



**AGENDA  
CITY OF LAUREL  
CITY COUNCIL MEETING  
TUESDAY, JUNE 14, 2022  
6:30 PM  
COUNCIL CHAMBERS**

NEXT RES. NO.  
R22-28

NEXT ORD. NO.  
O22-01

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

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

### **Pledge of Allegiance**

### **Roll Call of the Council**

### **Approval of Minutes**

1. Approval of Minutes of May 24, 2022.

### **Correspondence**

2. Police Monthly Report - May 2022
3. Fire Monthly Report - May 2022
4. Reappointment of Judy Goldsby to the Laurel City/County Planning Board.
5. Resignation of Dennis Eaton from the Laurel Urban Renewal Agency.

### **Council Disclosure of Ex Parte Communications**

### **Public Hearing**

6. Public Hearing: Resolution Of The City Council Approving An Application For Special Review For S2 Properties, Llc, D/B/A Your Pie, Authorizing The Sale And Consumption Of Beer And Wine On Premises, Within An Existing Structure Located At 102 South 1st Avenue, City Of Laurel, Mt.
7. Public Hearing: Resolution Of The City Of Laurel City Council Granting A Variance From The City's Zoning Regulations To Allow The Property Owner To Construct An Addition On The Home At 319 3rd Avenue, Laurel Mt, Which Shortens The Twenty-Foot Setback To A Six-Foot Setback

### **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.*

8. Claims entered through June 10, 2022.

9. Approval of Payroll Register for PPE 5/29/2022 totaling \$211,291.94.

## **Ceremonial Calendar**

### **Reports of Boards and Commissions**

10. Budget/Finance Committee Minutes of May 24, 2022.
11. Park Board Minutes of May 5, 2022.
12. Emergency Services Committee Minutes of April 25, 2022.

### **Audience Participation (Three-Minute Limit)**

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

### **Scheduled Matters**

13. Appointment of Casey Wheeler to the Vacant Ward 3 Seat.
14. Appointment of Josh Featherly to the Laurel Police Department.
15. Appointment of Kurt Markegard as Building Official.
16. Appointment of Kelly Strecker to Clerk/Treasurer
17. Motion to allow Council Member Mize to be absent from the City of Laurel for more than ten days. (LMC 2.12.060)
18. Resolution No. R22-28: A Resolution Of The City Council Authorizing The Mayor To Execute An Extension Of The Prosecutor Attorney Contract By And Between The City Of Laurel And Lore Law Firm, P.L.L.C.
19. Resolution No. R22-29: A Resolution Awarding The Bid And Authorizing The Mayor To Execute All Contract And Related Documents For The Project Known As The Wtp Lift Well Replacement.
20. Resolution No. R22-30: A Resolution Of The City Council Authorizing The Mayor To Execute The Agreement For Provision Of Fire Services By And Between The City Of Laurel And The Laurel Airport Authority
21. Resolution No. R22-31: A Resolution Of The City Council Authorizing The Mayor To Execute The Agreement For Provision Of Fire Services By And Between The City Of Laurel And Yellowstone Boys And Girls Ranch
22. Resolution No. R22-32: Resolution Of The City Council Approving An Application For Special Review For S2 Properties, Llc, D/B/A Your Pie, Authorizing The Sale And Consumption Of Beer And Wine On Premises, Within An Existing Structure Located At 102 South 1<sup>st</sup> Avenue, City Of Laurel, MT.
23. Resolution No. R22-33: Resolution Of The City Of Laurel City Council Granting A Variance From The City's Zoning Regulations To Allow The Property Owner To Construct An Addition On The Home At 319 3<sup>rd</sup> Avenue, Laurel Mt, Which Shortens The Twenty-Foot Setback To A Six-Foot Setback
24. Resolution No. R22-34: Resolution Authorizing The Mayor To Reinstate An Encroachment Permit For Newkirk Real Estate-Montana, LLC, D/B/A Thomae Lumber.

### **Items Removed From the Consent Agenda**

#### **Community Announcements (One-Minute Limit)**

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

#### **Council Discussion**

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

## **Mayor Updates**

### **Unscheduled Matters**

#### **Adjournment**

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

### **DATES TO REMEMBER**

**File Attachments for Item:**

1. Approval of Minutes of May 24, 2022.

DRAFT

# MINUTES OF THE CITY COUNCIL OF LAUREL

May 24, 2022

A regular meeting of the City Council of the City of Laurel, Montana, was held in the Council Chambers and called to order by Mayor Dave Waggoner at 6:31 p.m. on May 24, 2022.

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

COUNCIL MEMBERS ABSENT:        Scot Stokes

OTHER STAFF PRESENT:            None

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

## MINUTES:

Motion by Council Member Wilke to approve the minutes of the regular meeting of May 10, 2022, as presented, seconded by Council Member Sparks. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

## CORRESPONDENCE:

- Beartooth RC&D May 2022 Correspondence.

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None.

PUBLIC HEARING: None.

## CONSENT ITEMS:

- Claims entered through May 20, 2022.  
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- Approval of Payroll Register for PPE 5/15/2022 totaling \$205,036.16.

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

Council clarified that the payroll correct payroll total is \$193,410.11. The listed total was the last payroll total.

Motion by Council Member Klose to approve the consent items as presented, seconded by Council Member Sparks. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

## CEREMONIAL CALENDAR:

- Poppy Day Proclamation

Mayor Waggoner read the Poppy Day Proclamation.

REPORTS OF BOARDS AND COMMISSIONS: None.

## AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):

Karl Dan Koch, 320 Colorado Avenue, spoke regarding striping the handicap parking lot in Thomson Park.

DRAFT

**SCHEDULED MATTERS:**

- **Appointment of Lynn Galovatti and Bridger Fournier to the Laurel Volunteer Ambulance.**

Motion by Council Member Eaton to approve the Mayor's appointment of Lynn Galovatti and Bridger Fournier to the Laurel Volunteer Ambulance, seconded by Council Member Sparks. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R22-24: Resolution Authorizing Owner's Request To Seek Annexation Of A Parcel Of Property Located At 1702 E. 8th Street, Laurel MT, Pursuant To The City Of Laurel Annexation Policy.**

Motion by Council Member Sparks to approve Resolution No. R22-24, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R22-25: A Resolution Awarding The Bid And Authorizing The Mayor To Execute All Contract And Related Documents For The Project Known As South 4th Street Reconstruction Project.**

Motion by Council Member Herr to approve Resolution No. R22-25, seconded by Council Member Sparks. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R22-26: A Resolution Of The City Council Authorizing The Mayor To Execute An Extension Of The Agreement Between The City Of Laurel And Yellowstone County For A Satellite Yellowstone County Treasurer's Office, Motor Vehicle Division**

Motion by Council Member Eaton to approve Resolution No. R22-26, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R22-27: A Resolution Of The City Council Authorizing The Mayor To Execute An Independent Contractor Service Contract With True North Contracting**

Mayor Waggoner stated this small service contract is for installing the 30 picnic tables at Riverside Park.

Motion by Council Member Mize to approve Resolution No. R22-27, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

**ITEMS REMOVED FROM THE CONSENT AGENDA:** None.

**COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT):** None.

**COUNCIL DISCUSSION:**

Council noted that Code Enforcement has been doing a good job.

There will be a Memorial Day ceremony at the City Cemetery at 9:00 a.m. There will also be a ceremony at noon at the National Cemetery.

Council was reminded that this is a 5 Tuesday month. There is not Council meeting next week.

K. Dan Koch, 320 Colorado Avenue, briefly spoke on his desire for the handicap parking lot to be oiled and striped.

**MAYOR UPDATES:**

Mayor Waggoner stated Riverside Park is very close to being opened again.

DRAFT

Council Minutes of May 24, 2022

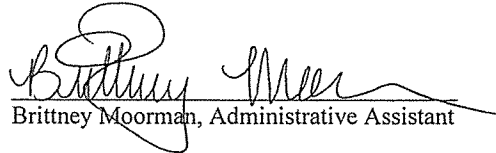
Mayor Waggoner apologized to Council if the recent article in the Laurel Outlook regarding the pool made Council the scapegoat. That was not his intention. City Staff are still looking at various options to be able to repair the pool.

**UNSCHEDULED MATTERS:** None.

**ADJOURNMENT:**

Motion by Council Member Eaton to adjourn the council meeting, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

There being no further business to come before the council at this time, the meeting was adjourned at 6:55 p.m.

  
Brittney Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 14<sup>th</sup> day of June 2022.

\_\_\_\_\_  
Dave Waggoner, Mayor

Attest:

\_\_\_\_\_  
Kelly Strecker, Clerk/Treasurer

**File Attachments for Item:**

2. Police Monthly Report - May 2022





# Laurel Police Department

215 W. 1<sup>st</sup> Street Laurel, Mt. 59044 ▪ Phone 406-628-8737 ▪ Fax 406-628-4641

Total Calls

Printed on May 31, 2022

[CFS Date/Time] is between '2022-05-01 00:00:00' and '2022-05-31 23:59:59' and

[Primary Incident Code->Code : Description] All

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## Code : Description

## Totals

10-15 : With Prisoner	0	0
: Abandoned Vehicle	9	9
: Agency Assist	48	48
: Alarm - Burglary	20	20
: Alarm - Fire	5	5
AMB : Ambulance	92	92
: Animal Complaint	11	11
: Area Check	13	13
: Assault	3	3
: Bad Checks	0	0
: Barking Dog	2	2
: Bomb Threat	0	0
: Burglary	1	1
: Child Abuse/Neglect	1	1
: Civil Complaint	14	14
: Counterfeiting	0	0
: Criminal Mischief	11	11

<b>Code : Description</b>	<b>Totals</b>	
: Criminal Trespass	7	7
: Cruelty to Animals	4	4
: Curfew Violation	7	7
: Discharge Firearm	0	0
: Disorderly Conduct	10	10
: Dog at Large	25	25
: Dog Bite	0	0
DUI : DUI Driver	7	7
: Duplicate Call	0	0
: Escape	0	0
: Family Disturbance	18	18
: Fight	2	2
FIRE : Fire or Smoke	14	14
: Fireworks	0	0
: Forgery	0	0
: Found Property	5	5
: Fraud	1	1
: Harassment	7	7
: Hit & Run	5	5
: Identity Theft	1	1
: Indecent Exposure	0	0

<b>Code : Description</b>	<b>Totals</b>	
: Insecure Premises	1	1
: Intoxicated Pedestrian	0	0
: Kidnapping	0	0
: Littering	0	0
: Loitering	1	1
: Lost or Stray Animal	10	10
: Lost Property	8	8
: Mental Health	7	7
: Missing Person	2	2
: Noise Complaint	5	5
: Open Container	0	0
: Order of Protection Violation	4	4
: Parking Complaint	23	23
: Possession of Alcohol	0	0
: Possession of Drugs	0	0
: Possession of Tobacco	2	2
: Privacy in Communications	1	1
: Prowler	0	0
: Public Assist	63	63
: Public Safety Complaint	2	2
: Public Works Call	12	12

<b>Code : Description</b>	<b>Totals</b>	
: Report Not Needed	16	16
: Robbery	1	1
: Runaway Juvenile	0	0
: Sexual Assault	1	1
: Suicide	0	0
: Suicide - Attempt	1	1
: Suicide - Threat	5	5
: Suspicious Activity	61	61
: Suspicious Person	14	14
: Theft	26	26
: Threats	6	6
: Tow Call	0	0
: Traffic Accident	12	12
: Traffic Hazard	4	4
: Traffic Incident	11	11
: TRO Violation	0	0
: Truancy	2	2
T/S : Traffic Stop	129	129
: Unattended Death	0	0
: Unknown - Converted	0	0
: Unlawful Transactions w/Minors	0	0

<b>Code : Description</b>	<b>Totals</b>	
: Unlawful Use of Motor Vehicle	0	0
: Vicious Dog	4	4
: Warrant	12	12
: Welfare Check	13	13
<b>Totals</b>	<b>802</b>	<b>802</b>

**File Attachments for Item:**

3. Fire Monthly Report - May 2022



# Laurel Fire Department

Report for the Month of May-22

Structure Fires
Wildland Fires
Extrications
Other Rescues
Alarms
Public Assist
Medical Assist.
Other calls
Fire Prevention
Total Training
Total Maintenance
Community Service

Calls	Hours
4	34
6	87
6	40
10	68
7	104
<b>33</b>	<b>333</b>
<b>Totals</b>	
	656
	55

<b>Total</b>	<b>1044</b>
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Announcements:

**Structure Firefighting**

Conduct all levels of Structure Firefighting to include entry and attack, ventilation, salvage, overhaul, and investigation.

A structure fire is a fire involving the structural components of various types of residential, commercial or industrial buildings.

**Wildland Firefighting**

Wildfire, brush fire, bush fire, desert fire, forest fire, grass fire, hill fire, peat fire, vegetation fire.

**Extrications**

Rescue victims entrapped in automobiles, machinery, farm equipment, buildings, and trenches.

**Other Rescues**

Rope Rescue, Water Rescue, Ice Rescue

**Alarms**

Any false alarms or malfunctions.

**Other Calls**

EMS assist, Industrial or Aircraft firefighting, Vehicle Fire, Hazmat, Spills, Public safety, Investigations, gas leaks, Carbon Monoxide problems, etc.





**File Attachments for Item:**

4. Reappointment of Judy Goldsby to the Laurel City/County Planning Board.

# Yellowstone County



COMMISSIONERS  
(406) 256-2701  
(406) 256-2777 (FAX)

P.O. Box 35000  
Billings, MT 59107-5000  
bocc@yellowstonecountymt.gov

May 10, 2022

Ms. Judy Goldsby  
2741 Alpine View Dr.  
Laurel, MT 59044

RE: Re-appointment to Laurel City/County Planning Board

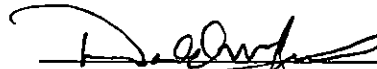
Dear Ms. Goldsby,

The Board of County Commissioners of Yellowstone County has re-appointed you to the above named board. Your term by this appointment will be to June 30, 2024.

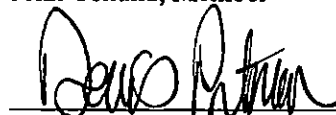
We wish to take this opportunity to thank you, in advance, for accepting this community service.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

  
\_\_\_\_\_  
Donald W. Jones, Chair

  
\_\_\_\_\_  
John Ostlund, Member

  
\_\_\_\_\_  
Denis Pitman, Member

BOCC/eg

c: Board File - Clerk & Recorder  
Mr. Forest Sanderson, Po Box 10, Laurel, MT 59044

**File Attachments for Item:**

5. Resignation of Dennis Eaton from the Laurel Urban Renewal Agency.

Dennis Scott Eaton  
Post Office Box 159  
Laurel, Montana 59044

Bethany Langve  
LURA Committee Staff  
Post Office Box 10  
Laurel, Montana 59044-0010

December 19, 2021

I have been told by you that I need to submit an official resignation of my position on the LURA board. I will not be able to continue to serve on the board because I no longer qualify. I have changed my employment and am no longer employed by a business which has a presence in the LURA district. While my residence is within the City of Laurel; it is not within the boundaries of the LURA district and therefore I have no more connection to LURA than the next person. Furthermore, my new employment requires me to be out of town frequently. I had difficulty being present for the LURA meetings previously and now it will be even more difficult. Without a continuous conversation with the other board members I feel I would not be able to participate fully or effectively.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Eaton", followed by a long horizontal line extending to the right.

Dennis S. Eaton

**File Attachments for Item:**

10. Budget/Finance Committee Minutes of May 24, 2022.



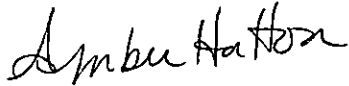
**Other Items –**

5. Review Comp/OT reports for the pay period ending May 15, 2022.
6. Mayor Update – Closed executive legal matter addressed.
7. Clerk/Treasurer Financial Update. Clerk/Treasurer provided the committee with an update on financial activities.

