currently in the best interest of the City of Laurel to approve the attached Employment Contract.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, that the attached Employment Contract is hereby approved and the Mayor is authorized to execute the Employment Contract on the City's behalf.

Introduced at a regular meeting of the City Council on \_\_\_\_\_, 2019, by Council Member \_\_\_\_\_.

PASSED and APPROVED by the City Council of the City of Laurel this \_\_\_th day of \_\_\_\_\_, 2019.

APPROVED by the Mayor this \_\_\_th day of \_\_\_\_\_, 2019.

CITY OF LAUREL

\_\_\_\_\_  
Thomas C. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Bethany Langve, Clerk-Treasurer

Approved as to form:

\_\_\_\_\_  
Sam S. Painter, Civil City Attorney

CITY HALL  
115 W. 1<sup>ST</sup> ST.  
MAYOR OFC.: 628-8456  
PUB. WORKS: 628-4796  
WATER OFC.: 628-7431  
COURT: 628-1964  
FAX: 628-224

# City Of Laurel

P.O. Box 10  
Laurel, Montana 59044



Office of the Mayor

January 14, 2019

Nicholas Altonaga  
57 Main Street, Apt. 1  
Littleton, NH 03561

Dear Nicholas Altonaga,

Congratulations! You have been selected for the City Planner II position with the City of Laurel. The following information is pertinent to your employment with the City of Laurel:

- Start date: February 6<sup>th</sup>, 2019
- Starting salary: \$48,131.20 annually
- FLSA Status: Exempt
- Work schedule: Monday-Friday from 8am-5pm, dependent on operational needs.
- Report to: Chief Administrative Officer
- Probationary period: Six months (180 calendar days)

Please review, sign, and return this document as soon as possible (electronically). The City Council is scheduled to review this offer of employment on February 5<sup>th</sup>, 2019. It is my desire to present you to the City Council at that time.

When reporting for your first day, present this signed conditional offer letter and your driver's license at City Hall. Your direct supervisor, the Chief Administrative Officer, will take care of you from there. We look forward to working together with you to help build Laurel's future. Thank you for your perseverance through our hiring process.

Sincerely,

Thomas C. Nelson  
Mayor

I, Nicholas Altonaga, hereby accept the position of City Planner II, and accept the conditions set forth in the attached employment agreement.

  
Nicholas Altonaga



# EMPLOYMENT AGREEMENT

## City Planner II

This employment agreement is made and effective this February 6<sup>th</sup>, 2019 by and between the City of Laurel, Montana, hereinafter referred to as "City" and Nicholas Altonaga, hereinafter referred to as the "Employee." When the term "parties" is utilized in this agreement, the term means the "City and Employee," jointly. In consideration of their mutual promises set forth herein, the parties hereby agree as follows:

1. **Employment.** City hereby employs Employee in accordance with Article III, Section 3 of the City's Charter and Employee hereby accepts such employment, upon the terms and conditions set forth in this written agreement of employment. The parties intend to create a written agreement of employment in accordance with MCA §39-2-912(2) and therefore agree that this agreement and the City's Job Description attached hereto constitutes the entire agreement between the parties and that no oral promises, representations or warranties have been made or are an enforceable part of this agreement.
  - 1.1. Employee shall serve as the City's Planning Director. The City has classified the position as an Exempt/Non-Union Position as contained in the Job Description attached hereto and incorporated herein. Employee shall commence employment under this Agreement upon approval by the City Council.
  - 1.2. Employee shall perform the essential duties and responsibilities contained in the attached Job Description and shall report directly to the City's Chief Administrative Officer.
  - 1.3. The Employee shall not be reassigned from the position of City Planner II to another position without the Employee's prior express written consent.
  - 1.4. The Employee shall be subject to passing a pre-employment drug test.
2. **Salary.** City shall compensate Employee, as an Exempt, Non-Union, Salary Employee as follows:
  - 2.1. City shall pay Employee for services rendered pursuant hereto an annual salary in the sum of \$48,131.20 payable in equal installments at the same time as other employees of the City are paid. Employee shall serve a six-month (180 calendar day) probationary period. Employee thereafter is eligible for an annual increase on the anniversary of the Employee's start date of this Agreement. Employee's annual increase shall be calculated at the same percentage equal to other non-union employees, of the then current salary of the Employee.
  - 2.2. Expenses: City recognizes that certain expenses of a non-personal and generally job-affiliated nature are incurred by Employee (i.e. official travel, etc.), and hereby agrees to reimburse or to pay reasonable expenses and the City Treasurer, upon approval by the Mayor, is hereby authorized to disburse such monies upon receipt of duly executed expense or petty cash vouchers, receipts, statements or personal affidavits.

2.3. **Taxes:** All payments made to and on behalf of Employee under this agreement are subject to withholding of any required federal, state or local income and employment taxes.

