



**AGENDA  
CITY OF LAUREL  
CITY COUNCIL MEETING  
TUESDAY, OCTOBER 25, 2022  
6:30 PM  
COUNCIL CHAMBERS**

NEXT RES. NO.  
R18-XX

NEXT ORD. NO.  
O18-XX

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

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

**Pledge of Allegiance**

**Roll Call of the Council**

**Approval of Minutes**

1. Approval of Minutes of October 11, 2022.

**Correspondence**

**Council Disclosure of Ex Parte Communications**

**Public Hearing**

**Consent Items**

**NOTICE TO THE PUBLIC**

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

2. Claims entered through October 21, 2022.
3. Approval of Payroll Register for PPE 10/16/2022 totaling \$218,444.63.
4. City Council Closed Executive Session Minutes of February 8, 2022.
5. Council Workshop Minutes of June 7, 2022.
6. Council Workshop Minutes of June 21, 2022.
7. Council Workshop Closed Executive Session Minutes 6.21.2022.
8. Council Workshop Minutes of July 5, 2022.

**Ceremonial Calendar**

**Reports of Boards and Commissions**

9. Budget/Finance Committee Minutes of 10.11.2022.
10. Emergency Services Committee Minutes 9.26.2022.
11. Public Works Committee Minutes 9.19.2022.

- [12.](#) City-County Planning Board Minutes of September 21, 2022.
- [13.](#) Park Board Minutes of October 6, 2022.
- [14.](#) City/County Planning Board Minutes Of October 19, 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**

- [15.](#) Appointment of Aron Kostelecky to the Public Works Committee.
- [16.](#) Appointment of Jonathan Gotschall to the Public Works Committee.
- [17.](#) Appointment of Camilla Nelson to the Laurel Urban Renewal Agency for the remainder of a four-year term ending December 31, 2024.
- [18.](#) Appointment of Richard Klose to the City/County Planning Board for a two-year term ending June 30, 2024.
- [19.](#) Resolution No. R22-67: Resolution Of The City Council Approving An Application For Special Review For The Pelican Café, Llc Authorizing The Onsite Sale And Consumption Of Alcohol On Premises, Within An Existing Structure Located At 701 East Main Street, City Of Laurel
- [20.](#) Ordinance No. O22-06: An Ordinance Amending Certain Chapters Of Title 12.18 Of The Laurel Municipal Code Relating To Special Event Permits For The City Of Laurel

### **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 October 11, 2022.

DRAFT

# MINUTES OF THE CITY COUNCIL OF LAUREL

October 11, 2022

A regular meeting of the City Council of the City of Laurel, Montana, was held in the Council Chambers and called to order by Mayor Dave Waggoner at 6:30 p.m. on October 11, 2022.

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

COUNCIL MEMBERS ABSENT: None

OTHER STAFF PRESENT: Michele, Braukmann, Civil City Attorney  
Brittney Moorman, Administrative Assistant

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 September 27, 2022, as presented, seconded by Council Member Sparks. There was no public comment or Council discussion. A vote was taken on the motion. All eight Council Members present voted aye. Motion carried 8-0.

## CORRESPONDENCE:

- Ambulance Monthly Report – August 2022
- Police Monthly Report – September 2022

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None.

PUBLIC HEARING: None.

## CONSENT ITEMS:

- **Claims entered through October 7, 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 10/2/2022 totaling \$220,496.95.**
- **Clerk/Treasurer Financial Statements for the month of February 2022.**
- **Clerk/Treasurer Financial Statements for the month of March 2022.**
- **Clerk/Treasurer Financial Statements for the month of April 2022.**
- **Clerk/Treasurer Financial Statements for the month of May 2022.**
- **Clerk/Treasurer Financial Statements for the month of June 2022.**

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

Motion by Council Member Klose to approve the consent items as presented, seconded by Council Member Eaton. There was no public comment or Council discussion. A vote was taken on the motion. All eight Council Members present voted aye. Motion carried 8-0.

CEREMONIAL CALENDAR: None.

**REPORTS OF BOARDS AND COMMISSIONS:**

- Budget/Finance Committee Minutes of September 27, 2022.
- Laurel Airport Authority Minutes of August 23, 2022.
- Park Board Minutes of September 1, 2022.