**Announcements –**

8. The next Budget and Finance Committee meeting will be held on June 14, 2022.
9. Heidi Sparks will be reviewing claims for the next meeting held on June 14, 2022.

Respectfully submitted,



Amber Hatton  
Accounts Payable

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

**File Attachments for Item:**

11. Park Board Minutes of May 5, 2022.



May 5, 2022

Laurel Park Board Meeting

Started 5:35 PM by Irv Wilke, Rick Herr, Jon Rutt, Evan Bruce, Matt Wheeler, Mayor Dave Waggoner and Paul Kober.

Public Comment:

Heather Cunning from outside of town wanted to start a community Garden at Riverside Park

Approved minutes from April 7, 2022, meeting, No minutes available so we did not approve.

New Business:

Pool cannot open due to staffing issues. Rick moved to postpone further action and Jon 2<sup>nd</sup>. Approved.

Old Business:

Andrea Johnson from the Montana Tennis Association and the USTA could not attend. Possible location of Kiwanis Park discussed.

American Legion Baseball Lease:

Both American Legion and Little League Suggested a 25 year lease of fields each field and each year starting at \$775 for years 1 to 5, \$900 for years 6 to 10, \$1040 for years 11 to 15, \$1210 for years 16 to 20 and \$1400 for years 21 to 25. Jon moved to accept proposal and Evan 2<sup>nd</sup>. Motion passed.

American Legion Building at Riverside Park:

Richard Klose spoke on the legion investing in the building and using it. Discussion followed on the city's liability, and it was recommended to discuss with the city attorney.

Dirt Track:

Bike Park at Fir Field has been started and insurance has been cleared.

Riverside Park Updates:

Lions Club would like to make a closet inside Jaycee Hall to store supplies.

Other Items:

Scot Stokes has resigned from the City Council and Richard Klose was appointed to replace him and will be the new Chairman.

We agreed to meet on June 2, 2022, for the next meeting.

Meeting adjourned at 6:30

Jon Rutt

**File Attachments for Item:**

12. Emergency Services Committee Minutes of April 25, 2022.



**MINUTES  
CITY OF LAUREL  
EMERGENCY SERVICES COMMITTEE  
MONDAY, APRIL 25, 2022**

The Emergency Services Committee meeting was called to order at 6:00pm on Monday, April 25, 2022 by Chair Heidi Sparks

**Members Present:** Heidi Sparks- Chair, Irv Wilke- Vice-Chair, Bill Mountsier, Richard Klose

**Others Present:** Fire Chief Brent Peters, Ambulance Director Lyndy Gurchiek, Ambulance Department Member Troy Charbonneau

**Public Input:** None

**General Items**

1. Approval of Emergency Services Committee minutes of March 28, 2022. Motion by Irv Wilke, Seconded by Richard Klose, motion carried 4-0

**New Business**

2. Update from Ambulance Director and Fire Chief
  - a. Ambulance Director Report attached
    - i. Provided a recap of 2021
      1. Numbers have been trending in positive directions since 2018
    - ii. AMR is struggling with staffing- There priority is Billings and won't be sending assistance outside of the city if there isn't enough coverage
    - iii. Medicare/Medicaid write off approximately 50% of what is billed
      1. During the next legislative session there will be a push to try to get better reimbursement rates from those
    - iv. Applied for a grant from the state- it is a preventative program for rural communities to have an EMT do some home checks to prevent future 9-1-1 calls
  - b. Fire Chief Report attached
    - i. Applying for a Firehouse Subs grant- asking for \$40,000 to replace the radio system for Fire, if any money leftover will include Police and Ambulance
    - ii. Activated a Health and Safety Committee to implement procedures to help with cancer prevention and health and safety with chemicals coming in contact with
      1. This committee will help with City's liabilities
    - iii. Looking into increasing the Fire Department revenue, Possible options include:
      1. New Fire District
      2. Fire billing for incidents involving non-Laurel residents

**Old Business-** None

**Other Items-** None

**Announcements**

4. Next Meeting will be Monday, May 23, 2022 at 6:00pm in Council Chambers

Meeting adjourned at 7:00pm

**File Attachments for Item:**

13. Appointment of Casey Wheeler to the Vacant Ward 3 Seat.

Dear Mayor Waggoner,

I would be honored to be considered for an appointment to the Laurel City Council. I have always been interested in public service, and would jump at the chance to finally use my political science degree. Laurel has a special place in my heart, and I would be happy to contribute and serve. Thank you for any consideration.

Sincerely,

Casey J. Wheeler RN-BSN  
1310 N. Beartooth Dr  
406-671-3675

**File Attachments for Item:**

18. Resolution No. R22-28: A Resolution Of The City Council Authorizing The Mayor To Execute An Extension Of The Prosecutor Attorney Contract By And Between The City Of Laurel And Lore Law Firm, P.L.L.C.

**RESOLUTION NO. R22-28**

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE AN EXTENSION OF THE PROSECUTOR ATTORNEY CONTRACT BY AND BETWEEN THE CITY OF LAUREL AND LORE LAW FIRM, P.L.L.C.**

WHEREAS, the City of Laurel and Lore Law Firm, P.L.L.C. entered into a Contract for the Prosecutor’s duties for the City of Laurel on February 11, 2020 (hereinafter “Prosecutor Attorney Contract”); and

WHEREAS, the City of Laurel City Council approved the Prosecutor Attorney Contract and authorized the Mayor to execute said Contract on the City’s behalf; and

WHEREAS, Lore Law Firm, P.L.L.C. has served as the City of Laurel City Prosecutor since February 2020; and

WHEREAS, the Prosecutor Attorney Contract by and between the City of Laurel and Lore Law Firm, P.L.L.C. expires on June 30, 2022; and

WHEREAS, the Mayor recommends the extension of the Prosecutor Attorney Contract for another two (2) year term, commencing July 1, 2022 and concluding June 30, 2024, subject to the same rights and responsibilities of the City of Laurel and Lore Law Firm, P.L.L.C.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana:

Section 1: Approval. The Prosecutor Attorney Contract negotiated between the City of Laurel and Lore Law Firm, P.L.L.C. for the City of Laurel prosecutorial duties is hereby extended for another two (2) year term. A copy of the original Prosecutor Attorney Contract is attached hereto and incorporated by reference herein. A copy of the Extension of Prosecutor Attorney Contract is also attached hereto and incorporated by reference herein.

Section 2: Execution. The Mayor is hereby given authority to execute the Extension of the Prosecutor Attorney Contract on behalf of the City.

Section 3: Effective Date. The effective date of the Extension of the Prosecutor Attorney Contract is hereby approved effective July 1, 2022.

Introduced at a regular meeting of the City Council on the 14<sup>th</sup> day of June, 2022, by Council Member \_\_\_\_\_.

PASSED and APPROVED by the City Council of the City of Laurel the 14<sup>th</sup> day of June, 2022.

APPROVED by the Mayor the 14<sup>th</sup> day of June, 2022.

CITY OF LAUREL

\_\_\_\_\_  
Dave Waggoner, Mayor

ATTEST:

\_\_\_\_\_  
Kelly Strecker, Clerk-Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
Michele L. Braukmann, Civil City Attorney



**EXTENSION OF PROSECUTOR  
ATTORNEY CONTRACT**

THIS EXTENSION OF PROSECUTOR ATTORNEY CONTRACT, is hereby made and entered into by and between the City of Laurel, hereinafter referred to as “Client,” and Lore Law Firm, P.L.L.C., hereinafter referred to as “Prosecutor Attorney.”

**RECITALS**

WHEREAS, the City of Laurel and Lore Law Firm, P.L.L.C. entered into a Contract for the Prosecutor’s duties for the City of Laurel on February 11, 2020 (hereinafter “Prosecutor Attorney Contract”); and

WHEREAS, the City of Laurel City Council approved the Prosecutor Attorney Contract and authorized the Mayor to execute said Contract on the City’s behalf; and

WHEREAS, Lore Law Firm, P.L.L.C. has served as the City of Laurel City Prosecutor since February 2020; and

WHEREAS, the Prosecutor Attorney Contract by and between the City of Laurel and Lore Law Firm, P.L.L.C. expires on June 30, 2022; and

WHEREAS, the Mayor recommended the extension of the Prosecutor Attorney Contract for another two (2) year term, commencing July 1, 2022 and concluding June 30, 2024, subject to the same rights and responsibilities of the City of Laurel and Lore Law Firm, P.L.L.C; and

WHEREAS, the City Council approved the extension of the Prosecutor Attorney Contract for another two (2) year term, commencing July 1, 2022 and concluding June 30, 2024, subject to the same rights and responsibilities of the City of Laurel and Lore Law Firm, P.L.L.C.

**AGREEMENT**

Section 1: Approval. The Prosecutor Attorney Contract negotiated by and between the City of Laurel and Lore Law Firm, P.L.L.C. for the City of Laurel prosecutorial duties is hereby extended for another two (2) year term. A copy of the original Prosecutor Attorney Contract is attached hereto and incorporated by reference herein.

Section 2: Execution. The City hereby executes this Extension of the Prosecutor Attorney Contract, pursuant to City Council approval.

Section 3: Effective Date. The effective date of this Extension of the Prosecutor Attorney Contract is July 1, 2022.

Section 4: Termination Date. The termination date of this Extension of the Prosecutor Attorney Contract is June 30, 2024.

Section 5: Incorporation of Original Terms. All other terms of the original Prosecutor Attorney Contract are hereby fully incorporated herein.

DATED this \_\_\_\_\_ day of June, 2022.

CITY OF LAUREL

\_\_\_\_\_  
Dave Waggoner, Mayor

PROSECUTOR ATTORNEY:

\_\_\_\_\_  
Juliane E. Lore, Lore Law Firm, P.L.L.C.

ATTEST:

\_\_\_\_\_  
Kelly Strecker, Clerk-Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
Michele L. Braukmann, Civil City Attorney

**CITY HALL**  
115 W. 1st. St.  
**PUB WORKS: 628-4796**  
PWD FAX: 628-2241  
**WATER OFFICE: 628-7431**  
WTR FAX: 628-2289  
**MAYOR: 628-8456**

# City of Laurel

P.O. Box 10  
Laurel, Montana 59044



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DEPARTMENT

## City Prosecutor Appointment

### Comparison to Other Applicants:

- All other applicants proposed, through their RFPs, to bill at an hourly rate for both attorneys and support staff.
    - Proposed Hourly Rate for Attorneys: \$175-\$250 per hour
    - Proposed Hourly Rate for Support Staff: \$50-\$75 per hour
  - Resulting Fees for Hourly Billing Attorneys/Support Staff for Comparison RFPs:
    - Average for Attorneys (20 hours per week): \$3,500-\$5,000 per week
    - Average for Support Staff (~10 hours per week): \$500-\$750 per week
- Yearly Cost for the City of Laurel: \$208,000-\$299,000
- Proposed Prosecutor Contract Fees (Continuation of Existing Prosecutor): \$67,200
  - Limited City Prosecutor Experience and/or Knowledge of Laurel City Court

### Additional Issues:

- Existing Prosecutor's Experience in the City of Laurel (2.5 Years as Laurel City Court Prosecutor)
- Existing Prosecutor's Relationship with Public Defender and Defense Counsel
- Existing Prosecutor's Relationship with City of Laurel Police Department (*Please see Chief Langve's Letter of Recommendation*)

- Continuity of Prosecutorial Work in the City of Laurel
- Existing Prosecutor's Commitment to Fulfill Another Term
- Knowledge Base of Constituents in Working with 2.5 Year Tenured Past/Present Prosecutor
- Extensive Experience in District Court (Allowing Handling of Continued Appeals to District Court from City Court)
- Avoidance of Burden of Transition of Pending Cases/District Court Appeals
- Working Relationship and Knowledge by Existing Prosecutor of City Staff/Mayor/Civil City Attorney
- Extensive Knowledge of Laurel City Court/City Court Clerk Requirements
- Additional Experience in Working with Other Municipalities (*ie.* Town of Joliet City Attorney Experience)
- Residency in the City of Laurel and Commitment to the Laurel Community

**CITY HALL**  
115 W. 1st St.  
**PUB WORKS: 628-4796**  
PWD FAX: 628-2241  
**WATER OFFICE: 628-7431**  
WTR FAX: 628-2289  
**MAYOR: 628-8456**

# City of Laurel

P.O. Box 10  
Laurel, Montana 59044



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DEPARTMENT

## REQUEST FOR PROPOSAL

### **Part-Time City Prosecutor for the City of Laurel (Estimated Half-Time Position)**

This request is intended to gather pertinent information concerning the ability of an individual attorney or law firm to meet the needs of the City.

The City is interested in establishing an ongoing contractual relationship with an attorney or law firm to ensure high quality, necessary, timely, and cost-effective legal services. The expectation is that the selected firm/individual will be experienced in the type of legal services required on an ongoing basis for Cities and will be generally familiar with legal issues associated with prosecuting cases for Cities. Additionally, the attorney or firm should have experience in a court setting to act as the prosecuting attorney on behalf of the City, and working with the City's Law Enforcement Officers, the City Court Clerk's Office, and the City Court Judge. The City is seeking an attorney or law firm that can establish successful communication and coordination on an ongoing basis.

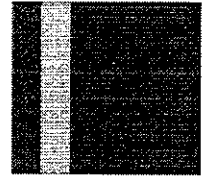
The City Prosecutor is appointed by the City Mayor and City Council and supervised by the City Mayor.

#### ***Requirements for Submission of City Proposal:***

1. Time of Filing: No later than April 22, 2022 at 5:00 p.m., addressed to the City of Laurel, Bethany Langve, Clerk/Treasurer, PO Box 10, Laurel, MT 59044; or hand-delivered to the Clerk/Treasurer at Laurel City Hall, 115 W. 1<sup>st</sup> Street, Laurel, MT 59044.
2. Sealed Envelope: Outer envelope containing proposal should be marked: "Proposal for City Prosecutor". If contained in a mailed envelope, the mailing envelope should be marked to indicate that it is an outer, sealed envelope.
3. Three copies of the proposal are requested.
4. The City will open and review all proposals after the above deadline of April 22, 2022 expires.

**City of Laurel is an EEO Employer**  
Equal Housing Opportunity

Juliane E. Lore  
709 Roundhouse Drive  
Billings, Montana 59044  
Telephone: (406) 591-7568



April 22, 2022

Laurel City Clerk  
PO Box 10  
Laurel, MT 59044

Re: RFP, Prosecuting City Attorney Position

Dear City Clerk/Treasurer, Mayor, and Reviewing Committee;

I am submitting this proposal in order to continue prosecuting in my current position serving the City of Laurel, and hope this summary, responses, and my enclosed CV will support my selection. I believe that it is important to have continuity in representation for the City, and in part, it is for this reason and with the support of the Laurel Police Department that I hope to continue with my tenure. The structure I propose is a renewal at the current compensation, \$5600.00/monthly, with contractual review and renewal in two years.

I have included my CV with this renewed RFP providing the specifics of my agricultural bachelor's degree, Juris Doctorate degree, and prior experience including public defender employment, law firm employment, and more than a decade operating a successful small firm. Before attending law school, I owned a landscaping business, managed and invested in commercial properties, and was employed in the financial software industry, in coding and implementation positions. In addition to the fulfilment of these basic requirements and additional qualifications, I hope the knowledge, connections and experience I have added in the past two years of my current service as the prosecuting attorney for Laurel may continue to make me ever more effective, and an even stronger candidate for renewal.