3. **Term.**

- 3.1. The term of this agreement shall be for four (4) years commencing the start date above, pending the City Council approves the agreement. The City Council may extend or renew the agreement as desired.
- 3.2. The Employee shall serve a six-month (180 calendar day) probationary period that shall commence on the first day the employee reports for work.
- 3.3. The Employee's regular schedule shall conform to normal City business hours, Monday through Friday from 8:00am to 5:00 pm. The Employee understands that in some occasions, the Employee may work outside of these normal business hours to attend meetings, conferences, training, or other duties.
- 3.4. Nothing in this agreement shall prevent, limit or otherwise interfere with the authority of the Mayor to terminate the services of the Employee at any time, subject only to the provisions set forth in Section 7, Paragraphs 7.1 through 7.6, of this agreement.
- 3.5. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the Employee to resign at any time from the position with City, subject only to the provision set forth in Section 7, Paragraphs 7.5 and 7.7 of this agreement.
- 3.6. Employee agrees to remain in the exclusive employ of the City and to not accept any other employment, or to become employed, by any other employer unless termination is affected as hereinafter provided. The term "employ and/or employed" shall not be construed to include occasional teaching, writing, consulting or military (Reserve, National Guard, or Auxiliary) service performed on Employee's time off or while under official orders.

4. **Suspension.** The Mayor may suspend the Employee in accordance with the City's Personnel Policy Manual at any time during the term of this agreement. Notice of suspension shall be made by the Mayor, in writing, identifying the start and end dates of suspension and reason for suspension.

5. **Benefits.** The City shall provide Employee the following benefits:

- 5.1. The City shall provide Employee with a one-time reimbursement for moving expenses up to \$2,000.00. Reimbursement shall be made after the agreed upon start date and with required documentation pursuant to City policy.
- 5.2. The City shall provide Employee the same benefits provided its other non-union exempt employees under the City's Personnel Policy Manual, as amended, and as required by applicable state and federal law.

6. **Representations and Warranties.** Employee represents that he/she shall attain and maintain the standard of personal and professional conduct required by the City; the résumé and/or employment application furnished to the City are true and accurate in all respects, are not misleading, and do not omit the provision of any material information;



that the education and experience of Employee is as stated in the resume and/or application; that Employee is in good health; that the Employee knows of no present condition which now or in the future may adversely affect his/her health or his/her ability to perform his/her job; and that the Employee has fully disclosed to the City all facts which are material to the City's decision to employ the Employee.

**7. Termination of Employment.**

- 7.1. This agreement and Employee's employment immediately terminate upon Employee's death or finding or determination of a disability that prevents the Employee from performing the essential duties and responsibilities of the assigned position.
- 7.2. If the Mayor terminates Employee without cause and Employee is willing and able to perform his/her duties under this agreement, then the City shall pay the Employee a severance payment equivalent to four (4) calendar months of the Employee's then current salary. Employee shall also be compensated for all accrued and remaining vacation leave, computed on an hourly basis determined by dividing the Employee's then current annual salary by 2080 hours, and in accordance with the City's Personnel Policy Manual. The City shall comply with all IRS rules and regulations governing severance pay and tax withholding requirements.
- 7.3. If the Employee is terminated "for cause" or voluntarily resigns his/her employment, the City has no obligation to pay the severance payment provided in this paragraph. Employee shall receive payment for any remaining vacation balance as described in this paragraph. For cause means any legitimate business reason, or as otherwise defined by Montana law.
- 7.4. During the effective date of this agreement, if the City involuntarily reduces the Employee's salary or otherwise refuses to comply with any provision of this agreement that benefits Employee, he/she, at his/her option, may elect to be considered terminated without cause entitling him/her to the severance payment provision contained in paragraph 7.2.
- 7.5. If the Employee resigns following a formal suggestion by the Mayor that the Employee resign for no cause, the Employee, may at his/her option, elect to be considered terminated at the date of such suggestion entitling him/her to the severance payment provision contained in paragraph 7.2.
- 7.6. If the City's Mayor terminates the Employee without cause at any time during the six (6) calendar months subsequent to the seating and swearing-in of a newly elected Mayor while the Employee is willing and able to perform his duties under this agreement, the City shall pay the severance sum provided in paragraph 7.2 above.
- 7.7. If the Employee voluntarily resigns his/her position with the City, he/she must provide the City with thirty (30) calendar days advance notice, unless the parties otherwise agree in writing.
- 7.8. If Employee's termination results from death or disability, the City's final compensation to the Employee is limited to payment for services rendered to date and payment for any accrued and remaining vacation leave in accordance with the City's Personnel Policy Manual.



- 7.9. If the Employee's termination results from cause, the City's final compensation to Employee is limited to payment for services rendered to date in accordance with the City's Personnel Policy Manual, and payment for any accrued and remaining vacation leave calculated at the then current salary.
- 7.10. Conditioned upon the City fulfilling its obligations to pay the Severance Amount, the Severance Benefits and the Current Obligations, upon a Unilateral Severance, the Employee waives and releases the Employee's rights to continued employment with the City and the parties waive and release the right to a hearing on the issue of good cause. In the event of a Unilateral Severance, the parties agree not to make disparaging comments or statements about each other.