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

Patty Smith, 409 Maple Avenue, stated her concerns with a developer wanting to develop a lot of land off Maple Avenue. It is her understanding that he intends to request residential multi-family zoning. She has concerns over the off-street parking in the area and the effects on the water and sewer associated with this development. See the attached petition by property owners nearby.

It was questioned if this request had gone to the City/County Planning Board. It was clarified that the developer had spoken with the Public Works and Planning Director. The Mayor will follow up with Kurt regarding the zoning concerns. There will be a discussion at next week's Council Workshop.

**SCHEDULED MATTERS:**

- **Resolution No. R22-65: Resolution Of The City Of Laurel City Council Authorizing The City Of Laurel To Apply For American Rescue Plan Act Competitive Grant Funds For The South 4th Street Water, Sewer Stormwater, Infrastructure Improvements Project And Authorization To Commit Matching Funds**

Mayor Waggoner clarified that this is not a competitive grant, and the motion should be amended to strike the word competitive.

Motion by Council Member Mize to approve Resolution No. R22-65 striking the word competitive, seconded by Council Member Sparks. There was no public comment or Council discussion. A vote was taken on the motion. All eight Council Members present voted aye. Motion carried 8-0.

- **Resolution No. R22-66: Resolution Of The City Of Laurel City Council Requesting Distribution Of Bridge And Road Safety And Accountability Program Funds**

Motion by Council Member Sparks to approve Resolution No. R22-66, seconded by Council Member Wilke. There was no public comment or Council discussion. A vote was taken on the motion. All eight Council Members present voted aye. Motion carried 8-0.

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

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

**COUNCIL DISCUSSION:**

It was questioned if the vision statement would have a public hearing soon. It was clarified that the vision statement would be brought back to next week's Workshop as a discussion item. The Civil Attorney will address those concerns brought up at last week's Workshop, and she will also bring forward other options.

Public Works Committee will meet next Monday at 6:00 p.m. in Council Chambers.

**MAYOR UPDATES:** None.

**UNSCHEDULED MATTERS:**

Council Member Mountsier will be gone for the remainder of this month.

Motion by Council Member Wilke to allow Council Member Mountsier to be absent from the City for more than ten days, seconded by Council Member Sparks. There was no public comment or Council Discussion. A vote was taken on the motion. All eight Council Members present voted aye. Motion carried 8-0.

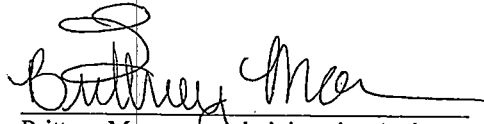
**ADJOURNMENT:**

DRAFT

Council Minutes of October 11, 2022

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 eight Council Members present voted aye. Motion carried 8-0.

There being no further business to come before the Council at this time, the meeting was adjourned at 6:46 p.m.

  
Brittney Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 25 day of October 2022.

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

Attest:

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

October 11, 2022

To the Laurel City Council. I am signing below to affirm my opposition to the proposed multi-family development at 416 Maple Avenue/First St. This is a single family home neighborhood and should remain zoned as such, it cannot support parking, traffic, sewer, etc for the proposed four or eight plex. It isn't a fit. A duplex would be the maximum.

Thank you.

<sup>at</sup> Tyler Anderson, 410 First 406.591.7200

<sup>Sam McJunkin</sup> Sam McJunkin, 410 First 406.694.6736

Amy Swanson 417 S. First Ave 406-628-4931  
Norm Nieto 420 S. First Ave 406 545-8372

Wendy Gaskill 410 Maple Ave 406 694-2391

Patty Grier 409 Maple 406.671.2272

**File Attachments for Item:**

5. Council Workshop Minutes of June 7, 2022.



**MINUTES  
CITY OF LAUREL  
CITY COUNCIL WORKSHOP  
TUESDAY, JUNE 07, 2022**

A Council Workshop was held in Council Chambers and called to order by Mayor Dave Waggoner at 6:30 p.m. on June 7, 2022.