I believe that my current two years of service here bolsters the confidence of the Police Department I am honored to support, as well as the people of Laurel. Transition in staff in this role is historically problematic in part due to the significant ongoing caseload, and specific nature of this Court and operations. I have successfully advocated for the City in hundreds of criminal prosecutions during my tenure, one in which the public defender assigned to our Court has changed five times, and been able to guide constantly changing staff while managing the scheduled docket through these transitions. I am proud of the many cases in which I have been able to achieve justice for Laurel residents and obtain restitution for Laurel businesses, and have enjoyed an excellent partnership with Walmart, and support from the corporate headquarters at the Town Pump. Working together to build knowledge and trust with the community is beneficial to establishing positive relationships with law enforcement allowing them to be more effective. Effective law enforcement and prosecution enhances trust and opportunities for our businesses and residents.

I am local resident of the Laurel community, which I believe is helpful in this role due to my close proximity to the Court, the Police Department, and the people who may be charged or victims or witnesses in matters I prosecute. I am personally invested in this community, having lived in the Laurel area for five years, and being an active member of the Legion Auxilliary serving our veterans. I enjoy volunteering for many local causes and events, and have plans to open a new business downtown to encourage more shopping locally, more public art, and to continue to invest the funds I earn from Laurel back into our future.

In this spirit, I recently participated in the contested election for the position of City Court Judge, with the belief that I proposed good ideas on improvements to operations of the City Court, but acknowledging the divergence of opinions and issues that race presented. Recognizing the authorities which I serve, I am committed to serving all of the elected City officials in my role faithfully and effectively, and I am excited to work with the new administration as the City grows, adds opportunities, and advances our services.

Looking towards growth and direction in our City, and very cognizant of the changes in law enforcement this brings as we grow, I have forged a great trust in our police Chief, Stan Langve, during my tenure, and the training and tools his officers bring to the community. I learn from Captain Travis Pitts each time we have a case with new or unusual circumstances, and regard him as my team for research and strategy. My two years' experience working with all of our officers has built trust in each other that may bolster my

application to remain in this role. It is not one with knowledge or ties that can be quickly or easily rebuilt, and should be served by a resident of Laurel. I believe that residents have greater trust in justice that is pursued by their neighbors, with their own community members. Being local also helps me get information and better assess information for investigations, allowing more efficient resolutions to cases.

The Request for Proposal for this position references experience in other areas of City law as desirable, and I currently serve as City Attorney for two smaller municipalities in Carbon County, contracted work I have enjoyed for the past two years in addition to my work in Laurel. I have also worked hard to continue my education in municipal and prosecutorial current applications and developments, attending seminars and conferences on DUI work and municipal legal issues throughout my tenure in Laurel at my own expense. I have enjoyed sharing the materials and discussions after my attendance with my colleagues at the Laurel Police Department and believe we all improve in our performance with these kinds of collaborative, knowledge-sharing activities. If I am selected as the best candidate to continue in my position, I will continue to strive to improve in order to meet the challenges of developments in criminal law and local trends, and the defense attorneys who challenge our prosecutions. I place a high value on continual professional improvement in my position.

In closing, I hope that the material I have provided may highlight my specific qualifications in this competitive process, and will promote confidence in my selection, allowing me to continue in my position prosecuting for the City of Laurel. It is an honor, and a privilege, to perform this service for my community.

Thank you for your time and review.

Respectfully,



Julianne E. Lore



Juliane E. Lore  
709 Roundhouse Drive  
Laurel, Montana 59044  
Phone: (406) 591-7568  
Email: [juliane@lorelaw.us](mailto:juliane@lorelaw.us)

## ***CURRENT***

- 11/2021 – Present      Town of Bearcreek, Montana  
**Town Attorney**  
Guidance to City Council, civil matters, zoning/land issues, water rights.
- 3/2020 – Present      Town of Joliet, Montana  
**Town Attorney**  
Guidance to Council, prosecution, civil matters, land issues, water rights.
- 2/2020 – Present      City of Laurel, Montana  
**Deputy City Attorney, Prosecutor**  
Prosecution of Laurel misdemeanor criminal and traffic matters in City court.
- 2010 – Present      Lore Law Firm PLLC  
**Bankruptcy Attorney**  
*Billings, Montana*  
USC Chapter 7, 12 and 13 bankruptcy counsel, handling personal and corporate bankruptcy filings and financial restructuring.

## ***EXPERIENCE***

- 10/2009 – 10/2010      Patten, Peterman, Bekkedahl & Green  
**Bankruptcy Associate**  
*Billings, Montana*  
USC Chapter 7, 11 and 13 bankruptcy counsel, handling personal and corporate bankruptcy filings and financial restructuring.
- 6/2009 – 8/2009      Center for Constitutional Jurisprudence  
**Of Counsel, U.S. Supreme Court Case 08-1151**  
*Orange, California (Claremont Institute, Chapman Law School)*  
Of counsel for amicus curiae brief filed August 20, 2009 on behalf of Petitioners' property rights, on certiorari to the Supreme Court of Florida.
- 1/2009 - 5/2009      Nevada State Public Defenders Office  
**Deputy Public Defender**  
*Ely, Nevada (Seventh Judicial District)*

6/2008 – 12/2008

Montana State Public Defenders Office  
**Assistant Deputy Public Defender**  
*Miles City/Glendive, Montana (Sixteenth Judicial District)*

## **EDUCATION**

### 2007 **Juris Doctorate**

University of the Pacific - McGeorge School of Law - Sacramento, California

- International Law Program Diplomate
- Wilhem Vis International Arbitration Moot Competition (Vienna, 2007)  
*Honorable Mention, Martin Domke Award (Best Individual Oralist)*
- President, McGeorge chapter of the American Constitution Society (2006)
- Witken Award Winner for Academic Excellence in Agency Law (2005)
- Soroptimists International Scholarship Award Recipient (2007)

### 1994 **Bachelor of Science**

Colorado State University - Fort Collins, Colorado

- Botanical Sciences major
- Officer, Beta Beta Beta Honors Biology Society
- Colorado State Cycling Team member

## **BAR AND COURT ADMISSIONS**

- Montana State Bar Member # 9786
- Federal District of Montana
- Ninth Circuit US Court of Appeals

## **PROFESSIONAL MEMBERSHIPS**

Montana State Bar Association ([www.montanabar.org](http://www.montanabar.org)), Sections: Bankruptcy, Criminal Law

Moot Alumni Association ([www.maa.net](http://www.maa.net))

*Judge, 2008, 2015 Wilhem Vis Moot Competition East/Hong Kong (Memoranda & Oral Arguments)*

*Judge, 2010, 2012 Wilhem Vis Moot West/Vienna (Memoranda & Oral Arguments)*

## **LEGAL VOLUNTEER WORK**

Montana State Bar Association, 2010-2011 Continuing Education CLE Committee

State of Montana / Richland County Council on Aging – Project, Eastern Montana – 2014-2015

## **PERSONAL AFFILIATIONS AND VOLUNTEER WORK**

- American Legion Auxiliary – Laurel, Montana Unit #123
- Daughters of the American Revolution – Julia Hancock Chapter, Lewistown, Montana
- Fergus County Council on Aging – Board Member, 2016-2017

**File Attachments for Item:**

19. Resolution No. R22-29: A Resolution Awarding The Bid And Authorizing The Mayor To Execute All Contract And Related Documents For The Project Known As The Wtp Lift Well Replacement.

**RESOLUTION NO. R22-29**

**A RESOLUTION AWARDING THE BID AND AUTHORIZING THE MAYOR TO EXECUTE ALL CONTRACT AND RELATED DOCUMENTS FOR THE PROJECT KNOWN AS THE WTP LIFT WELL REPLACEMENT.**

WHEREAS, the City of Laurel needs to conduct a Lift Well Replacement, known as the WTP Lift Well Replacement Project (hereinafter “the Project”);

WHEREAS, the City of Laurel has complied with its procurement policy and Montana law by utilizing a competitive bid process to ensure the project cost and firm selected is in the best interests of the City in both quality and price; and

WHEREAS, the City of Laurel sought bids from qualified firms to complete the project by publicly advertising the project pursuant to Montana law; and

WHEREAS, the City of Laurel received a responsive bid from KLE Construction, LLC (hereinafter “KLE”) for the project; and

WHEREAS, KLE’s bid to complete the project is for the total cost of One Million One Hundred Seventeen Thousand Five Hundred Dollars and No Cents (\$1,117,500.00);

WHEREAS, KLE was the lowest qualified bidder, and such bid is attached hereto and incorporated by reference herein; and

WHEREAS, the City of Laurel currently possesses adequate funds to complete the project and it is in the City of Laurel’s best interests to proceed with the project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, that the City Council accepts the bid with KLE and the Mayor is authorized to execute all contract and related documents with KLE for the project known as the WTP Lift Well Replacement, pursuant to the terms and conditions contained in the attached bid for the total cost of One Million One Hundred Seventeen Thousand Five Hundred Dollars and No Cents (\$1,117,500.00).

Introduced at a regular meeting of the City Council on the 14<sup>th</sup> day of June, 2022, by Council Member \_\_\_\_\_.

PASSED and APPROVED by the City Council of the City of Laurel the 14<sup>th</sup> day of June, 2022.

APPROVED by the Mayor the 14<sup>th</sup> day of June, 2022.

CITY OF LAUREL

---

Dave Waggoner, Mayor

ATTEST:

---

Kelly Strecker, Clerk-Treasurer

APPROVED AS TO FORM:

---

Michele L. Braukmann, Civil City Attorney



June 1, 2022  
Nathan Herman  
City of Laurel  
115 W. 1st Street  
Laurel, MT 59044

Re: WTP Lift Well Replacement – Recommendation of Award

Dear Nathan:

Bids for the WTP Lift Well Replacement project were received on May 6, 2021. Two bids were opened and read aloud, with bid amounts being \$1,117,500.00 and \$1,557,150.00. All bids were considered responsive bidders. The bids were checked for mathematical accuracy and one discrepancy was found. Dick Anderson miscalculated the total price of bid item #403 however their total Base Bid amount was correct. Their recalculated bid item #403 amount is \$18,400. The apparent low bidder was KLE Construction, LLC.

Following the bid tabulation analysis, KLJ contacted Great West for a reference on KLE Construction's work on the Absarokee Lagoon project. The reference stated that the work has been acceptable, but the Contractor has been unable to remain on schedule and they have had complaints from suppliers that they are not getting paid on time. KLJ also requested that KLE provide information regarding competency with working near the existing infrastructure. KLE submitted a preliminary shoring and trenching plan that was reviewed by SK Geotechnical and KLJ's structural department for general competency. It was determined that a more detailed submittal will be needed but the preliminary information that was provided was enough to prove competency for the work.

The lowest bidder for the project is KLE Construction, LLC. We recommend the contract for Schedule 1 – Base Bid be awarded to KLE Construction, LLC for \$1,117,500.00. Enclosed is the Notice of Award (NOA) for the City's approval and a Certified Bid Tabulation. Please sign, date, and return four (4) original NOA forms; upon receipt, we will work with KLE Construction, LLC to route final Contracts for the City's approval.

If you have any questions or concerns, please contact me at (406) 373-7244.

Sincerely,

**KLJ Engineering**

A handwritten signature in blue ink, appearing to read 'McKenzie Butcher', written over a horizontal line.

McKenzie Butcher, PE  
Design Engineer

Enclosure(s): Notice of Award  
Certified Bid Tabulation

Project #: 2004-01487  
cc: file

# Notice of Award

Date: 6/1/2022

Project: WTP Lift Well Replacement	
Owner: City of Laurel	Owner's Contract No.: N/A
Contract: Schedule 1 – Base Bid	Engineer's Project No.: 2004-01487
Bidder: KLE Construction, LLC	
Bidder's Address: PO Box 80626	
Billings, MT 59108	

You are notified that your Bid dated May 19<sup>th</sup>, 2022, for the above Contract has been considered. You are the Successful Bidder and are awarded a Contract for the WTP Lift Well Replacement Project.

The Contract Price of your Contract is One Million One Hundred Seventeen Thousand Five Hundred Dollars (\$1,117,500.00).

4 copies of the proposed Contract Documents accompany this Notice of Award.

You must comply with the following conditions precedent within fifteen [15] days of the date you receive this Notice of Award.

1. Deliver to the Owner four (4) fully executed counterparts of the Contract Documents.
2. Deliver with the executed Contract Documents the Contract Security [Bonds] as specified in the Instructions to Bidders (Article 20) and General Conditions (Paragraph 5.01).
3. Other conditions precedent:

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Contract Documents.

City of Laurel

Owner

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

Authorized Signature

\_\_\_\_\_  
Title

Copy to Engineer

**File Attachments for Item:**

20. Resolution No. R22-30: A Resolution Of The City Council Authorizing The Mayor To Execute The Agreement For Provision Of Fire Services By And Between The City Of Laurel And The Laurel Airport Authority



**RESOLUTION NO. R22-30**

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT FOR PROVISION OF FIRE SERVICES BY AND BETWEEN THE CITY OF LAUREL AND THE LAUREL AIRPORT AUTHORITY**

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

Section 1: Approval. The Agreement for Provision of Fire Services for the Laurel Airport Authority, by and between the City of Laurel and the Laurel Airport Authority (hereinafter “the Agreement for Provision of Fire Services”), a copy attached hereto and incorporated herein, is hereby approved.

Section 2: Execution. The Mayor is hereby given authority to execute the Agreement for Provision of Fire Services for the Laurel Airport Authority on behalf of the City.

Introduced at a regular meeting of the City Council on the 14<sup>th</sup> day of June, 2022, by Council Member \_\_\_\_\_.

PASSED and APPROVED by the City Council of the City of Laurel the 14<sup>th</sup> day of June, 2022.

APPROVED by the Mayor the 14<sup>th</sup> day of June, 2022.

CITY OF LAUREL

\_\_\_\_\_  
Dave Waggoner, Mayor

ATTEST:

\_\_\_\_\_  
Kelly Strecker, Clerk-Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
Michele L. Braukmann, Civil City Attorney



# LAUREL FIRE

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

March 16, 2022

Laurel Airport Authority  
PO Box 242  
Laurel, Mt. 59044

Dear Laurel Airport Authority Chairperson,

The Laurel Volunteer Fire Department and the City of Laurel have discussed the upcoming Fire district contracts and other services for the Rural Fire Districts and Fire Service Areas.

We would like to continue to offer a contract with a 4% increase from last year's contract. The increase is due to the rising inflation cost of expenses associated to the fire service. Such increases are for fire apparatus, both new equipment and the maintenance and repair of existing apparatus, personal protective equipment, rising fuel costs and equipment purchases to maintain a highly effective service to our districts.

The proposed increase would be as follows:

Contract Year	Last Contract		% +/-	Increase/ Decrease				Annual Payment
2022- 2023	\$5092.83	x	.04	\$203.71	+	\$5092.83	=	<b>\$5296.54</b>

If your Board of Directors accepts this contract amount, the City of Laurel and the Laurel Fire Department are requesting that the new contracts will be finalized and ready to be presented to the City of Laurel Council before the end of the fiscal year. If you feel that the new rate is unjust and would like to meet with myself or the City of Laurel Mayor, please contact me and arrange a date and time at your convenience to meet.

Enclosed you will find the contract for the next year of service. Please sign and return to the following by April 15, 2022.

Brittney Moorman  
Council Secretary  
PO Box 10  
Laurel, Mt. 59044

Thank you for your support. If there is anything, we can do to help support the Fire District of the Laurel Airport Authority please don't hesitate to call us. Feel free to contact me with any questions or concerns.