8. **Confidentiality.** Employee acknowledges that during his/her course of employment he/she might obtain and gather confidential information regarding the City's operations or employees. Employee further acknowledges that all confidential information is the City's property and in no event shall the Employee disclose such information to any person or entity unless disclosure is requested by the City or required by law.

9. **Performance Evaluation.** The City's Chief Administrative Officer (herein after "CAO") shall review and evaluate the performance of the Employee at least once annually. The review shall occur on or about the Employee's anniversary date of hire. The review and evaluation shall be in accordance with specific criteria which may be modified as the CAO may, from time to time, determine necessary and proper, in consultation with the Employee. The Employee shall provide the CAO a self-evaluation at least two weeks prior the annual joint evaluation. The CAO shall personally review the evaluation with the Employee and provide the Employee an adequate opportunity to discuss the evaluation.

9.1. In the event the CAO determines that the evaluation instrument, format and/or procedure are to be modified, and such modifications would require new or different performance expectations, then the Employee shall be provided a reasonable period of time to demonstrate such expected performance before being evaluated.

9.2. Unless the Employee expressly requests otherwise in writing, except to the extent prohibited by or in material conflict with Applicable Laws and Authorities, the evaluation of the Employee shall at all times be conducted in a meeting with the CAO and shall be considered private to the maximum and full extent permitted by law. Nothing herein shall prohibit the CAO or the Employee from sharing the content of the Employee's evaluation with their respective legal counsel.

10. **Professional Development.** City shall budget and pay for the travel and subsistence expenses of Employee for short courses, institutes, certifications, and seminars that are necessary for his/her professional development for the good of the City, pending available funding. The City desires the Employee join and participate in professional organizations including, but not limited to, the Montana Association of Planners, Association of Montana Floodplain Managers, and American Planning Association. The City shall pay Employee's membership dues and annual conference fees to encourage such membership and attendance.



11. **Bonding.** City shall bear the full cost of any fidelity or other bonds required of the Employee under its Charter or any applicable law or ordinance.
12. **Other Terms and Conditions of Employment.** The CAO, in consultation with the Employee, shall fix other terms and conditions of employment, as they may determine necessary from time to time, relating to the performance of the Employee provided such terms and conditions are not inconsistent with or in conflict with the provisions of this agreement, the City's Charter, Ordinances or any other applicable law.
13. **Indemnification.** City shall defend, save harmless and indemnify the Employee against any tort, professional liability claim or demand or other legal action, costs and attorney's fees incurred in any legal proceedings, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties. The City may compromise and settle any such claim or suit and will pay the amount of any settlement or judgment rendered thereon. The obligations of the City under this section shall not apply if:
- The conduct of the Employee complained of constitutes oppression, fraud or malice, or for any reason does not arise out of the course and scope of the Employee's employment; or,
  - The conduct of the Employee complained of constitutes a criminal offense as defined under Montana law; or,
  - The Employee compromised or settled the claim without the consent of City; or,
  - The Employee fails or refuses to cooperate reasonably in the defense of the case.
14. **Availability.** Employee acknowledges that they must be available by either cellphone or telephone after work hours in cases of emergency. Employee shall provide the CAO and appropriate department heads his/her contact information for after hour emergency notifications. The City does not require the Employee to be on-call, simply available by telephone if an emergency should arise for purposes of notification.
15. **Miscellaneous.** This agreement contains the entire agreement and supersedes all prior letters, agreements, and understandings, oral or written, with respect to the subject matter hereof. This agreement may be changed only by an agreement in writing signed by the party against whom any waiver, change, amendment or modification is sought. This agreement shall be construed and enforced in accordance with the City's Charter, Ordinances and applicable laws of the State of Montana.
16. **Personal Agreement.** The obligations and duties of the Employee hereunder shall be personal and not assignable to any person or entity, although the agreement is binding and shall inure to the benefit of Employee's heirs and executors at law.
17. **Notices.** Notices pursuant to this agreement shall be given in writing by deposit in the custody of the United States Postal Services, certified postage prepaid, addressed as follows:

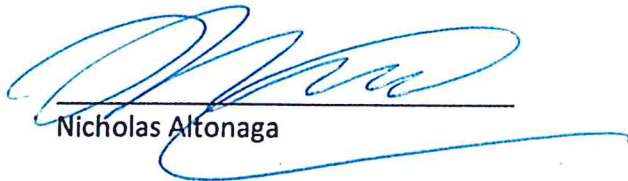
- If to the City: Office of the Mayor, P.O. Box 10, Laurel, MT 59044; and
- If to the Employee: Nicholas Altonaga, 57 Main Street, Apt. 1, Littleton, NH 03561

Notice shall be deemed delivered and received as of three business days after the date of deposit of such written notice in the course of transmission in the United States Postal Service. Either party may, from time to time by written notice to the other party, designate a different address for notice purposes. The Employee shall provide the City a current mailing address when relocation is complete.

18. Renegotiation. The Parties may commence negotiation of a subsequent employment agreement six (6) months prior to the expiration of this employment agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on February 6<sup>th</sup>, 2019. This agreement is contingent upon its approval via Resolution of the City Council.