**COUNCIL MEMBERS PRESENT:**

☒ Emelie Eaton  
☒ Michelle Mize  
☐ Vacant  
☒ Richard Klose

☒ Heidi Sparks  
☒ Richard Herr  
☒ Irv Wilke  
☒ Bill Mountsier

**OTHERS PRESENT:**

Kurt Markegard, Public Works Director  
Michele Braukmann, Civil Attorney  
Juliane Lore, City Prosecutor  
Kelly Strecker, Acting Clerk/Treasurer  
Stan Langve, Police Chief  
Ryan Welsh, KLJ  
Mckenzie Butcher, KLJ

**Public Input:**

Ken Olson, 1702 Groshelle Drive, invited Council to attend the Montana Firemen's Memorial memorial service this Saturday at noon. Four firefighters' names will be added to the wall. He thanked Council and the Mayor for blocking the streets during the service.

K. Dan Koch, 320 Colorado Ave., stated he had brought issues with the handicapped parking lot near the stadium before Council for the last six years. It needs better signs, and it needs to be painted.

**General Items**

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

Casey Wheeler, 1310 Beartooth Drive, briefly introduced himself to Council.

It was questioned if there was a conflict of interest in appointing Mr. Wheeler, given his father works for the City. It was clarified that it would not be a conflict of interest.

Chuck Dickerson, 501 W. 13<sup>th</sup> Street, stated he also wrote a letter of interest for the open Council seat. He has spent 20 years on Council and another four working for the City. He stated that he has known Mr. Wheeler for many years and does give his support to him, and should Mr. Wheeler be chosen, he would look forward to helping him as well.

2. Appointment of Josh Featherly to the Laurel Police Department.

Stan Langve, Police Chief, stated Mr. Featherly would be moving here on June 9<sup>th</sup>, so he is unable to be present this evening. He will be at next week's Council meeting should there be any questions.

It was questioned how new officers are trained if they are making a lateral move from another Department. It was clarified that they have the same FTO process; however, instead of needing the full 12-week program, they do a 2-week equivalency program. This program covers all Montana-specific laws; they have a year to obtain that certificate.

3. Appointment of Kurt Markegard as Building Official.

There were no questions on this appointment.

4. Appointment of Kelly Strecker to Clerk/Treasurer

There were no questions on this appointment.

5. Motion to allow Council Member Mize to be absent from the City of Laurel for more than ten days. (LMC 2.12.060)

Council Member Mize stated she would be taking a road trip for a family reunion.

**Executive Review**

6. Resolution - 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.

Ms. Lore briefly reviewed her work with the City over the last two years.

It was questioned if Ms. Lore were to get the appointment, how would she handle the tension between the Court staff and herself. Ms. Lore clarified that she has worked through those issues with Court staff. There has been continual improvement, and they are working very collegially. There have been a few issues that the Civil Attorney and Union needed to hash out.

7. Resolution - 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.

Kurt Markegard, Public Works Director, briefly explained to Council what a lift well is. The SED basins drain into the wet well, which was not included in the reconstruction of the SED basins. This project is to replace the old parts. Not all the water is leaving the wet well. This is part of the process of getting the mud out of the SED basins and pumping it into the ponds.

McKenzie Butcher, KLJ, stated there were two bids. KLE was the low bidder. She is recommending awarding the bid to the contractor.

It was questioned how this project would be funded. It was clarified that the Water Fund would pay for this project.

It was questioned how the bids compared to the engineer's estimate. The engineer's estimate was \$900,030, but this project requires work within five feet of an existing building and dewatering. Some items were educated guesses.

8. Resolution - 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

There was no discussion.

9. Resolution - 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

There was no discussion.

10. Resolution - 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.

Kurt Markegard, Public Works Director, stated a public hearing would be next week. They needed a special review due to the alcohol sales.

Parker Swenson, 4116 Corbin Drive, stated he has invested with his father. They look forward to opening Your Pie here and believe it will be a good addition to Laurel. He will be in attendance at next week's public hearing.

11. Resolution - 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

Kurt Markegard, Public Works Director, stated next week, there will be a public hearing on the matter. The applicant will be present.

It was questioned if the permit or variance comes first. It was clarified that a variance is needed before a permit can be issued.