Brent S. Peters  
Fire Chief, Laurel Fire Department  
bpeters@laurel.mt.gov  
406-628-4911

**AGREEMENT FOR PROVISION OF FIRE SERVICES  
FOR  
THE LAUREL AIRPORT AUTHORITY**

THIS AGREEMENT is made and entered into this 1<sup>st</sup> day of July, 2022, by and between the City of Laurel, Montana, a municipal corporation, hereinafter referred to as “City” and the Laurel Airport Authority, hereinafter referred to as “the Laurel Airport Authority”.

**WITNESSETH**

WHEREAS, the City maintains a fire department and is willing to provide fire protection, prevention, and investigation services to properties within the Laurel Airport Authority at the same level as such services are provided to properties within the limits of the City, upon the terms and conditions hereinafter provided;

WHEREAS, attached hereto and by this reference made a part hereof, is the Laurel Airport Authority boundary description and map;

WHEREAS, the Laurel Airport Authority desires to obtain the said fire services from the City by entering into a contract with the City for such services.

NOW, THEREFORE, it is agreed by and between the parties hereto as follows:

1. SERVICES

The City will furnish the following services to properties and residents within the Laurel Airport Authority at the same level as such services are provided to properties and residents within the limits of the fire districts served by the City:

- a. fire protection and suppression;
- b. fire prevention; and
- c. fire investigations.

The City further agrees to provide grassland, rangeland, and timberland fire protection services to properties located within the Laurel Airport Authority, at the same level as such services are provided to properties and residents within the limits of the fire districts served by the City.

It is mutually covenanted, agreed, and understood that the amount of equipment, the type of equipment, the number of personnel dispatched, the manner of fighting the fire or explosion, etc., shall be in the sole discretion of the City and its personnel.

It is further mutually covenanted, agreed and understood that, in the event fire, explosion, or emergency calls shall occur simultaneously in the Laurel Airport Authority and within the City’s municipal boundaries, the City shall have priority in using its equipment and manpower to protect the City property first, and that protection of City inhabitants and property shall have preference and priority over any call or demand of the Laurel Airport Authority.

It is further mutually covenanted, agreed, and understood that the Chief of the City of Laurel Fire Department shall conduct the investigation of all fires and/or explosions within the organized fire district and be independently responsible for determining the cause, origin, and circumstances of the same.

The Laurel Airport Authority agrees to cooperate with the City and the City Fire Department in the inspection of the property to be protected and to cooperate in reducing fire risks as may be suggested from time to time by the Fire Department personnel and/or the City Fire Inspector.

2. SERVICE AREA

Fire services will be provided to all properties located within the boundaries of the Laurel Airport Authority as specified in the Agreement, and as amended from time to time by agreement of the parties. Any enlargement of the Laurel Airport Authority will not receive fire service unless approved in writing by the City. The hydrants and water system used for fire suppression by the City will be the sole responsibility for maintenance, care, and upkeep of the Laurel Airport Authority.

3. EFFECTIVE

This Agreement shall be effective on July 1, 2022, and shall terminate on June 30, 2023, subject to the provisions of Section 4.

4. RENEWAL AND EXTENSION

This Agreement may be renewed, with the terms and conditions of the renewal Agreement to be as mutually agreed upon by the parties or, prior to expiration, this agreement may be extended for one or more thirty-day period(s) to provide the parties the opportunity to negotiate a new agreement. The parties may extend the agreement in writing, accepted and signed by both the City's Mayor and an authorized official/agent of the Laurel Airport Authority.

5. CHARGES AND PAYMENTS

The fees for providing services for this Agreement shall be:

July 1, 2022 - June 30, 2023: [\$5,296.54]

One-half of the said fees shall be paid on or before December 31, 2022. The remaining one-half shall be paid on or before June 30, 2023.

6. ANNUAL REPORT

The City will furnish an annual written report to the Laurel Airport Authority, which will include the number and type of incidents responded to within the Laurel Airport Authority by City personnel.

7. MODIFICATION

This Agreement cannot be modified or amended except in writing executed by the parties.

8. TERMINATION

Termination of this Agreement occurs either 1) upon mutual agreement of the parties or 2) upon the termination date contemplated herein. If either party wishes to terminate this Agreement before the termination date, such party shall give written notice to the other party to respond, with the other party's consent or objection, no less than thirty (30) days before the proposed termination.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

CITY OF LAUREL

\_\_\_\_\_  
Dave Waggoner, Mayor

ATTEST:

\_\_\_\_\_  
Kelly Strecker, Clerk/Treasurer

LAUREL AIRPORT AUTHORITY

By Randy Hand  
Chairman

By \_\_\_\_\_

**File Attachments for Item:**

21. Resolution No. R22-31: A Resolution Of The City Council Authorizing The Mayor To Execute The Agreement For Provision Of Fire Services By And Between The City Of Laurel And Yellowstone Boys And Girls Ranch

**RESOLUTION NO. R22-31**

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT FOR PROVISION OF FIRE SERVICES BY AND BETWEEN THE CITY OF LAUREL AND YELLOWSTONE BOYS AND GIRLS RANCH**

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

Section 1: Approval. The Agreement for Provision of Fire Services for the Yellowstone Boys and Girls Ranch, by and between the City of Laurel and the Yellowstone Boys and Girls Ranch (hereinafter “the Agreement for Provision of Fire Services”), a copy attached hereto and incorporated herein, is hereby approved.

Section 2: Execution. The Mayor is hereby given authority to execute the Agreement for Provision of Fire Services for the Yellowstone Boys and Girls Ranch on behalf of the City.

Introduced at a regular meeting of the City Council on the 14<sup>th</sup> day of June, 2022, by Council Member \_\_\_\_\_.

PASSED and APPROVED by the City Council of the City of Laurel the 14<sup>th</sup> day of June, 2022.

APPROVED by the Mayor the 14<sup>th</sup> day of June, 2022.

CITY OF LAUREL

\_\_\_\_\_  
Dave Waggoner, Mayor

ATTEST:

\_\_\_\_\_  
Kelly Strecker, Clerk-Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
Michele L. Braukmann, Civil City Attorney



# LAUREL FIRE

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

March 16, 2022

Yellowstone Boys and Girls Ranch

Dear Yellowstone Boys and Girls Ranch Chairperson,

The Laurel Volunteer Fire Department and the City of Laurel have discussed the upcoming Fire district contracts and other services for the Rural Fire Districts and Fire Service Areas.

We would like to continue to offer a contract with a 4% increase from last year. The increase is due to the rising inflation cost of expenses associated to the fire service. Such increases are for fire apparatus, both new equipment and the maintenance and repair of existing apparatus, personal protective equipment, fuel costs and equipment purchase to maintain a highly effective service to our districts.

The proposed increase would be as follows:

Contract Year	Last Contract		% +/-	Increase/ Decrease			Annual Payment
2022- 2023	\$10,493.03	x	.04	\$419.72	+	\$10,493.03	= <b>\$10,912.75</b>

If your Board of Directors accepts this contract amount, the City of Laurel and the Laurel Fire Department are requesting that the new contracts will be finalized and ready to be presented to the City of Laurel Council before the end of the fiscal year. If you feel that the new rate is unjust and would like to meet with myself or the City of Laurel Mayor, please contact me and arrange a date and time at your convenience to meet.

Enclosed you will find the contract for the next year of service. Please sign and return to the following by April 15, 2022.

Brittney Moorman  
Council Secretary  
PO Box 10  
Laurel, Mt. 59044

Thank you for your support. If there is anything we can do to help support the Fire District of the Yellowstone Boys and Girls Ranch, please don't hesitate to call us. Feel free to contact me with any questions or concerns.

Brent S. Peters  
Fire Chief, Laurel Fire Department  
bpeters@laurel.mt.gov  
406-628-4911



**AGREEMENT FOR PROVISION OF FIRE SERVICES  
FOR  
THE YELLOWSTONE BOYS AND GIRLS RANCH**

THIS AGREEMENT is made and entered into this 1<sup>st</sup> day of July, 2022, by and between the City of Laurel, Montana, a municipal corporation, hereinafter referred to as “City” and the Yellowstone Boys and Girls Ranch, hereinafter referred to as “the Yellowstone Boys and Girls Ranch”.

**WITNESSETH**

WHEREAS, the City maintains a fire department and is willing to provide fire protection, prevention, and investigation services to properties within the Yellowstone Boys and Girls Ranch at the same level as such services are provided to properties within the limits of the City, upon the terms and conditions hereinafter provided;

WHEREAS, attached hereto and by this reference made a part hereof, is the Yellowstone Boys and Girls Ranch boundary description and map;

WHEREAS, the Yellowstone Boys and Girls Ranch desires to obtain the said fire services from the City by entering into a contract with the City for such services.

NOW, THEREFORE, it is agreed by and between the parties hereto as follows:

1. SERVICES

The City will furnish the following services to properties and residents within the Yellowstone Boys and Girls Ranch at the same level as such services are provided to properties and residents within the limits of the fire districts served by the City:

- a. fire protection and suppression;
- b. fire prevention; and
- c. fire investigations.

The City further agrees to provide grassland, rangeland, and timberland fire protection services to properties located within the Yellowstone Boys and Girls Ranch, at the same level as such services are provided to properties and residents within the limits of the fire districts served by the City.

It is mutually covenanted, agreed, and understood that the amount of equipment, the type of equipment, the number of personnel dispatched, the manner of fighting the fire or explosion, etc., shall be in the sole discretion of the City and its personnel.

It is further mutually covenanted, agreed and understood that, in the event fire, explosion, or emergency calls shall occur simultaneously in the Yellowstone Boys and Girls Ranch and within the City’s municipal boundaries, the City shall have priority in using its equipment and manpower to protect the City property first, and that protection of City inhabitants and property shall have preference and priority over any call or demand of the Yellowstone Boys and Girls Ranch.

It is further mutually covenanted, agreed, and understood that the Chief of the City of Laurel Fire Department shall conduct the investigation of all fires and/or explosions within the organized fire district and be independently responsible for determining the cause, origin, and circumstances of the same.

The Yellowstone Boys and Girls Ranch agrees to cooperate with the City and the City Fire Department in the inspection of the property to be protected and to cooperate in reducing fire risks as may be suggested from time to time by the Fire Department personnel and/or the City Fire Inspector.

2. SERVICE AREA

Fire services will be provided to all properties located within the boundaries of the Yellowstone Boys and Girls Ranch as specified in the Agreement, and as amended from time to time by agreement of the parties. Any enlargement of the Yellowstone Boys and Girls Ranch will not receive fire service unless approved in writing by the City. The hydrants and water system used for fire suppression by the City will be the sole responsibility for maintenance, care, and upkeep of the Yellowstone Boys and Girls Ranch.

3. EFFECTIVE

This Agreement shall be effective on July 1, 2022, and shall terminate on June 30, 2023, subject to the provisions of Section 4.

4. RENEWAL AND EXTENSION

This Agreement may be renewed, with the terms and conditions of the renewal Agreement to be as mutually agreed upon by the parties or, prior to expiration, this agreement may be extended for one or more thirty-day period(s) to provide the parties the opportunity to negotiate a new agreement. The parties may extend the agreement in writing, accepted and signed by both the City's Mayor and an authorized official/agent of the Yellowstone Boys and Girls Ranch.

5. CHARGES AND PAYMENTS

The fees for providing services for this Agreement shall be:

July 1, 2022 - June 30, 2023: [\$10,912.75]

One-half of the said fees shall be paid on or before December 31, 2022. The remaining one-half shall be paid on or before June 30, 2023.

6. ANNUAL REPORT

The City will furnish an annual written report to the Yellowstone Boys and Girls Ranch, which will include the number and type of incidents responded to within the Yellowstone Boys and Girls Ranch by City personnel.

7. MODIFICATION

This Agreement cannot be modified or amended except in writing executed by the parties.

8. TERMINATION

Termination of this Agreement occurs either 1) upon mutual agreement of the parties or 2) upon the termination date contemplated herein. If either party wishes to terminate this Agreement before the termination date, such party shall give written notice to the other party to respond, with the other party's consent or objection, no less than thirty (30) days before the proposed termination.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

CITY OF LAUREL


\_\_\_\_\_  
Dave Waggoner, Mayor

ATTEST:

\_\_\_\_\_  
Kelly Strecker, Clerk/Treasurer

YELLOWSTONE BOYS AND GIRLS RANCH

By

  
\_\_\_\_\_  
MICHAEL CHAVELS, CEO

By \_\_\_\_\_

**File Attachments for Item:**

22. Resolution No. R22-32: Resolution Of The City Council Approving An Application For Special Review For S2 Properties, Llc, D/B/A Your Pie, Authorizing The Sale And Consumption Of Beer And Wine On Premises, Within An Existing Structure Located At 102 South 1st Avenue, City Of Laurel, MT.

**RESOLUTION NO. R22-32**

**RESOLUTION OF THE CITY COUNCIL APPROVING AN APPLICATION FOR SPECIAL REVIEW FOR S2 PROPERTIES, LLC, D/B/A YOUR PIE, AUTHORIZING THE SALE AND CONSUMPTION OF BEER AND WINE ON PREMISES, WITHIN AN EXISTING STRUCTURE LOCATED AT 102 SOUTH 1<sup>ST</sup> AVENUE, CITY OF LAUREL, MT.**

WHEREAS, S2 Properties, LLC, d/b/a Your Pie ("Applicant"), submitted a Special Review Application for the above-described property which is currently zoned Highway Commercial (HC) and is located within the Community Entryway Zoning District (CEZD) and the SE 4<sup>th</sup> Street Overlay District within the City of Laurel; and

WHEREAS, the Applicant seeks to sell and allow consumption of beer and wine on its premises, within an existing structure that will be renovated and located at 102 S. 1<sup>st</sup> Avenue, Laurel, MT 59044, to be known as Your Pie, more particularly described as East Yellowstone Sub, S16, T02 S, R24 E, Block 31, Lot 1-6, less highway 102 S. 1<sup>st</sup> Avenue, City of Laurel, Yellowstone County, Montana;

WHEREAS, the Laurel Municipal Code authorizes such action upon City Council approval through the Special Review Procedure; and

WHEREAS, the Applicant submitted an Application for Special Review to the Laurel-Yellowstone City-County Planning Board (acting as the Zoning Commission) for review and consideration; and

WHEREAS, the Laurel-Yellowstone City-County Planning Board (acting as the Zoning Commission) recommends the City Council's approval of the Application for Special Review, subject to the following conditions:

1. Any applicable permits, including but not limited to building permits, sign permits, and right-of-way permits must be applied for within twelve (12) months of the approval.
2. A signage plan shall be provided to the Planning and Building Departments that conforms to the requirements of the Laurel Sign Code and signage requirements of the overlay districts wherein the property is located.
3. Construction of any improvements to the site and building must be completed within twelve (12) months of approval of the Application for Special Review. Applicant may request an extension if necessary.

4. The operation of the business at the site shall not be done in such a manner as to cause a nuisance.
5. Any use of the property not specifically included in this approval or allowable within its underlying zoning district shall be deemed a violation of the Laurel Zoning Code.
6. Any subsequent use or change of use associated with this Application for Special Review shall require Applicant to submit additional documentation to the City of Laurel for subsequent processing and approval or denial.

WHEREAS, a public hearing was held on the 14<sup>th</sup> day of June, 2022 at the City Council Meeting;

WHEREAS, the City Council of the City of Laurel hereby finds, based upon the recommendation of the Zoning Commission, Staff recommendation, and public comment gathered at the public hearing, that it is in the best interests of the residents of the City of Laurel to approve the Application for Special Review as provided in the Staff Report and Findings attached hereto, subject to the above stated conditions.

NOW THEREFORE, BE IT RESOLVED that the City Council hereby approves the Application for Special Review to allow the Applicant to sell and allow consumption of beer and wine on its premises, located at 102 S. 1<sup>st</sup> Avenue, Laurel, MT 59044, to be known as Your Pie; and

BE IT FURTHER RESOLVED that the approval of the Application for Special Review is site-specific to this address, and the approval granted herein is subject to the conditions listed in this Resolution, the Staff Report, and all attachments thereto;

FINALLY, BE IT RESOLVED that the Application for Special Review, Staff Report, and all attachments thereto are hereby incorporated as part of this Resolution.