EMPLOYEE

  
Nicholas Altonaga

CITY OF LAUREL

  
Thomas C. Nelson, Mayor

ATTEST:

  
Bethany Langve, City Clerk-Treasurer



**Backup material for agenda item:**

Laurel BK Lot Access

**RESOLUTION NO. R19-\_\_**

**A RESOLUTION APPROVING AN AMENDED ENCROACHMENT PERMIT FOR SOUTH MONTANA AVENUE FOR C-STORE PROPERTIES LLC, INNOVATIVE PROPERTIES LLC AND, RIMROCK II, LLC AND TO AUTHORIZE THE MAYOR TO EXECUTE THE PERMIT ON BEHALF OF THE CITY OF LAUREL.**

WHEREAS, the City Council previously approved an Encroachment Permit for C-Store Properties LLC and Innovative Properties LLC (“Property Owners”) through Resolution \_\_\_\_\_; and

WHEREAS, Rimrock II, LLC approached the Property Owners and entered into an agreement to enable them to become a party to the Encroachment Permit as evidenced by the Agreement attached hereto and incorporated herein; and

WHEREAS, the City has reviewed the Agreement and upon requests of the Parties hereby approve the Amended Encroachment Permit with is attached hereto and incorporated herein; and

WHEREAS, the terms and conditions of the Encroachment Permit have not been materially or substantially changed other than to add Rimrock II, LLC as a Party to the Encroachment Permit through this resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel that the attached Amended Encroachment Permit is hereby approved for a ten (10) year term which shall automatically renew for an additional ten (10) year term if not terminated by either party as provided in the Amended Encroachment Permit; and

BE IT FURTHER RESOLVED, the Mayor is authorized to execute and record the attached Amended Encroachment Permit on behalf of the City of Laurel after the Parties have executed the Permit.

Introduced at a regular meeting of the City Council on \_\_\_\_\_, 2019, by Council Member \_\_\_\_\_.

PASSED and APPROVED by the City Council of the City of Laurel this \_\_\_\_th day of \_\_\_\_\_, 2019.

APPROVED by the Mayor this \_\_\_\_th day of \_\_\_\_\_, 2019.

CITY OF LAUREL

\_\_\_\_\_  
Thomas C. Nelson, Mayor

ATTEST:

---

Bethany Langve, Clerk-Treasurer

Approved as to form:

---

Sam S. Painter, Civil City Attorney

When Recorded Return to:

City of Laurel  
P.O. Box 10  
Laurel, Montana 59044

## **AMENDED ENCROACHMENT PERMIT**

This Encroachment Permit (“Permit”) is approved and issued by the City of Laurel, Montana (“City”) pursuant to City Council Resolution, for the benefit of C-Store Properties, LLC, Innovative Properties, LLC, and Rimrock II, LLC hereinafter (“Property Owners”). The City and Property Owners are referred to herein jointly as “Parties.” The Permit is specific to that portion of South Montana Avenue shown on the attached map (“Permit Area”) that is labeled Exhibit A and attached hereto and incorporated herein by this reference. At all times relevant during and after this Permit, South Montana Avenue shall remain a dedicated public right-of-way. The City of Laurel has no intention to vacate the right-of-way and is providing Property Owners the authority to improve and use the South Montana Avenue right-of-way until this permit expires, terminates or is revoked.

### **Recitals**

1. Whereas, the City currently owns and controls a 60’ right-of-way constituting a dedicated public street known as South Montana Avenue. South Montana Avenue, in this location, is gravel and not developed and will likely remain undeveloped for the foreseeable future.
2. Whereas, the Property Owners currently own two unimproved lots which are immediately adjacent to the South Montana Avenue right-of-way as shown on Exhibit A. Property Owners intend to improve the lots by paving them for purposes of providing customer parking as well as access for their existing business properties.
3. Whereas, the City has received a number of complaints from nearby property owners regarding excessive dust from the public’s use of Property Owners’ unimproved lots as well as the unimproved South Montana Avenue for parking and access. As a result of the complaints, the City contemplated closing and fencing off South Montana Avenue to the public by erecting a fence to keep traffic off the right-of-way until it is improved at some time in the future.



4. Whereas, Property Owners approached the City with a plan to resolve the ongoing dust issue by improving their lots. Property Owners improved the lots by designing and constructing a paved parking lot and travel lane.
5. Whereas, the City possesses the authority to regulate the use of its rights-of-way in the best interest of the public, and at this time allowing Property Owners to improve and use the right-of-way pursuant to the terms and conditions contained in this Permit.
6. The City Council is authorized to approve an Encroachment Permit to regulate the use of streets, sidewalks, and public rights-of-way pursuant to Chapter 12.16.040 of the Laurel Municipal Code, §7-14-4102 MCA, and the City's self-governing powers provided through its Charter.
7. Upon review of this situation and the special facts and circumstances surrounding this situation, the City Council has determined issuance of this Encroachment Permit is appropriate and in the City and Public's best interest.