It was questioned where the addition would be added to the home. It was clarified that a drawing was submitted with Council's packet. The addition would be in the backyard of the property.

12. Resolution - Resolution Authorizing The Mayor To Reinstate An Encroachment Permit For Newkirk Real Estate-Montana, LLC, D/B/A Thomae Lumber.

The previous permit has expired. The permit is to allow for loading and unloading on the street. If damage is done to the street, the applicant will be required to fix the street. That street was built to withstand the loads.

It was questioned why this permit expires after five years. It was further questioned why it could not be permanent. The Civil Attorney would need to clarify that.

**Council Issues**

13. Garbage Capital Improvements/Rates Discussion

Council was given the attached handout comparing revenues to expenditures for Solid Waste. The City has not done a rate increase since 2015. The City residents currently pay \$14/month. County residents are paying \$35/month to various private disposal companies. City residents can produce as much trash as they choose. They also have free use of the container site. The City is required to maintain a reserve of 1.5 times that of expenses. Staff will work on determining the rate needed to keep Solid Waste healthy.

It was questioned if the container site should remain free to residents or if a flat fee should be established. It was clarified that is an option that can be explored.

**Other Items**

**Attendance at Upcoming Council Meeting**


All Council Members present will be at next week's meeting.

**Announcements**

The campground is open and taking reservations.

The council workshop adjourned at 7:30 p.m.

Respectfully submitted,



Brittney Moorman  
Administrative Assistant

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



# Laurel Police Department

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

**Chief of Police Stanley J Langve**

May 3, 2022

To whom it may concern,

I write this letter supporting retention of Julianne Lore as the City of Laurel's Prosecuting Attorney. The Prosecutor's Office is a critical role in the Criminal Justice System. They carry the heavy burden of proof to successfully prosecute those who break the law and to bring justice for the victims of crime.

In my 22 years as a Law Enforcement Officer for the City of Laurel, I have worked with all the attorneys that have filed through the Prosecutors Office for the City. I would like to share some of my observations. There is a high turnover in that position. Most, if not all, were surprised by the volume of cases presented to them for prosecution. A few have taken up the case load and worked hard. They generally stay for a short time before the experience they gain allows them to move to a more desirable position. Some have taken the position with the idea that they would be handling a much smaller case load, and it is not worth their time to properly prosecute all the cases that have come before them (an actual conversation I had with a former City Attorney). Unfortunately, there have been a few that I have had little faith in regarding their ability to properly prosecute a criminal case. One practice that was not uncommon was too effectively wipe the desk clean of back logged cases. I recognize and understand that cases need to be triaged in the Criminal Justice system, and that even small delays in the prosecution of misdemeanor cases can jeopardize the "Speedy Trial" requirement. A stable, properly supported Prosecutors Office staffed with professional individuals that possess a strong work ethic would mitigate this issue and provide the level of service that the citizens of Laurel should expect and deserve.

Julianne Lore is one of the top Criminal Prosecutors that the City of Laurel has had in decades. Captain Pitts routinely works with the City Prosecutors Office through discovery requests and shares that sentiment

as well. The rank-and-file officers of the Laurel Police Department have often expressed gratitude to have such an involved prosecutor who is willing to prosecute. My observations are that Julianne brought her knowledge and experience to the office and eagerly educated herself to the criminal process. She has open lines of communication with the officers of the Laurel Police Department and victims of the crimes that she prosecutes. Julianne has taken steps to professionalize and streamline the system. She has participated in trial preparation with officers which was unheard of in my career as an officer. There were several past City Attorneys that I would routinely bring the prosecuting attorney a copy of the case to court at the time of trial as they were not even that prepared. Julianne Lore works many more hours than she is fairly compensated for. The case load for the Laurel Police Department has been and will continue to grow expediently and that directly increases the case load of the Prosecutors Office. This is not only an increase in arrests that are sent to court but an increase in cases that are sent over for review and / or warrants. Julianne as been exceptional in speed of processing these requests. The biggest and possibly most defining attribute I can assign to Julianne Lore is her heart and passion for her work. She is truly and personally invested in the idea of Justice, and takes her cases to heart, and has shown a vested interest in the success and betterment of the City of Laurel.