Introduced at a regular meeting of the City Council on the 14<sup>th</sup> day of June, 2022, by Council Member \_\_\_\_\_.

PASSED and APPROVED by the City Council of the City of Laurel the 14<sup>th</sup> day of June, 2022.

APPROVED by the Mayor the 14<sup>th</sup> day of June, 2022.

CITY OF LAUREL

---

Dave Waggoner, Mayor

ATTEST:

---

Kelly Strecker, Clerk-Treasurer

APPROVED AS TO FORM:

---

Michele L. Braukmann, Civil City Attorney

CITY HALL  
115 W. 1<sup>ST</sup> ST.  
PLANNING: 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 City Planner

## Application for Special Review

The undersigned as owner or agent of the following described property requests a Special Review as outlined in Chapter 17 of the Laurel Municipal Code.

Applicant: Your Pie  
Legal Description: East Yellowstone Subd., S16, T02S, R24 E, Block 31, Lot 1-6  
General Address: 101 W 1<sup>st</sup> St. S. Laurel, MT 59044  
Owner of Tract: SZ Properties LLC  
Mailing Address: 4116 Carbn Dr. Billings, MT 59106  
Phone Number: 406-697-4067  
Email Address: pswenson@yourpie.com

General Description of the requested Special Review:

We're requesting special review to sell beer and wine at Your Pie Pizza in this location.

Timeline for development:

We're hoping to open in August of this year.

Attachments:

\_\_\_\_\_ Site Map (printed on at least 11"x17" in paper size showing dimensions, acreage and location of tracts in question)

\_\_\_\_\_ Site Plan (printed on at least 11"x17" paper size including: property boundaries and lot line dimensions, the location of proposed/existing structures, off-street parking, site elevations, service and refuse areas, means of ingress and egress, landscaping, screening, signs and open space areas, and latitude and longitude of the site.)

\_\_\_\_\_ Justification letter describing the special review requested and reasoning

\_\_\_\_\_ Map of all properties within 300 feet of the property

\_\_\_\_\_ List of the names and addresses of the property owners and/or agents for all parcels within 300 feet of the parcel under Special Review. (City staff can assist with this process)

\_\_\_\_\_ Special Review fee as per Laurel Schedule of Fees.

Applicant Signature: Patricia Swanson

Date: 04/29/22



**CITY HALL**  
115 W. 1<sup>ST</sup> ST.  
PLANNING: 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 City Planner

## Instructions for Special Review Applications

Special Review applications are reviewed by the Laurel City-County Planning Board, which acts as the City Zoning Commission for Special Reviews. The Zoning Commission shall make a recommendation to the Laurel City Council for final approval, approval with conditions, or denial of the application. The City Council has the final authority to grant or deny application requests.

1. Applications must be received on or before the 1<sup>st</sup> of the month to be considered at the following month's meeting.
2. Application forms and supporting documents must be completely filled out, printed legibly or typed, with sufficient detail for the Zoning Commission and City Council to make a decision on the matter.
3. If new construction or a change in the use of the property is contemplated, building and/or development plans shall be submitted with the application.
4. Applications must be submitted to the Planning Department with the applicable fee as noted in the most recent Schedule of Fees.
5. A public hearing is required to be held for all Special Review applications.
6. The City will notify all property owners listed within the 300-foot radius and a legal ad will be published at least 15 days prior to the public hearing.
7. The Laurel Zoning Commission meets the 3<sup>rd</sup> Wednesday of the month at 5:35PM at the Laurel City Council Chambers. The applicant or a representative of the applicant must be present at the public hearing.
8. Recommendations of the Laurel City-County Planning Board shall be provided to the Laurel City Council for their review and final Approval, Conditional Approval, or Denial of the application.

### Justification Letter

S2 Properties LLC is formally requesting a special review for the property located at 101 West 1 Street South. We're planning on bringing a pizza franchise called Your Pie to this location and we are requesting to be able to sell beer and wine. I have owned and operated Your Pie in Billings since October of 2017. We have responsibly served beer and wine at that location in that time. We are excited about the opportunity to come to Laurel and hope that we can be a great addition to an already amazing community.

Best Regards,

Parker and Randy Swenson



Rapid Tire Inc. 101

Montana Rail Link

W Railroad St

Lot size:  
20,405 sq. ft.

E Railroad St

118

B01394  
102

B00456

Mcdonald Land Holdings LLC

103

D02731

City

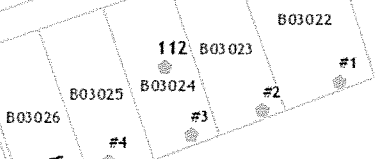
S 1st Ave

124

B01396

Zane C Dawson Trust

Lisa Pelican



Pioneer Plaza Condominium

ABS MT-C

116

Samuel and Lorna Stokke

Locomotion Fitness Center Inc.

122

301399

Locomotive Inn and Casino Inc.

B00447

B01392

226

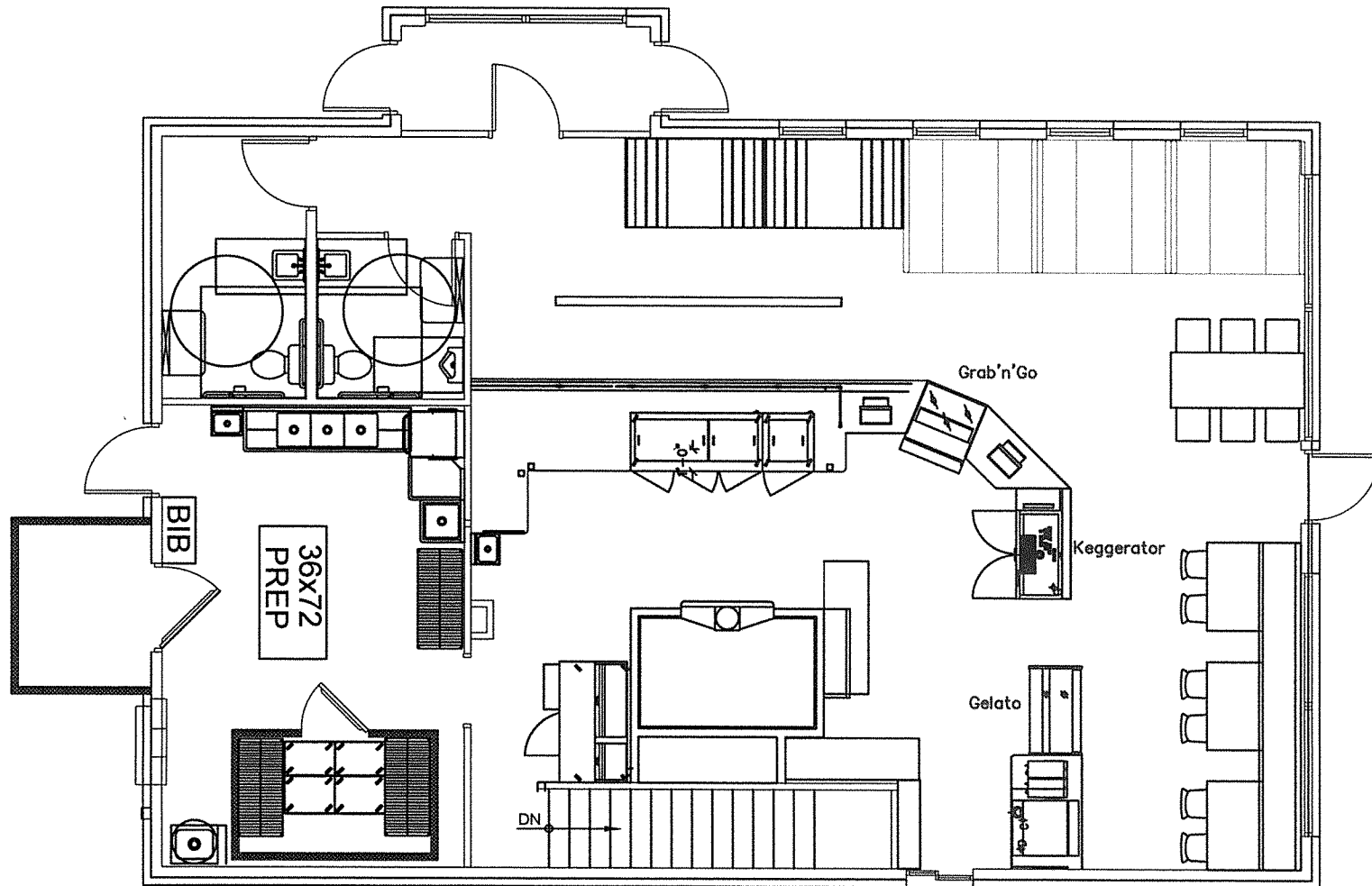


# Existing Building will be kept.

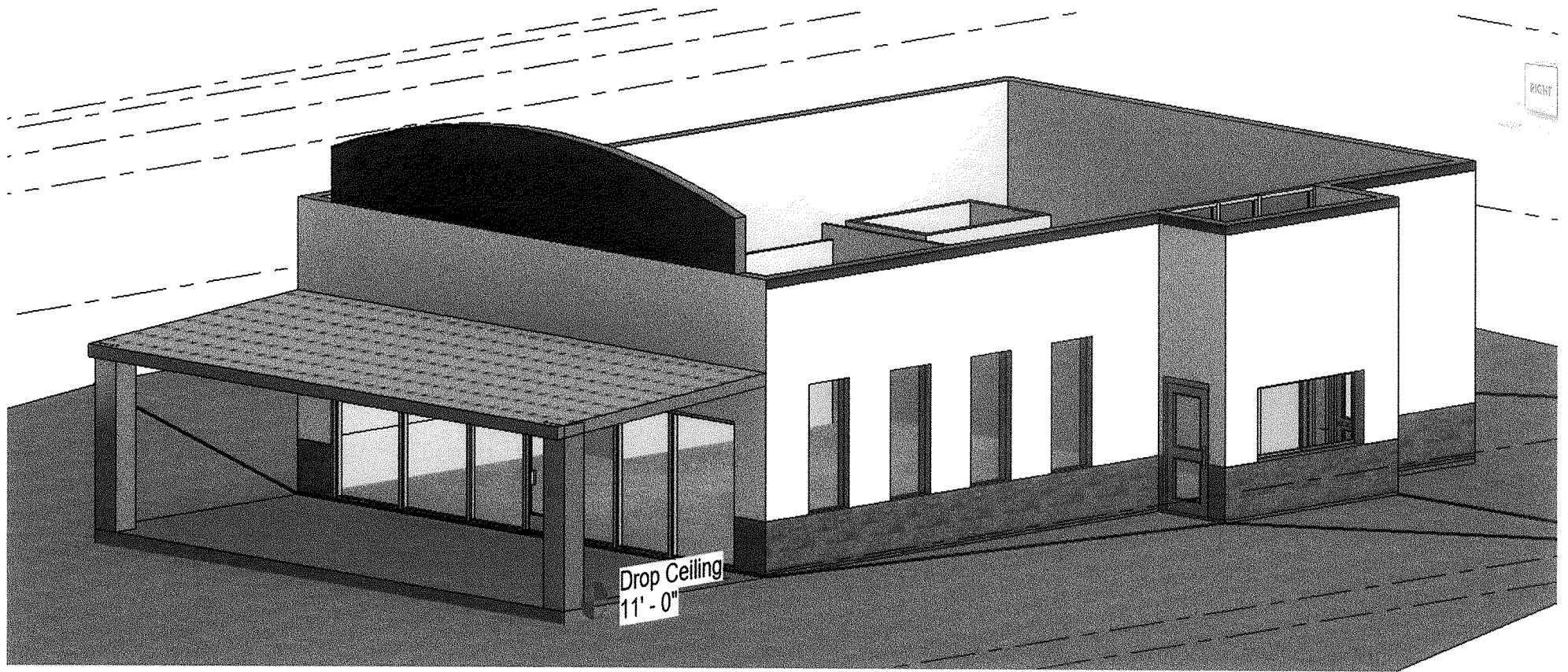




# Proposed floorplan



# Proposed Exterior Remodel







## LAUREL CITY-COUNTY PLANNING DEPARTMENT

### STAFF REPORT

TO: Laurel City-County Planning Board and Zoning Commission  
FROM: Kurt Markegard  
PROJECT: Special Review Application for “Your Pie” 102 South 1<sup>st</sup> Avenue  
DATE: May 16<sup>th</sup>, 2022

#### DESCRIPTION OF REQUEST

An application for Special Review was submitted by S2 Properties LLC. for the property at 102 S. 1<sup>st</sup> Avenue in Laurel. The property owner plans to renovate the currently vacant commercial building to operate a new food establishment. The property is located within the Highway Commercial (HC) zoning district, as well as the Community Entryway Zoning District (CEZD) and the SE 4<sup>th</sup> Street Overlay District. The Laurel Municipal Code requires all cocktail lounges, restaurants, bars and taverns located in the Highway Commercial (HC) zoning district to go through the Special Review process prior to the start of operations. An approval of the special review application would allow the sale of beer and wine within a restaurant.

Owner: S2 Properties LLC.  
Legal Description: East Yellowstone Sub, S16, T02 S, R24 E, BLOCK 31, Lot 1 - 6, less highway  
Address: 102 S 1<sup>st</sup> Ave, Laurel, MT 59044  
Parcel Size: 20,405sqft  
Existing Land Use: Commercial, currently vacant building  
Proposed Land Use: Restaurant  
Existing Zoning: Highway Commercial (HC), Community Entryway Zoning District (CEZD), SE 4<sup>th</sup> Street Overlay District

#### BACKGROUND AND PROCEDURAL HISTORY

- Randy and Parker Swenson contacted the Planning department about opening a new restaurant called “Your Pie” in March 2022 in the former location of “Taco John’s”.
- Kurt Markegard visited the Billings location of “Your Pie” and realized that they serve beer at their restaurant. Kurt called and informed Randy and Parker that they would need a special review for alcohol sales as part of their restaurant in Laurel.
- Parker Swenson submitted the application for special review on April 29, 2022.

- May 18, 2022: Public Hearing scheduled at the Planning Board and Zoning Commission for the Special Review.

#### STAFF FINDINGS

- The applicant has applied for the operation of a restaurant that will serve alcohol at the property of 102 S 1<sup>st</sup> Avenue.
- The application contains all the necessary information to move forward to review by Planning Board and City Council.
- The proposed use of the building is changing from a restaurant to a restaurant that will sell alcohol.
- The building is near other establishments operating with alcohol beverage licenses.
- The applicant seeks to renovate a currently vacant commercial building and place it into productive use.

#### PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

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

- A. *After presentation to the zoning commission of the request for special review by the applicant, the zoning commission shall make a recommendation to the city council to:*
  1. *Grant the application for special review;*
  2. *Deny the application;*
  3. *Delay action on the application for a period not to exceed thirty days; or*
  4. *Grant the application subject to conditions and recommendations and give the reasons therefor.*
- B. *Before approving a special review use, the zoning commission shall find that the contemplated use(s):*
  1. *Complies with all requirements of this section;*
  2. *Is consistent with the objectives and purposes of this title and the Laurel comprehensive planning process;*
  3. *Is compatible with surrounding land use or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects;*
  4. ***Further the zoning commission shall consider and may impose modifications or conditions concerning, but not limited to the following:***
    - a. *Street and road capacity,*
    - b. *Ingress and egress to adjoining streets,*
    - c. *Off-street parking,*
    - d. *Fencing, screening and landscaping,*
    - e. *Building bulk and location,*
    - f. *Usable open space,*
    - g. *Signs and lighting,*

**h. Noise, vibration, air pollution and similar environmental influences.**

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

17.68.50 - City council action.