### **Encroachment Permit Terms and Conditions**

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Incorporation of Recitals. The recitals herein are incorporated into this Permit by this reference.
2. Grant of Encroachment Permit. Under the terms and conditions of this Permit, and pursuant to the Resolution of the City Council, the City hereby permits Property Owners or their successors in title, to utilize the Permit Area for the existing planned improvements.
3. Forebearance. As long as Property Owners and their successors in title comply with the terms and conditions of this Permit, the City shall forbear, any act or action to interfere with the permitted use of the Permit Area described herein
4. Conditions on Use.
  - A. The Permit remains valid so long as Property Owners, or their successors in interest, use of the Permit Area remains in compliance with the terms and conditions of this permit and, the use and/or size of the Permit Area is not expanded, and no hazardous materials or substances may be stored upon or buried within the Permit Area. Subject to the foregoing provisions, nothing herein shall be deemed or considered to prohibit or prevent Property Owners or their

successors in title from using the Permit Area as a paved parking lot. Property Owners shall not allow parking on the Permit Area which shall be utilized for ingress and egress purposes.

- B. Property Owners acknowledge that the Permit Area contains underground public and private utilities including but not limited to water, sewer, power, and gas. Property Owners shall not deny access to a utility owner requiring access to his/her utility line. The Parties agree that any excavation or work within the Permit Area must comply with Chapter 12.12 of the Laurel Municipal Code.

5. Design, Construction and Maintenance.

- A. Property Owners obtained a professionally engineered design for their proposed parking lot that addresses storm water drainage, ingress and egress control, striped parking spaces compliant with ADA requirements, and constructed to current City standards. Property Owners obtained all necessary approvals from the City as well as securing a building permit. At all times during this Permit, Property Owners are responsible for sharing the cost of snow removal and weed control.
- B. Payment. Property Owners have paid the cost of the project not covered by grants obtained for the project.
- C. Reimbursement of Costs. If any future property owner desires use of the Permit Area, he/she must pay Property Owners a proportionate share of their “out of pocket” project costs before the City issues him/her permission to additionally use the permit area.

6. Termination or Revocation.

- A. Definition of Default. A Party’s failure to comply with any term or condition contained in this Permit, shall constitute a default under this Permit.
- B. Remedies for Default:
  - i. If a Party defaults under this Permit, the other Party may immediately give written notice of such default.
  - ii. If the breaching Party cures the default within thirty (30) days from the date of service of notice, the Permit shall remain valid.
  - iii. If the breaching Party fails to cure the breach within thirty (30) days, the other Party may pursue any appropriate remedy available by law including but not limited to termination or revocation of the Permit.

- C. If the use of the Permit Area changes, or if future development requires the use of the Permit Area as a City Street, the City may immediately terminate or revoke the Permit and require the Property Owners to surrender the Permit Area to the City. Property Owners shall not remove or disturb any improvement prior to vacating the Permit Area.
7. Indemnification. Property Owners shall indemnify and hold harmless the City, including, without limitation, City's agents, elected officials, and its employees, from any claim, right, or cause of action, arising out of or in any way connected with the negligence or willful act of Property Owners that results in the injury or death of any person or damage to real or personal property arising out of the use of the Permit Area under this Permit. Property Owners shall maintain insurance for the parking lot and Permit Area to cover potential claims or injuries that may occur.
8. Miscellaneous. The following additional conditions apply to this Permit:
- A. Transfer. This Permit and the rights and obligations hereunder may be transferred to a successor in title to the Property Owners so long as the use of the property remains as permitted.
- B. Severability. If one or more of the provisions contained herein are declared invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions shall not in any way be impaired thereby.
- C. Waiver. The failure of either Party to insist in any one or more instances upon strict performance of any of the requirements of this Permit shall not be construed as a waiver or relinquishment for the future of such requirement, but the same shall continue and remain in full force and effect.
- D. Headings. The headings and captions of various paragraphs of this Permit are for convenience of reference only and are not to be construed as defining or limiting, in any way, the scope or intent of the provisions therein.
- E. Amendment. All modifications or changes to this Permit shall be effective only when reduced to writing and signed by Parties hereto, and approved by Resolution of the City Council.
- F. Applicable Law. This Permit shall be interpreted according to the laws of the State of Montana.
- G. Entire Agreement. Except as explicitly stated herein, this Permit, attachments, and the Council Resolution constitute the entire agreement between the Parties

and subsume and incorporate all prior written and oral statements and understandings.

H. Recording. This Permit shall be recorded in the Office of the Clerk and Recorder in and for Yellowstone County, Montana.

I. This Permit shall be effective upon authorization and/or approval by City Council Resolution and Signature by the Mayor of the City of Laurel. The Permit shall be effective for successive terms of ten (10) years unless terminated or revoked by either Party on one of the grounds set forth herein.

IN WITNESS WHEREOF, each Party has caused this Permit to be executed in duplicate.