A properly supported and staffed legal department, criminal or civil, is critical for the success of the City of Laurel. This is especially signified now, given the unprecedented growth occurring in and around Laurel.

Stanley J Langve  
Chief of Police

## Solid Waste Revenue Vrs Expenses

Year	Revenue	Expenses	Difference
18-19	898,387	869,001	29,386
19-20	908,145	748,254	159,891
20-21	935,072	955,491	-20,419
		3 year net gain or loss	168,858

FAP loan is paid off which equals more revenue loss per year

## Dump Fees to the City of Billings Landfill

Year	Charges	Increase year over year
18-19	154,028	
19-20	179,996	25,968
20-21	194,555	14,559
total increase in 3 years		40,527

**File Attachments for Item:**

6. Council Workshop Minutes of June 21, 2022.



**MINUTES  
CITY OF LAUREL  
CITY COUNCIL WORKSHOP  
TUESDAY, JUNE 21, 2022**

A Council Workshop was held in Council Chambers and called to order by Mayor Dave Waggoner at 6:29 p.m. on June 21, 2022.

**COUNCIL MEMBERS PRESENT:**

☒ Emelie Eaton  
☒ Michelle Mize  
☒ Casey Wheeler  
☒ Richard Klose

☒ Heidi Sparks  
☒ Richard Herr  
☒ Irv Wilke  
☒ Bill Mountsier

**OTHERS PRESENT:**

Michele Braukmann, Civil Attorney  
Brittney Moorman, Administrative Assistant  
Brent Peters, Fire Chief  
K.C. Bieber, Fire Captain  
Jean Kerr, Judge  
Jamie Swecker, Fire Marshall  
Kent Kulesa, Assistant Fire Chief

**Public Input:**

Shawn Mullaney, 1629 Cove Lane, read the attached letter into the record.

**General Items**

**Executive Review**

1. Resolution - A Resolution Amending Resolution No. R21-132.

Joe Johnson Equipment purchased Titan Machinery. They are honoring the bid price, but a surcharge had to be passed to us. This resolution is to add that surcharge to the price of the jet rodder. Budget/Finance Committee has reviewed and approved the surcharge. However, the resolution needs to be amended.

**Council Issues**

2. Fire Chief Discussion

Brent Peters, Fire Chief, briefly described how this item came before Council. He retired in February and is looking into other employment opportunities. He would like the option of becoming the full-time Fire Chief to be explored. At 7500 residents, the City will need a partially paid Fire Department, and by creating a Fire Chief position, they are meeting that requirement. With 10,000 residents, the City will need a full-time Fire Department. He briefly ran numbers on what a full-time Fire Department will cost the City; see attached.

One project he would like to tackle is billing. He anticipates additional revenue of \$200k to \$300k annually, and that revenue would go to General Fund. He would also like to identify a better formula for billing the Fire Districts. He would also like to create a new Fire District for Molt as they currently have no structure coverage. Under the current mutual aid agreement, the City cannot bill for those calls. The City has not updated its emergency plan since it was written in 1998. This needs to be written and kept current. He would also take care of all things related to fire codes.

It was questioned how billing for services would be done and what kind of enforcement could be done. The City can put liens on the property and send a sheriff out for collections. Medicare or Medicaid does not govern collections. Typically there are insurance policies that are triggered and paid out.

It was questioned what hours the Fire Chief currently puts in. He stated he puts in the number of hours needed, and he puts in more hours than the average City employee. His availability is excellent now, and he can dedicate many hours to the department.

It was questioned what kind of wage he was thinking. He stated that he would want to be competitive with other Department Heads and would like to be considered as the Police Chief and Public Works Director.

### 3. Closed Executive Session

Mayor Waggoner skipped forward in the agenda and returned to this item after the regular meeting portion was complete.

Council entered into Closed Executive Session at 7:07 p.m. to discuss litigation strategy. Closed Executive Session ended at 7:57 p.m.

### **Other Items**

There were none.

### **Attendance at Upcoming Council Meeting**

Council Member Wilke will be absent from next week's meeting.

### **Announcements**

The Emergency Services Committee meets next Monday at 6:00 p.m. in Council Chambers.

Council requested a financial report on LURA. Council also requested that LURA be reconfigured and brought back to them.