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

**RECOMMENDATIONS**

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

1. Any applicable permits, including but not limited to building permits, sign permits, and right-of-way permits must be applied for within twelve (12) months of special review approval.
2. A signage plan shall be provided to the Planning Department and Building Department that conforms to the requirements of the Laurel Sign Code and signage requirements of the overlay districts wherein the property is located.
3. Construction of any improvements to the site and building must be completed within twelve (12) months of special review approval.
4. The operation of the site shall not be done in such a manner as to be a nuisance.
5. Any use of the property not specifically included in this approval or allowable within its underlying zoning district shall be deemed a violation of the laurel Zoning Code.
6. Any subsequent use or change of use associated with this special review shall submit additional documentation to the City for subsequent processing and approval or denial.

**ATTACHMENTS**

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



**AGENDA  
CITY OF LAUREL  
CITY/COUNTY PLANNING BOARD  
WEDNESDAY, MAY 18, 2022  
5:35 PM  
CITY COUNCIL CHAMBERS**

Meeting called to order at 5:35 PM.

**Roll Call:**

Present:

Evan Bruce	Jon Klasna	Judy Goldsby (Chair)	Karen Courtney (Advisory)
Dan Koch	Gavin Williams	Roger Giese	

Absent:

Ron Benner

**General Items**

1. Approval of April 20, 2022, minutes.  
Correction of Evan Bruce's name on page 3 of minutes.  
Jon motioned to approve; Dan seconded  
Judy stated the corrections needing to be made. Karen stated that she will make those changes.  
Judy accepted motion to approve pending required changes.  
Motion passes 6-0.

**New Business**

2. Beartooth Tax Sign Permit Application - 319 1st Avenue

Karen stated this is a nonilluminated building letters only. Sign does meet sign code requirements and Building Department recommends approval of sign permit.

Gavin motioned to approve; Evan seconded  
Jon stated that he believed their sign was already up. Karen stated that this was a sign rebranding/refresh.  
Motion passes 6-0

3. Chen's Express Sign Permit Application - 415 S. 1st Avenue Suite A

Karen presented the sign application, has been reviewed for compliance with sign code. Building department recommends approval of sign permit.

Jon asked if some were lighted and others not. Evan stated that it states that all signs will be illuminated.  
Jon motioned to approve; Evan seconded  
Motion passes 6-0

4. Chase Bank ATM Sign Permit Application - 415 S. 1st Avenue

Karen presented the sign application. Signing does meet the sign code requirements. Building Department recommends approval of sign permit.

Evan stated that it does not state whether it is illuminated or not. Karen stated that she believes just

the chase bank logo on top will be illuminated. Jon stated that he would assume they will have lighting over the kiosk for security. Karen stated that he is correct.

Gavin motioned to approve; Dan seconded  
Motion passes 6-0

5. Public Hearing: Cassie Page Variance Request - 319 3rd Avenue

Judy stated that what was listed on the application and what was listed on Montana Cadastral was not matching. Asked Cassie for clarification. Cassie stated it is approximately 1900 Sq. ft on 2 levels. Judy asked what sq footage the main level was and if it had a full basement. Cassie did not have exact footage for main level and stated that the basement is only a partial basement She believed main floor is approximately 1000 sq ft. She stated that the upstairs has 3 bedrooms. Judy thanked her for the clarification.

Karen presented the history behind the variance request. Building department was contacted about the desire to do an addition onto the back portion of house. The house was built prior to the current setbacks that adopted, the addition that they were wanting would be in line with the existing house. This would be a 6' setback from side adjacent to street rather than the now required 20'. Therefore, Cassie came in and requested a variance from the required 20' setback. Building and planning departments have no issue with the addition as it is not affecting neighboring property, clear vision triangles or sight obstructions. Planning Department does recommend approval of this variance request. Karen did go over the 7 items outlined in LMC 17.60.020 – Land Use variances issuance and denial (attached to these minutes).

Judy called for Proponents.

Cassie Page – Would just like to add onto existing house, if required to meet the setbacks it would be in the middle of the yard, and they would be unable to add onto their home. Therefore, they are asking for approval of their request.

Judy called for any more proponents, second call for proponents. None heard.

Judy called for Opponents, second call for opponents, third call for opponents. None heard, public hearing closed.

Board discussion. Roger asked about the addition being 17' x 11' will this be a conventional 8' tall addition? Cassie stated that it will only be one story. Just wanting to add a closet and bathroom. Jon asked when they planned on starting. Cassie stated as soon as they are allowed.

Jon motioned to approve; Evan seconded.

Motion passes 6-0. Variance will move on to City Council.

6. Public Hearing: Your Pie Special Review - 102 S. 1st Avenue

Karen explained the correction of the address of the property, therefore explaining the difference on application and staff report. Karen presented the staff report concerning the Special review application.

Judy stated that there did not appear to be any representatives of Your Pie present to speak to. She does have a question about what appears to be a drive thru as part of their building plan? Karen stated that she had not seen any plans for how they plan on renovating the building. If the drive thru is kept it would not be a point to pick up alcohol. Karen's understanding is that the alcohol served is strictly on premises sale and consumption. Karen stated that if the drive thru

window was kept it would be for pizza order pick up.

Gavin stated that it does not appear that they will have that much seating space. Karen stated it did appear that they were planning on putting an awning on the front of the building, this may be for some additional outdoor seating. Again, there have been no building plans submitted at this time. At time of plan review it would be determined if the extension would be allowed or not. Judy asked if that would make a difference in the availability of alcohol, and would it be addressed then? Karen stated that it would not change anything as to the serving of alcohol. Dan stated that he believed that there was a code that determined the amount of parking spaces you would need based on the occupant load/capacity. How is this going to be addressed. It was discussed that there is a lot more parking in the back, plus the 10 spots up front. Karen did state that Kurt Markegard had been the person on contact with the owners, however he was unable to attend the meeting tonight. The parking would need to be addressed when building plans were submitted. Roger asked if any plans had been received yet? Karen stated that she has not seen any. Roger stated that with having no plans submitted and nobody present to speak on their behalf that it be denied at this time until more information is given.

Judy called for any proponents three times. None heard.

Judy called for any opponents three times. None Heard. Public hearing closed.

Judy asked for clarification that the special review that was before the board was only for the sell and consumption of alcohol on premises. Karen stated that yes it was only for the sell and consumption of alcohol on premises. Judy asked for any other discussion.

Gavin motioned to approve; Jon seconded.

Motion carries 5-1, Roger Giese opposed.

### **Old Business**

Judy announced that Karen Courtney would be leaving the City's employ. Karen stated that it has been wonderful working with the Planning Board. Karen will be going to work for the State of Montana as a multi-discipline building inspector. Last day with the city will be May 27<sup>th</sup>.

### **Other Items**

#### 7. Next Meeting: June 15, 2022

Karen stated that Forrest had requested that she announce that there are two items on the agenda for the June 15<sup>th</sup> meeting. There will be an annexation and a 1 lot minor subdivision. Gavin stated he would not be able to attend the June meeting due to other commitment. Board asked about the subdivision and annexation. Karen stated the Beehive subdivision out past the T/A and old meat processing plant will be like what was proposed to lift ag restriction like Miller Minor. Annexation she believes is the Hull annexation which is over by where they are building across from library. Forrest is reviewing these items at this time but will be on next meeting agenda.

Question asked if any more applicants for planner position. Karen stated not that she is aware of at this time.

### **Announcements**

#### 8. Motion to adjourn

Gavin motioned to adjourn; Dan seconded. Meeting adjourned 6:10 PM.





**File Attachments for Item:**

23. Resolution No. R22-33: Resolution Of The City Of Laurel City Council Granting A Variance From The City's Zoning Regulations To Allow The Property Owner To Construct An Addition On The Home At 319 3<sup>rd</sup> Avenue, Laurel Mt, Which Shortens The Twenty-Foot Setback To A Six-Foot Setback



**RESOLUTION NO. R22-33**

**RESOLUTION OF THE CITY OF LAUREL CITY COUNCIL GRANTING A VARIANCE FROM THE CITY'S ZONING REGULATIONS TO ALLOW THE PROPERTY OWNER TO CONSTRUCT AN ADDITION ON THE HOME AT 319 3<sup>RD</sup> AVENUE, LAUREL MT, WHICH SHORTENS THE TWENTY-FOOT SETBACK TO A SIX-FOOT SETBACK**

WHEREAS, the Property Owner Cassie Page (hereinafter "the Property Owner") presently owns a home at 319 3<sup>rd</sup> Avenue, Laurel, MT (hereinafter "the Residential Property"); and

WHEREAS, the Residential Property is currently subject to a setback under the City of Laurel Zoning Regulations, restricting construction to a twenty-foot setback; and

WHEREAS, the Property Owner currently seeks a variance to allow her to construct an addition onto the back portion of the home situated on the Residential Property which will result in a six-foot setback; and

WHEREAS, the Property Owner submitted her request for a variance to the Laurel-Yellowstone City-County Planning Board; and

WHEREAS, the Laurel-Yellowstone City-County Planning Board, sitting as the Zoning Commission, held a public hearing on the matter and no protests were made to the request and the Property Owner testified in support of her requested variance; and

WHEREAS, the Laurel-Yellowstone City-County Planning Board, sitting as the Zoning Commission, considered all of the documentary evidence in the applicant's file and the testimony of the Property Owner and recommends the approval of the variance based on the reasoning and rationale contained in the meeting minutes; and

WHEREAS, the City Council of the City of Laurel hereby adopts the findings of the Zoning Commission as contained in the Commission's meeting minutes, and further the City Council finds it is in the best interests of the residents of the City of Laurel to allow the variance since:

1. allowing the variance in this case relates only to a special condition that is specific to the applicant;
2. the current hardship was not created by the applicant;
3. the variance requested appears to be within the spirit, intent and purpose of the zoning regulations; and
4. granting the variance will not injure or result in an injustice to others.

NOW THEREFORE, BE IT RESOLVED that the Property Owner's request for a variance is hereby approved for the property located at 319 3<sup>rd</sup> Avenue, Laurel, MT, allowing a six-foot setback for construction of an addition onto the back portion of the home situated on the Residential Property; and

BE IT FURTHER RESOLVED, that the variance is site specific to this address.

Introduced at a regular meeting of the City Council on the 14<sup>th</sup> day of June, 2022, by Council Member \_\_\_\_\_.

PASSED and APPROVED by the City Council of the City of Laurel the 14<sup>th</sup> day of June, 2022.

APPROVED by the Mayor the 14<sup>th</sup> day of June, 2022.

CITY OF LAUREL

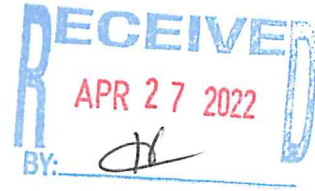
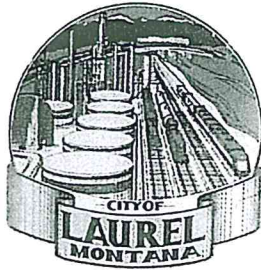
\_\_\_\_\_  
Dave Waggoner, Mayor

ATTEST:

\_\_\_\_\_  
Kelly Strecker, Clerk-Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
Michele L. Braukmann, Civil City Attorney



### Laurel Variance Request Application

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

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

1. Name of property owner: Cassie Page
2. Name of Applicant if different from above: \_\_\_\_\_
3. Phone number of Applicant: 406-208-6795
4. Street address and general location: 319 3rd Ave, Laurel MT 59044
5. Legal description of the property: Laurel Heights Sub, S09, T02, S, R24, E, b1a-22, Lot 11-12
6. Current Zoning: Residential L6000
7. Provide a copy of covenants or deed restrictions on property.

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

Signature of Applicant: Cassie Page

Date of Submittal: 4/18/22

STATE OF MONTANA  
COUNTY OF YELLOWSTONE


I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I HAVE CHECKED  
THE RECORDS (5 PAGES) IN MY OFFICE FROM (02/25/2022) TO (04/25/2022)  
AND THE LISTED PEOPLE ARE THE OWNERS OF RECORD FOR THE  
ENCLOSED LISTED PROPERTY.

SIGNED AND SEALED THIS 26th DAY OF APRIL 2022.

73 NAMES	\$ 36.50
CERTIFY	<u>2.00</u>
TOTAL	\$ 38.50

JEFF MARTIN  
CLERK & RECORDER OFFICE  
YELLOWSTONE COUNTY

BY

  
\_\_\_\_\_

RAECHELLE GROSS / RECORDING CLERK

Date: 04/25/2022  
 Time: 09:13:24  
 Oper: rgarza

Yellowstone County  
 TA Reports - Parcel Master List

Page: 1

RANGES: TAX YEAR: (R) 2022 - 2022  
 PARCEL# : (L) B00555, B00556, B00557,  
 B00558, B00559, B00560, B00562,  
 B00563, B00564, B00565, B00566,  
 B00567, B00568, B00569, B00570,  
 B00571, B00572, B00573, B00574,  
 B00575, B00576, B00577, B00578,  
 B00579, B00580, B00581, B00582,  
 B00626, B00628, B00633, B00634,  
 B00635, B00636, B00637, B00638,  
 B00639, B00639A, B00642, B00643,  
 B00644, B00645, B00655, B00657

TAX TYPE: (A)  
 LEVY DISTRICT: (A)  
 SUB-LEVY DIST: (A)  
 MISC CODE : (A)  
 LIST CODE: (A)

OPTIONS: SORT ORDER: N INCL RANGES/OPTIONS?: Y

Tax Code	Owner/Mailing Address	Legal Description	Levy Dist	Sub Dist	Tax Type
B00567	ALTMAN, TODD A & CASSIE L 319 3RD AVE LAUREL MT 59044-3043	03-0821-09-3-26-06-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 2, Lot 11 - 12	7	RE	<i>Cassie L Page ✓ Austin Page ✓ 319 3rd Avenue Laurel, mt 59044-3043</i>
B00581	ANGELL, ZEB & ANDREA L 307 4TH AVE LAUREL MT 59044-2610	03-0821-09-3-25-09-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 17 - 18	7	RE	
B00572	BEHM, ALEX DUANE & ANNETTE L 226 LAURMAC LN LAUREL MT 59044-1703	03-0821-09-3-26-11-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 2, Lot 19, E50 FT LT 19-20	7	RE	
B00571	BEHM, ALEX DUANE & ANNETTE LUCY 226 LAURMAC LN LAUREL MT 59044-1703	03-0821-09-3-26-10-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 2, Lot 19, W90 FT LT 19-20	7	RE	
B00635	BRADSHAW, SHAWN 311 W 4TH ST LAUREL MT 59044-2731	03-0821-09-3-32-11-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 8, Lot 19, E49' LTS 19-20	7	RE	
B00637	BROWN, BECKY M 404 2ND AVE LAUREL MT 59044-2727	03-0821-09-3-33-02-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 9, Lot 3, S2 LT 4	7	RE	
† B00573	BROYLES, PARKER JACOB & REBEKAH ASHLEY 302 3RD AVE	03-0821-09-3-25-01-0000 LHS LAUREL HEIGHTS SUBD	7	RE	