Property Owners:

By: \_\_\_\_\_  
Dennis Whitmore  
C-Store Properties, LLC

By: \_\_\_\_\_  
Steven Barkley  
Innovative Properties, LLC

By: \_\_\_\_\_  
Ann Soares, Member  
Rimrock II, LLC

City of Laurel:

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
City Clerk



**Backup material for agenda item:**

A Resolution of the City Council authorizing the release of funds from the Tax Increment Financing District fund for facade improvements and signage for the property located at 117 West Main Street, Laurel Montana

RESOLUTION NO. R19-\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE  
RELEASE OF FUNDS FROM THE TAX INCREMENT FINANCING DISTRICT FUND FOR  
FAÇADE IMPROVEMENTS AND SIGNAGE FOR THE PROPERTY LOCATED AT 117 WEST  
MAIN STREET, LAUREL MONTANA.**

WHEREAS, the City Council previously approved a Façade Grant Request Program proposed by the Laurel Urban Renewal Agency (LURA); and

WHEREAS, the owner of the property listed herein submitted a Grant Request for façade improvements for his property and such property is located within the Tax Increment Financing District: Owner: Ron Seder: 117 West Main Street; and

WHEREAS, the LURA Board reviewed the application and recommends approval for the above Property in the amounts provided in the attached letter; and

WHEREAS, the application was complete, the project is eligible for grant assistance and LURA recommends funding of the same as provided in the attached letter.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, that the grant request for façade improvements and signage is approved for the following: Owner: Ron Seder: 117 West Main Street Façade: \$7500.00 and Sign: \$500.00

BE IT FURTHER RESOLVED, the Mayor, CAO, and City Clerk Treasurer are authorized to utilize the appropriately designated accounts to pay the grants upon submission of the required documentation from the Property Owner.

Introduced at a regular meeting of the City Council on \_\_\_\_\_, 2019, by Council Member \_\_\_\_\_.

PASSED and APPROVED by the City Council of the City of Laurel this \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2019.

APPROVED by the Mayor this \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2019.

CITY OF LAUREL

\_\_\_\_\_  
Thomas C. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Bethany Langve, Clerk-Treasurer

Approved as to form:

\_\_\_\_\_  
Sam S. Painter, Civil City Attorney

CITY HALL  
115 W. 1<sup>ST</sup> 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



Office of the Director of Public  
Works

January 25, 2019

Matt Lurker and Mayor Nelson,

Re; King Koin Laundry Façade and Sign Grant for Ron Ceder

King Koin Laundry is being recommended to be awarded two grants from the TIFD funds and the LURA Board.

As per Resolution R10-116, Ron Ceder is eligible to receive a Façade Grant for \$6,000.00 due to his lot frontage distance. Ron is also eligible for an additional \$1,500.00 for having his building in the historic district and a historic property. The total amount Ron is eligible to receive for a Façade Grant is \$7,500.00. Ron has spent more than double that amount he qualifies for and the Façade Grant requires a 1/1 match. Ron would have to have spent \$15,000.00 and he has done so by the receipts he has turned in with his grant application.

Ron also applied for a Sign Grant and has spent \$1,000.00 getting the King Koin sign electrically rewired so that it can be illuminated at night. The sign grants are awarded up to \$3,000.00 and LURA is recommending that Ron receive \$500.00 which is half of his expenses.

Ron Ceder has not received a grant for this property from the TIFD. Ron will not be eligible for two years for any future Façade Grant from the time of the City Council award.

Respectfully,

Kurt Markegard  
Public Works Director

Laurel Urban Renewal Agency  
115 W. 1<sup>st</sup> Street  
Laurel, Montana 59044



January 18, 2019

To: Laurel City Council  
From: Laurel Urban Renewal Agency

Subject: King Koin Laundromat

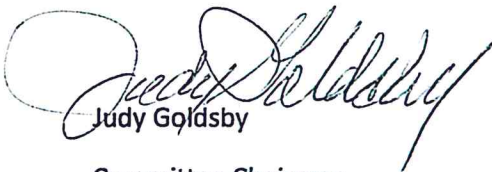
Ron Seder has applied for a façade improvement grant for renovations to his building at 117 West Main Street, also known as King Koin Laundromat.

Mr. Seder has provided evidence of payment for replacement of glass and doors on the exterior of the building as well as a new sign.

LURA recommends reimbursement in the amount of \$7,500.00 for façade and \$500.00 for his sign.

A copy of the application and evidence of payment is attached to this letter.

Thank you for your consideration.

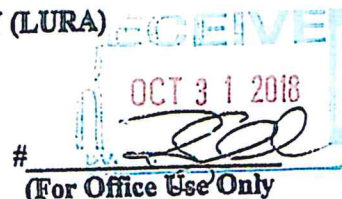


Judy Goldsby

Committee Chairman



LAUREL URBAN RENEWAL AGENCY (LURA)  
Façade Improvement Project  
Application



**Project Location**

Address of Property to be improved: 117 W Main

Assessor Parcel Number(s): \_\_\_\_\_

Can be found at <http://www.co.yellowstone.mt.us/gis/>

Name of Business(es) in Project: King Koin Laundromat

Building Frontage Measurement of Project: \_\_\_\_\_

**Applicant Information**

Name: Ron Seder

Mailing Address: \_\_\_\_\_

48 S Whitehorse Rd.

City: Laurel State: MT Zip: 59044

Phone: 406-855-5850

Email: rls91259@gmail.com

Do you own, rent or lease the subject property?