Riverside Park had some flooding during last week's flooding event. The park is open again. Mayor Waggoner sent Staff to Fromberg to help haul loads to the dump.

Mayor Waggoner closed the regular portion of this meeting at 7:02 p.m. and entered into Executive Session after a five-minute recess.

The council workshop adjourned at 7:57 p.m.

Respectfully submitted,

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

Brittney Moorman  
Administrative Assistant

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

The TIF District which generates capital for private and public improvements has been successfully administered here in Laurel for several years under the acronym LURA Grant. Taxpayers within the district pay the same amount as they would if they were located outside the district. The fund that is generated inside the TIF district is used for a variety of public and private uses that benefit the entire community. LURA Grant funds have been modeled after successful TIF district funds throughout the state and Billings in Particular. When LURA Grant funds are used in privately held property to control urban blight, that property is increased in value and consequently the taxable value is increased, which then regenerates taxes back to the Lura Grant. The LURA Grant program is a positive way to keep the downtown business district alive and thriving. When these funds are used on private businesses, the Grant will fund up to half of expenses incurred while allowing the district to thrive.

When used on public improvements such as streets curbs and gutters, while allowed and sometimes necessary, the funds used in this way do not contribute to the adjoining property's taxable value and thus is a net expenditure and does not regenerate the Lura fund.

Last fall Ms. Eaton, acting as temporary Mayor, introduced a resolution that was passed by the City Council which only allows the LURA Grant funds to be used for public works projects. This resolution takes away the incentive of a private investor to improve or even purchase a building in the district. Why would an investor buy a 100 year old building that often costs more to improve than to build new? Especially when it can be built outside the city limits depriving the city of any and all tax base. The LURA grant, which was modeled after the TIF district around the Montana Ave area in Billings, was working great! Many of the downtown businesses look better than they have in 30 years. New energy efficient windows, updated facades, decorative awnings all contribute to an atmosphere and energy that is slowly growing downtown. The LURA Grant board has done a great job in distributing the funds downtown and my wife and I have benefited from the Lura Grant. We obtained a professional sign that we could not have afforded without help from the LURA Grant.

Another concern about the prior Mayors' resolution is that the funds are distributed by the city but only at the recommendation of the LURA Grant board. The City can't just take the TIF district funds to use as they wish. If you don't have a quorum on the LURA Grant board to make recommendations to the city council the money can not be distributed. Who would want to join the board of the Lura Grant simply to distribute money for street and sewer improvements? The city already collects the taxes for this purpose.

I'm disappointed in the Council's actions last fall, regardless of the legality of the resolution. I am requesting the Council propose a Resolution that will eliminate the exclusion of all private investors from eligibility for LURA funding. Thanks for your time.

Respectfully,

Shawn Mullaney

### Minimum Number of Firefighters for a Fulltime Fire Department

*Operating costs are not included in these numbers*

	Average	High
Fire Chief	\$74,701.00	\$107,616.00
Battalion Chief	\$72,643.00	\$104,651.00
Captain	\$74,637.00	\$92,331.00
Fire Marshal	\$60,492.00	\$87,146.00
Engineer	\$62,326.00	\$77,600.00
Firefighter	\$44,356.00	\$65,498.00

Structure Fire or High Impact Call	
Fire Chief	1
Battalion Chiefs	1
Captains	1
Engineers	2
Firefighters	
Entry Team	2
Backup Entry	2
Rapid Inter	2
Ventilation	2
Support	1
	14

A Crew	B Crew	C Crew	D Crew	Total/ shift						Average	High
Shift numbers minus day positions											
1	1	1	1	4	\$72,643.00	X	4	\$290,572.00	\$418,604.00		
1	1	1	1	4	\$74,637.00	X	4	\$298,548.00	\$369,324.00		
2	2	2	2	8	\$62,326.00	X	8	\$498,608.00	\$620,800.00		
9	9	9	9	36	\$44,356.00	X	36	\$1,596,816.00	\$2,357,928.00		
13	13	13	13	52							
					Fire Chief	X	1	\$74,701.00	\$107,616.00		
					Fire Marshal	X	1	\$60,492.00	\$87,146.00		
					Training	X	1	\$50,000.00	\$56,000.00		
					Admin	X	1	\$38,000.00	\$42,000.00		

Total min.	56	\$2,907,737.00	\$4,059,418.00
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These are totals for just salaries and wages. This does not include the operational budget, benefits and overtime.