Date: 04/25/2022  
Time: 09:13:24  
Oper: rgarza

Yellowstone County  
TA Reports - Parcel Master List

Page: 2

Tax Code	Owner/Mailing Address	Legal Description	Levy Dist	Sub Tax Dist	Tax Type
	LAUREL MT 59044-3044	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 1 - 2			
B00574 /	CARPENTER, DALTON 306 3RD AVE LAUREL MT 59044-3044	03-0821-09-3-25-02-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 3, &S2 L: 4	7		RE
B00558	EASTERDAY, KAREN LEE 309 2ND AVE LAUREL MT 59044-3037	03-0821-09-3-27-09-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 1, Lot 16	7		RE
B00570	ENRIQUEZ, MANUEL H & DARLENE J 309 3RD AVE LAUREL MT 59044-3043	03-0821-09-3-26-09-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 2, Lot 17 - 18	7		RE
B00642	FINK, JACQUELINE J FINK TERRY R & JACQUELINE J 207 S 4TH ST LAUREL MT 59044-3260	03-0821-09-3-33-07-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 9, Lot 13 - 14	7		RE
B00582	GOGGINS, JULIE 319 W 3RD ST LAUREL MT 59044-3048	03-0821-09-3-25-10-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 19 - 20	7		RE
B00569	GUERRERO, JOSE A & RANDI L 311 3RD AVE LAUREL MT 59044-3043	03-0821-09-3-26-08-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 2, Lot 15 - 16	7		RE
B00576	OUSLEY, AMANDA L HALL, RICKY & 316 3RD AVE LAUREL MT 59044-3044	03-0821-09-3-25-04-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 7 - 8, & S2 LT 9	7		RE
B00555	HARMON, MATTHEW 319 2ND AVE LAUREL MT 59044-3037	03-0821-09-3-27-06-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 1, Lot 11, & N2 LT 12	7		RE
B00643	HATTEN, MARION R & JAMES F 409 3RD AVE LAUREL MT 59044-2728	03-0821-09-3-33-08-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 9, Lot 15 - 16	7		RE
B00565	HEINEMANN, CALEN SAUL & MIKELL 316 2ND AVE LAUREL MT 59044-3038	03-0821-09-3-26-04-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 2, Lot 7 - 8	7		RE

Date: 04/25/2022  
Time: 09:13:25  
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Yellowstone County  
TA Reports - Parcel Master List

Page: 3

Tax Code	Owner/Mailing Address	Legal Description	Levy Dist	Sub Dist	Tax Type
B00564	HOHENBERGER, KIRK PO BOX 45 WESTBY MT 59275-0045	03-0821-09-3-26-03-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 2, Lot 5 - 6	7		RE
B00633	HUNT, LORIE 405 4TH AVE LAUREL MT 59044-2301	03-0821-09-3-32-09-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 8, Lot 17 - 18	7		RE
B00580	IVERSON, SHARON M 1302 24TH ST W # 290 BILLINGS MT 59102-3861	03-0821-09-3-25-08-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 15 - 16	7		RE
B00578	DECKER, JOHN WILBUR & COLETTE FRIEDLY JOHN & COLETTE DECKER LIVING TRUST 1225 LONGVIEW RD LAUREL MT 59044-1864	03-0821-09-3-25-06-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 11 - 12	7		RE
B00657	KAUTZ, GLENN 401 2ND AVE LAUREL MT 59044-2726	03-0821-09-3-34-12-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 10, Lot 18 - 20, (08)	7		RE
B00638	LAWSON, SHIRLEY A 406 2ND AVE LAUREL MT 59044-2727	03-0821-09-3-33-03-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 9, Lot 5, & N2 LT 4	7		RE
B00566	MANN, ROBERT C & TRACY E 320 2ND AVE LAUREL MT 59044-3038	03-0821-09-3-26-05-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 2, Lot 9 - 10	7		RE
B00634	MASTERSON, JEANNE C 401 4TH AVE LAUREL MT 59044-2301	03-0821-09-3-32-10-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 8, Lot 19, W91 FT LT 19-20	7		RE
B00557	JONES, LINDSEY MCNEILEY, TODD & 311 2ND AVE LAUREL MT 59044-3037	03-0821-09-3-27-08-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 1, Lot 15	7		RE
B00556	MICHAEL, SUSAN K MICHAEL, LAURIE A & 317 2ND AVE LAUREL MT 59044-3037	03-0821-09-3-27-07-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 1, Lot 12, LT 13-14 S2 LT 12	7		RE
B00575	MOORE, GERALD L & MALLARD, JOY A 308 3RD AVE LAUREL MT 59044-3044	03-0821-09-3-25-03-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E,	7		RE

Date: 04/25/2022  
 Time: 09:13:25  
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Yellowstone County  
 TA Reports - Parcel Master List

Page: 4

Tax Code	Owner/Mailing Address	Legal Description	Levy Dist	Sub Dist	Tax Type
		BLOCK 3, Lot 4, LT 5-6 N2 LT 4			
B00577	PASTIAN, RANDALL L 320 3RD AVE LAUREL MT 59044-3044	03-0821-09-3-25-05-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 10, & N2 LT 9	7		RE
B00628	PETERSON JOHN PO BOX 45 HUNTLEY MT 59037-0045	03-0821-09-3-32-04-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 8, Lot 7 - 8, & N20 FT LT 6	7		RE
B00639	SALVESON, WAYNE P 412 2ND AVE LAUREL MT 59044-2727	03-0821-09-3-33-04-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 9, Lot 6 - 7, (11)	7		RE
B00639A	SALVESON, WES D 414 2ND AVE LAUREL MT 59044-2727	03-0821-09-3-33-14-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 9, Lot 8, (11)	7		RE
B00636	SCHLEINING, LARRY E & TRACY 402 2ND AVE LAUREL MT 59044-2727	03-0821-09-3-33-01-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 9, Lot 1 - 2	7		RE
B00644	SEYMOUR, ROBBIE & BREANNA 4636 N WOODHAVEN WAY BILLINGS MT 59106-2400	03-0821-09-3-33-09-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 9, Lot 17 - 18	7		RE
B00645	SWAN, STEPHEN E 401 3RD AVE LAUREL MT 59044-2728	03-0821-09-3-33-10-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 9, Lot 19 - 20	7		RE
B00626	UNITED METHODIST CHURCH PO BOX 1055 LAUREL MT 59044-1055	03-0821-09-3-32-01-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 8, Lot 1 - 5, & S10 FT LT 6	7		RE
B00655	WARD, WENDY L 407 2ND AVE LAUREL MT 59044-2726	03-0821-09-3-34-10-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 10, Lot 16, LT 17 S2 LT 16	7		RE
B00568	ZEPEDA, ARTI M (1/3 INT) MEIDINGER, ROBERT A (RLE) MEIDINGER, JERILYN K (RLE) MEIDINGER, AARON A (1/3 INT) WEBINGER, MICHAEL B (1/3 INT) 315 3RD AVE	03-0821-09-3-26-07-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 2, Lot 13 - 14	7		RE

*Brian DeForrest  
 Rebecca DeForrest  
 4636 N Woodhaven Way  
 Billings MT 59106-2400*



Date: 04/25/2022  
Time: 09:13:25  
Oper: rgarza

Yellowstone County  
TA Reports - Parcel Master List

Page: 5

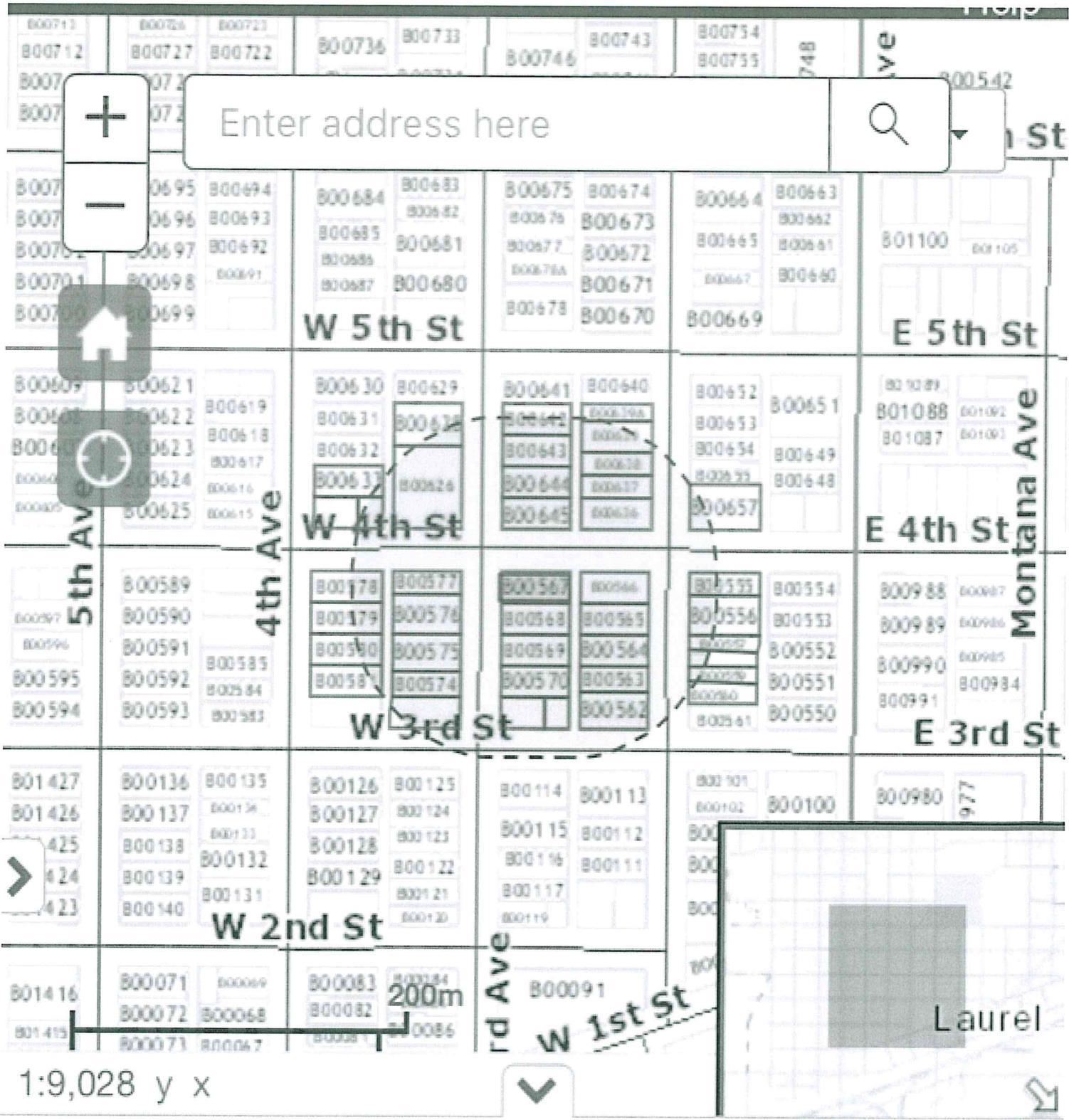
Tax Code	Owner/Mailing Address	Legal Description	Levy Dist	Sub Tax Dist	Type
	LAUREL MT 59044-3043				
B00579	WHISENHUNT, DAVID ✓ SHEFFELS, STEVE ✓ BEDNEK, PAM ✓ WHISENHUNT, KAREN & ✓ 1504 2ND AVE S GREAT FALLS MT 59405-2404	03-0821-09-3-25-07-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 13 - 14	7		RE
B00563	ZUNDEL, ROBBIE LEE ✓ 428 MERVIN ST BILLINGS MT 59102-5014	03-0821-09-3-26-02-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 2, Lot 3, N 20 FT OF LT 3 &ALL LT 4	7		RE
B00559	ZUNDEL, ROBBIE LEE ✓ 428 MERVIN ST BILLINGS MT 59102-5014	03-0821-09-3-27-10-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 1, Lot 17	7		RE
B00560	ZUNDEL, SCOTT A ✓ 2702 HOWARD AVE BILLINGS MT 59102-4525	03-0821-09-3-27-11-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 1, Lot 18, &N10 FT LT 19	7		RE
B00562	ZUNDEL, SCOTT A ✓ 2702 HOWARD AVE BILLINGS MT 59102-4525	03-0821-09-3-26-01-0000 LHS LAUREL HEIGHTS SUBD LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 2, Lot 1 - 2, & S10 FT LT 3	7		RE

43

Certified Thru  
2/23/2022  
Dept of Revenue  
RG

Owner name	Tax Code	Legal Description	Address
BROYLES, PARKER JACOB & REBEKAH ASHLEY	B00573	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 1 - 2	302 3RD AVE
CARPENTER, DALTON	B00574	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 3, & S2 L: 4	306 3RD AVE
MOORE, GERALD L & MALLARD, JOY A	B00575	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 4, LT 5-6 N2 LT 4	308 3RD AVE
HALL, RICKY &	B00576	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 7 - 8, & S2 LT 9	316 3RD AVE
PASTIAN, RANDALL L	B00577	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 10, & N2 LT 9	320 3RD AVE
JOHN & COLETTE DECKER LIVING TRUST	B00578	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 11 - 12	319 4TH AVE
WHISENHUNT, KAREN &	B00579	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 13 - 14	313 4TH AVE
IVERSON, SHARON M	B00580	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 15 - 16	311 4TH AVE
ANGELL, ZEB & ANDREAL L	B00581	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 17 - 18	307 4TH AVE
GOGGINS, JULIE	B00582	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 3, Lot 19 - 20	319 W 3RD ST
ZUNDEL, SCOTT A	B00562	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 2, Lot 1 - 2, & S10 FT LT 3	304 2ND AVE
ZUNDEL, ROBBIE LEE	B00563	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 2, Lot 3, N 20 FT OF LT 3 & ALL LT*	306 2ND AVE
HOHENBERGER, KIRK	B00564	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 2, Lot 5 - 6	310 2ND AVE
HEINEMANN, CALEN SAUL & MIKELL	B00565	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 2, Lot 7 - 8	316 2ND AVE
MANN, ROBERT C & TRACY E	B00566	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 2, Lot 9 - 10	320 2ND AVE
ALTMAN, TODD A & CASSIE L	B00567	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 2, Lot 11 - 12	319 3RD AVE
WEBINGER, MICHAEL B (1/3 INT)	B00568	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 2, Lot 13 - 14	315 3RD AVE
GUERRERO, JOSE A & RANDI L	B00569	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 2, Lot 15 - 16	311 3RD AVE
ENRIQUEZ, MANUEL H & DARLENE J	B00570	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 2, Lot 17 - 18	309 3RD AVE
BEHM, ALEX DUANE & ANNETTE LUCY	B00571	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 2, Lot 19, W90 FT LT 19-20	301 3RD AVE
BEHM, ALEX DUANE & ANNETTE L	B00572	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 2, Lot 19, E50 FT LT 19-20	217 W 3RD ST
HARMON, MATTHEW	B00555	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 1, Lot 11, & N2 LT 12	319 2ND AVE
MICHAEL, LAURIE A &	B00556	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 1, Lot 12, LT 13-14 S2 LT 12	317 2ND AVE
MCNEILEY, TODD &	B00557	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 1, Lot 15	311 2ND AVE
EASTERDAY, KAREN LEE	B00558	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 1, Lot 16	309 2ND AVE
ZUNDEL, ROBBIE LEE	B00559	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 1, Lot 17	307 2ND AVE
ZUNDEL, SCOTT A	B00560	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 1, Lot 18, & N10 FT LT 19	305 2ND AVE
UNITED METHODIST CHURCH	B00626	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 8, Lot 1 - 5, & S10 FT LT 6	307 W 4TH ST
PETERSON JOHN	B00628	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 8, Lot 7 - 8, & N20 FT LT 6	414 3RD AVE
HUNT, LORIE	B00633	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 8, Lot 17 - 18	405 4TH AVE
MASTERSON, JEANNE C	B00634	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 8, Lot 19, W91 FT LT 19-20	401 4TH AVE
BRADSHAW, SHAWN	B00635	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 8, Lot 19, E49' LTS 19-20	311 W 4TH ST
SCHLEINING, LARRY E & TRACY A	B00636	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 9, Lot 1 - 2	402 2ND AVE
BROWN, BECKY M	B00637	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 9, Lot 3, S2 LT 4	404 2ND AVE
LAWSON, SHIRLEY A	B00638	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 9, Lot 5, & N2 LT 4	406 2ND AVE
SALVESON, WAYNE P	B00639	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 9, Lot 6 - 7, (11)	412 2ND AVE