Own

**Businesses or Services Offered on Site:**

Laundromat Service

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Description of Proposed Improvements:**

Replaced old stone front with new

glass and doors. Install new lights on

interior and exterior.

\_\_\_\_\_

\_\_\_\_\_

Please identify ways in which this project supports the Laurel Urban Renewal  
Plan/Tax Increment District mission (information available at City Hall):

**Submittals:**

Application must include the following materials, if applicable, for consideration by the Façade Incentive Grant Committee.

**Applications lacking sufficient materials to describe the project will not be reviewed.**

- a) current photo(s) of the proposed project site
- b) rendering or sketch of proposed improvements
- c) architectural plans, including dimensions/measurements
- d) color and material samples for paint, awning, signs, etc.
- e) sign plans
- f) awing design
- g) historical significance designation

**Estimated Costs and Timing:**

Please provide copies of vendor bids/estimates or other documentation of cost estimates for all proposed work façade work.

**Applications lacking sufficient cost estimates will not be reviewed.**

- a) Water clean exterior
- b) Exterior prep and paint
- c) Window replacement/repair
- d) Door replacement/Entry Foyer Repairs
- e) Exterior Lighting
- f) Façade restoration/rehabilitation
- g) Architectural/Design Fees
- h) Landscape/hardscape Improvements
- i) Building Permit
- j) Other Proposed Improvements (specify)

**Subtotal**

- k) Signage
- l) Awnings

3500  
+13950  
17450

\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ 3500.00  
\$ 13950.00  
\$ 17450.00  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\$ \_\_\_\_\_

\$ 7,500.00

1st 2nd  
Don Dean

\$ 17,355.05 km

\$ 1000.00  
\$ \_\_\_\_\_

17,450 km  
Don 1st Dean 2nd

Need to spend 15k  
Review 7.500 R. Façade

Subtotal

\$ 18,450

TOTAL ESTIMATED COST

\$ 18,450

Estimated Days/Months for Completion 3 months

SIGNATURES:

Signed: \_\_\_\_\_

Signed \_\_\_\_\_

\_\_\_\_\_  
Property Owner(s) Signature(s)

\_\_\_\_\_  
Applicant(s) Signature(s)

**Checklist:** Please review the checklist below to ensure all information/materials have been prepared for submission with this application. Applicants are advised to submit a complete application and all supporting materials per the instructions in this packet; the committee will not review incomplete applications.

Project location (page 5)  
Assessor parcel number (page 5)  
Building frontage measurement (page 5)  
Applicant information (page 5)  
Listing of businesses or services offered on site (page 5)  
Description of proposed improvements (page 5)  
Identification of project's support of the Urban Renewal Plan and/or Tax Increment  
District mission (page 5)  
Current photo of project site (page 6)  
Rendering or sketch of proposed improvements (page 6)  
Architectural plans – elevation drawing, dimensions, measurements, etc. (page 6)  
Color and material samples – as applies (page 6)  
Sign/Awning design drawings and/or plans – as applies (page 6)  
Historical significance designation – as applies (page 6)  
Documentation of cost estimates – copies of vendor bids, estimates, etc. (page 6)  
Signature of Property Owner (page 7)  
Signature of Applicant (page 7)

APPROVAL (for office use only)

Amount Approved: \_\_\_\_\_

\$ 7,500.00 Fee

500' signage

Date Approved: \_\_\_\_\_

12-17-2018

08/20/2010

  
7

SEDER APPLIANCE HEATING & COOLING  
48 S. WHITEHORSE BENCH RD. PH. 628-8351  
LAUREL, MT 59044-9212

93-514/929

No.

5754

DATE

12/17/18

Shield™

Pay to the order of

Associated Glass

\$2355.05

Twenty Three Hundred Fifty Five and 05/100

**YELLOWSTONE BANK**

1511 SHILOH ROAD (408) 294-9400  
BILLINGS, MONTANA 59106

King Koin

*[Signature]*





5445 Hesper Road  
Billings MT 59106

# Invoice

Date	Invoice #
9/12/2018	18-0089

Web Site
www.canyonelectric.biz

E-mail
smiller@canyonelectric.biz

Bill To
Seder's Heating & Cooling Ron Seder 1515 Central Avenue Billings, MT 59102