FINK TERRY R & JACQUELINE J	B00642	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 9, Lot 13 - 14	415 3RD AVE
HATTEN, MARION R & JAMES F	B00643	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 9, Lot 15 - 16	409 3RD AVE
SEYMOUR, ROBBIE & BREANNA	B00644	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 9, Lot 17 - 18	405 3RD AVE
SWAN, STEPHEN E	B00645	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 9, Lot 19 - 20	401 3RD AVE
SALVESON, WES D	B00639A	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 9, Lot 8, (11)	414 2ND AVE
WARD, WENDY L	B00655	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 10, Lot 16, LT 17 S2 LT 16	407 2ND AVE
KAUTZ, GLENN	B00657	LAUREL HEIGHTS SUBD, S09, T02 S, R24 E, BLOCK 10, Lot 18 - 20, (08)	401 2ND AVE





# Yellowstone County

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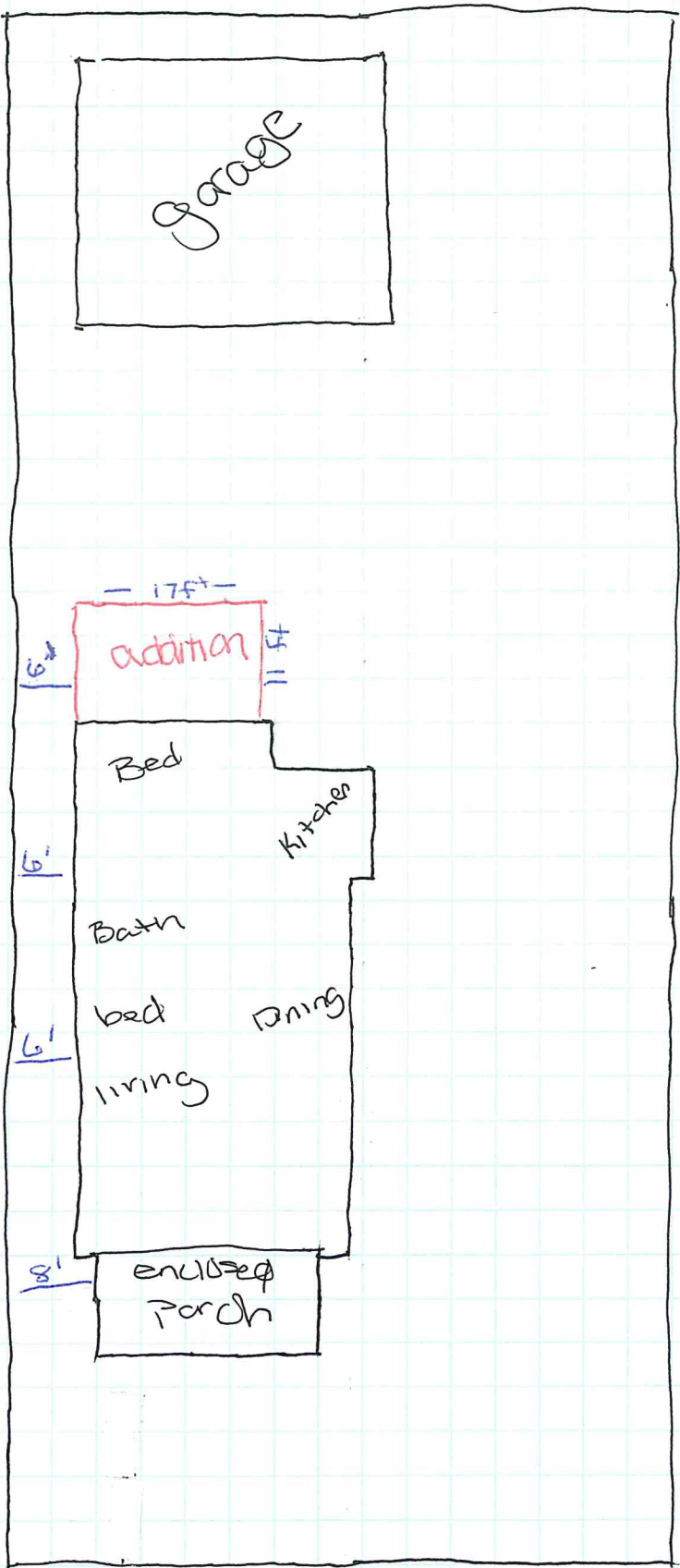
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Owner	Tax Code	Legal Description	Address
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□ - 4 ft

319 3<sup>rd</sup> Ave

2<sup>nd</sup> Avenue

4/20/2022

To Whom It May Concern:

We, Austin & Cassie Page, are submitting a request for a variance. Our home is located at 319 3<sup>rd</sup> Avenue and was constructed in 1925. The home and garage were put onto the lot before current zoning laws were in place and both are setback 6' on the side adjacent to the street. Our current home has 5 bedrooms and 1 6'X7' bathroom. We are seeking to add an additional bathroom onto the back of our house. We will be going directly back between our current home and garage. Our current home sits 6ft from the sidewalk. This addition would also be 6ft from the sidewalk. The current zoning requirements are causing unique hardships on our unique situation as they require us to be setback 20'. If we were to move things 20' in it would put this addition into the middle of our yard, almost bypassing our home completely.

We are well within our allotted lot coverage amounts and even upon the completion of the addition we would still be within our lot coverage allotment with over 300 sq ft left over. These new setback regulations are the only issue with us proceeding. Since these setbacks were created after our home was in place we are asking that you grant us a variance so that we may complete and remedy these issues within our home.

Thank You,

Cassie & Austin Page



**AGENDA  
CITY OF LAUREL  
CITY/COUNTY PLANNING BOARD  
WEDNESDAY, MAY 18, 2022  
5:35 PM  
CITY COUNCIL CHAMBERS**

Meeting called to order at 5:35 PM.

**Roll Call:**

Present:

Evan Bruce	Jon Klasna	Judy Goldsby (Chair)	Karen Courtney (Advisory)
Dan Koch	Gavin Williams	Roger Giese	

Absent:

Ron Benner

**General Items**

1. Approval of April 20, 2022, minutes.  
Correction of Evan Bruce's name on page 3 of minutes.  
Jon motioned to approve; Dan seconded  
Judy stated the corrections needing to be made. Karen stated that she will make those changes.  
Judy accepted motion to approve pending required changes.  
Motion passes 6-0.

**New Business**

2. Beartooth Tax Sign Permit Application - 319 1st Avenue

Karen stated this is a nonilluminated building letters only. Sign does meet sign code requirements and Building Department recommends approval of sign permit.

Gavin motioned to approve; Evan seconded  
Jon stated that he believed their sign was already up. Karen stated that this was a sign rebranding/refresh.  
Motion passes 6-0

3. Chen's Express Sign Permit Application - 415 S. 1st Avenue Suite A

Karen presented the sign application, has been reviewed for compliance with sign code. Building department recommends approval of sign permit.

Jon asked if some were lighted and others not. Evan stated that it states that all signs will be illuminated.  
Jon motioned to approve; Evan seconded  
Motion passes 6-0

4. Chase Bank ATM Sign Permit Application - 415 S. 1st Avenue

Karen presented the sign application. Signing does meet the sign code requirements. Building Department recommends approval of sign permit.

Evan stated that it does not state whether it is illuminated or not. Karen stated that she believes just



the chase bank logo on top will be illuminated. Jon stated that he would assume they will have lighting over the kiosk for security. Karen stated that he is correct.

Gavin motioned to approve; Dan seconded  
Motion passes 6-0

5. Public Hearing: Cassie Page Variance Request - 319 3rd Avenue

Judy stated that what was listed on the application and what was listed on Montana Cadastral was not matching. Asked Cassie for clarification. Cassie stated it is approximately 1900 Sq. ft on 2 levels. Judy asked what sq footage the main level was and if it had a full basement. Cassie did not have exact footage for main level and stated that the basement is only a partial basement She believed main floor is approximately 1000 sq ft. She stated that the upstairs has 3 bedrooms. Judy thanked her for the clarification.

Karen presented the history behind the variance request. Building department was contacted about the desire to do an addition onto the back portion of house. The house was built prior to the current setbacks that adopted, the addition that they were wanting would be in line with the existing house. This would be a 6' setback from side adjacent to street rather than the now required 20'. Therefore, Cassie came in and requested a variance from the required 20' setback. Building and planning departments have no issue with the addition as it is not affecting neighboring property, clear vision triangles or sight obstructions. Planning Department does recommend approval of this variance request. Karen did go over the 7 items outlined in LMC 17.60.020 – Land Use variances issuance and denial (attached to these minutes).

Judy called for Proponents.

Cassie Page – Would just like to add onto existing house, if required to meet the setbacks it would be in the middle of the yard, and they would be unable to add onto their home. Therefore, they are asking for approval of their request.

Judy called for any more proponents, second call for proponents. None heard.

Judy called for Opponents, second call for opponents, third call for opponents. None heard, public hearing closed.

Board discussion. Roger asked about the addition being 17' x 11' will this be a conventional 8' tall addition? Cassie stated that it will only be one story. Just wanting to add a closet and bathroom. Jon asked when they planned on starting. Cassie stated as soon as they are allowed.

Jon motioned to approve; Evan seconded.

Motion passes 6-0. Variance will move on to City Council.

6. Public Hearing: Your Pie Special Review - 102 S. 1st Avenue

Karen explained the correction of the address of the property, therefore explaining the difference on application and staff report. Karen presented the staff report concerning the Special review application.

Judy stated that there did not appear to be any representatives of Your Pie present to speak to. She does have a question about what appears to be a drive thru as part of their building plan? Karen stated that she had not seen any plans for how they plan on renovating the building. If the drive thru is kept it would not be a point to pick up alcohol. Karen's understanding is that the alcohol served is strictly on premises sale and consumption. Karen stated that if the drive thru

window was kept it would be for pizza order pick up.

Gavin stated that it does not appear that they will have that much seating space. Karen stated it did appear that they were planning on putting an awning on the front of the building, this may be for some additional outdoor seating. Again, there have been no building plans submitted at this time. At time of plan review it would be determined if the extension would be allowed or not. Judy asked if that would make a difference in the availability of alcohol, and would it be addressed then? Karen stated that it would not change anything as to the serving of alcohol. Dan stated that he believed that there was a code that determined the amount of parking spaces you would need based on the occupant load/capacity. How is this going to be addressed. It was discussed that there is a lot more parking in the back, plus the 10 spots up front. Karen did state that Kurt Markegard had been the person on contact with the owners, however he was unable to attend the meeting tonight. The parking would need to be addressed when building plans were submitted. Roger asked if any plans had been received yet? Karen stated that she has not seen any. Roger stated that with having no plans submitted and nobody present to speak on their behalf that it be denied at this time until more information is given.

Judy called for any proponents three times. None heard.

Judy called for any opponents three times. None Heard. Public hearing closed.

Judy asked for clarification that the special review that was before the board was only for the sell and consumption of alcohol on premises. Karen stated that yes it was only for the sell and consumption of alcohol on premises. Judy asked for any other discussion.

Gavin motioned to approve; Jon seconded.

Motion carries 5-1, Roger Giese opposed.

### **Old Business**

Judy announced that Karen Courtney would be leaving the City's employ. Karen stated that it has been wonderful working with the Planning Board. Karen will be going to work for the State of Montana as a multi-discipline building inspector. Last day with the city will be May 27<sup>th</sup>.

### **Other Items**

#### 7. Next Meeting: June 15, 2022

Karen stated that Forrest had requested that she announce that there are two items on the agenda for the June 15<sup>th</sup> meeting. There will be an annexation and a 1 lot minor subdivision. Gavin stated he would not be able to attend the June meeting due to other commitment. Board asked about the subdivision and annexation. Karen stated the Beehive subdivision out past the T/A and old meat processing plant will be like what was proposed to lift ag restriction like Miller Minor. Annexation she believes is the Hull annexation which is over by where they are building across from library. Forrest is reviewing these items at this time but will be on next meeting agenda.

Question asked if any more applicants for planner position. Karen stated not that she is aware of at this time.

### **Announcements**

#### 8. Motion to adjourn

Gavin motioned to adjourn; Dan seconded. Meeting adjourned 6:10 PM.





**File Attachments for Item:**

24. Resolution No. R22-34: Resolution Authorizing The Mayor To Reinstate An Encroachment Permit For Newkirk Real Estate-Montana, LLC, D/B/A Thomae Lumber.

**RESOLUTION NO. R22-34**

**RESOLUTION AUTHORIZING THE MAYOR TO REINSTATE AN ENCROACHMENT PERMIT FOR NEWKIRK REAL ESTATE-MONTANA, LLC, D/B/A THOMAE LUMBER.**

WHEREAS, Newkirk Real Estate-Montana, LLC, d/b/a Thomae Lumber, operates a business at 501 East Main Street in Laurel, Montana (hereinafter “the Thomae Lumber business”); and

WHEREAS, the Thomae Lumber business is located between Washington Avenue and Wyoming Avenue and East Main Street and the alley between East Main Street and East First Street; and

WHEREAS, the Thomae Lumber business initially utilized Main Street for loading and unloading material for its business operations, but the City subsequently permitted the Thomae Lumber business to unload on Washington Avenue; and

WHEREAS, the City adopted an ordinance in 1993 that provided for loading zones on Wyoming and Washington Avenues, however, said ordinance was ultimately rescinded; and

WHEREAS, in 2001, the City Council referred the matter to the Public Works Committee to resolve safety and road repair issues in order to enable the Thomae Lumber business to unload near their business location per an agreement to be negotiated between the City and Thomae Lumber; and

WHEREAS, by way of Resolution R07-09, the City Council of the City of Laurel, Montana approved a five-year Encroachment Permit for Thomae Lumber on February 6, 2007; and

WHEREAS, by way of Resolution R07-109, the City Council of the City of Laurel, Montana consented to the assignment of the Encroachment Permit from Thomae Lumber to Newkirk Real Estate-Montana, LLC on December 18, 2007; and

WHEREAS, the Encroachment Permit has now since expired, but Newkirk Real Estate-Montana, LLC has requested that the City reinstate said Encroachment Permit, to allow the Thomae Lumber business to unload near their business location; and

WHEREAS, upon review of this situation, the original Encroachment Permit, and the special facts and circumstances surrounding the Thomae Lumber business’ situation, the City Council has determined that reinstatement of the Encroachment Permit is appropriate and in the City’s bests interest.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, that the original Encroachment Permit, assigned by Thomae Lumber to Newkirk Real Estate-Montana, LLC is hereby reinstated for a five (5) year term commencing the date of this approval by City Council; and

BE IT FURTHER RESOLVED, that all rights, interests, duties, and responsibilities, existing under the original Encroachment Permit, assigned by Thomae Lumber to Newkirk Real Estate-Montana, LLC, shall be in effect for a five (5) year term commencing the date of this approval by City Council.

Introduced at a regular meeting of the City Council on the 14<sup>th</sup> day of June, 2022, by Council Member \_\_\_\_\_.

PASSED and APPROVED by the City Council of the City of Laurel the 14<sup>th</sup> day of June, 2022.

APPROVED by the Mayor the 14<sup>th</sup> day of June, 2022.

CITY OF LAUREL

\_\_\_\_\_  
Dave Waggoner, Mayor

ATTEST:

\_\_\_\_\_  
Kelly Strecker, Clerk-Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
Michele L. Braukmann, Civil City Attorney