P.O. No.	Terms	Project
	Due on receipt	

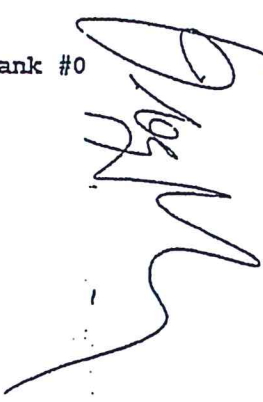
Item	Quantity	Description	Rate	Amount
Journeyman Labor	7	Take apart signs the one up and one in garage. Engineer solution to light interior of sign with leds. Go to lowes shop for lights that would work in sign. Install lights test lights prior to install of covers. Install of covers. Temp wiring inbuilding to sign for evening. Clean up and lock up.	70.00	490.00
Apprentice Labor - ...	6	Take apart signs the one up and one in garage. Run controller bucket truck man spotter on the ground. Parts runner.	0.00 45.00	0.00 270.00
Material	1	4- led lamps, 2- 4' Strip fixtures, L	130.00	130.00
Equipment - Bucket...	4	Bucket Truck	100.00	400.00
Credit		Credit this is the good guy Trades Man Credit for Bucket Truck!!	-200.00	-200.00

	<b>Total</b>	<del>\$1,090.00</del>
--	--------------	-----------------------

Phone #
406-208-7615

1,000<sup>00</sup>

<b>SEDER APPLIANCE HEATING &amp; COOLING</b> 2001 S. WHITEHORSE BENCH PH. 620-8351 LAUREL, MT 59044		93-514/929 4045635 DATE <u>9/24/18</u>	4116
PAY TO THE ORDER OF <u>Cayon Electric</u>		\$ <u>1,000.00</u>	
<u>One Thousand</u>		<u>00</u> DOLLARS	
<b>YELLOWSTONE BANK</b> P.O. BOX 7 (406) 628-7951 LAUREL, MONTANA 59044			
MEMO <u>King Kira</u>		<u>Rondedeck</u>	

Little Horn State Bank #0		ENDORSE HERE
		

12/17/2018

SHIP TO AND BILL TO -



M Gmail

Q from:

**Ron**

Morning Tyler stop down here at the shop at 9 o'clock or 9 o'clock it's 10 930 now no guy show

**Tyler Herbert**

n>

to me

Ron,

I have got your door ready to be install, but I was just informed we need to get you caught up on  
With the Add for the Oversized Door the total comes to \$17,500.00, Will need to see a payment c

Thank you



**Tyler Herbert**

Estimator / Project Manager

Office: 406-259-1352

Fax: 406-245-4202

Have a Great Day!!

---

**From:** Ron [mailto:

**Sent:** Thursday, July 12, 2018 9:27 AM

**Tyler Herbert**

to me

Ron,

Payment??? Please we really need to be paid on this ASAP.

Thank you

SEDER APPLIANCE HEATING & COOLING 2001 S. WHITEHORSE BENCH PH. 628-8351 LAUREL, MT 59044		93-514/329 4045635 DATE 8/9/18	4099
PAY TO THE ORDER OF		Associated Glass	\$12,000.00
Twelve Thousand		no	DOLLARS
<b>YELLOWSTONE BANK</b> P.O. BOX 7 (406) 628-7931 #10120 LAUREL MONTANA 59044			
MEMO		Stone Front R/S	Ran Dealer



AGCT#10120		93-514/920 4045675	4118
SEDER APPLIANCE HEATING & COOLING 2001 S. WHITEHORSE BENCH PH. 628-8351 LAUREL, MT 59044			
DATE 9/26/18			
PAY TO THE ORDER OF	Associated Glass	\$ 3000	3000
Thane Thomsen		DOLLARS	
YELLOWSTONE BANK P.O. BOX 7 (409) 628-7951 LAUREL, MONTANA 59044			
MEMO	Door at K K	Rodger	MP

**Backup material for agenda item:**

Draft Council Agenda 2.5.2019



**AGENDA  
CITY OF LAUREL  
CITY COUNCIL MEETING  
TUESDAY, FEBRUARY 05, 2019  
6:30 PM  
COUNCIL CHAMBERS**

NEXT RES. NO.  
R18-XX

NEXT ORD. NO.  
O18-XX

**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. Approve minutes of January 15, 2019.

**Correspondence**

**Council Disclosure of Ex Parte Communications**

**Public Hearing**

2. Public Hearing: Annexation and Initial Zoning Request from Goldberg Investments for Residential Light Multi-Family on Nutting Brothers 2nd filing Lot 18 and Nutting Brothers 3rd Filing Lots 19-24 and Community Commercial on Lot 25 Nutting Brothers 3rd Filing.

**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.*

3. Claims for the month of January 2019.
4. Approval of Payroll Register for PPE 1/13/2019 totaling \$167,282.70.
5. Receiving the Committee/Board Minutes into the Record.  
Budget/Finance Committee minutes of January 15, 2019.

**Ceremonial Calendar**

**Reports of Boards and Commissions**

**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**

6. Appointments to the Laurel Volunteer Fire Department  
Amee Patrick  
Ryan Robertus  
Bridger Fournier  
Levi Klamert  
Steven Hiller  
Appointments to the Laurel Volunteer Ambulance Service.  
Mariah Haugen  
David Jackson  
Boady Harper  
Bryanna Ruskanen
7. Resolution No. R19-\_\_: Planner agreement.
8. Laurel BK Lot Access
9. A Resolution of the City Council authorizing the release of funds from the Tax Increment Financing District Fund for Facade Improvements and Signage for the property located at 117 West Main Street, Laurel Montana.

### **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**