**File Attachments for Item:**

8. Council Workshop Minutes of July 5, 2022.

**MINUTES  
CITY OF LAUREL  
CITY COUNCIL WORKSHOP  
TUESDAY, JULY 05, 2022**

A Council Workshop was held in Council Chambers and called to order by Mayor Dave Waggoner at 6:29 p.m. on July 5, 2022.

**COUNCIL MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Michèle Braukmann, Civil Attorney  
Brittney Moorman, Administrative Assistant  
Nathan Herman, Utility Plants Superintendent

**Public Input:**

Terry Steinmesel, 519 W. 11<sup>th</sup> Street, stated he owns the Hair On Main building. He stated that he would let his residents know when street sweeping would occur so their vehicles could be moved.

It was clarified that the State should be sweeping Main Street as it is a State route. It was also clarified that the City has been having issues with its sweeper, so they have been unable to sweep as often.

**General Items**

1. Laurel Volunteer Ambulance Appointments

The Ambulance Director could not attend this evening's meeting; see the attached letter introducing both appointments.

**Executive Review**

2. Resolution - A Resolution Authorizing The Mayor To Execute All Contract And Related Documents With In Control, Inc. For The City Of Laurel Water Treatment Plant Improvements.

Nathan Herman, Utility Plants Superintendent, stated this resolution is to begin the replacement of the PLCs at the Water Treatment Plant. It will also replace the central computer for the Water Treatment Plant. The current processors are GE; they will be replaced with Allan Bradley processors. The VFD on the pumps will also be replaced. They are older models and

communicate differently to the PLCs and need to be replaced. Cyber Security for the plant will be enhanced as well. The cost of this project is \$357,025. It has been budgeted for. This did not go out for bid because In Control has done all the work on our system.

It was questioned what the useful life would be. It was clarified the useful life is 24 years but should last longer.

### **Council Issues**

Council asked what was being done about street sweeping. Mayor Waggoner clarified that he has spoken with the Public Works Director and that street sweeping would be done.

Council noted the campground map that was put up at the campground's entrance, which looks very nice.

Council Member Klose stated he would be absent from the City for more than ten days at the end of July.

### **Other Items**

#### **Attendance at Upcoming Council Meeting**

Council Member Mize will be gone at next week's City Council meeting.

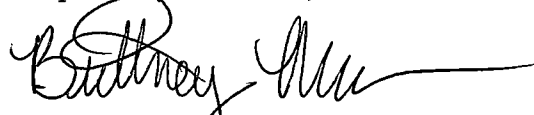
#### **Announcements**

##### **3. Years of Service Recognition**

Mayor Waggoner recognized employees' years of service.

The council workshop adjourned at 6:45 p.m.

Respectfully submitted,



Brittney Moorman  
Administrative Assistant

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





**CITY OF LAUREL  
MONTANA  
EMERGENCY MEDICAL SERVICES**  
215 W 1<sup>ST</sup> ST  
LAUREL, MONTANA – 59044  
OFFICE: (406) 628 – 1611 | DISPATCH: (406) 628 - 8737



Dear Mayor and City Council,

We are excited to announce that we have 2 EMS providers interested in joining our service as Seasonal Volunteers. We may be looking at one additional one that we still need to interview and will keep you updated on them. The goal with the seasonal volunteers is to have them cut loose as “drivers” and available during school/college summer and holiday breaks. This is a great opportunity for the students to gain some experience but not need to be fully cut loose to provide primary patient care, so their training is much quicker and great for us to have some extra help at a time when our staff may be unavailable due to vacations etc. We have interviewed the following people and would be excited to bring them onto our team.

- Ethan Johnson, EMT. Ethan is currently going to school for pre med and has experience working as an EMT at StVs Emergency Department and is very excited to learn the ambulance side of things.
- Katie Meier, EMT. Katie is the instructor for the Medical Careers students, including the EMT class at the Career Center in Billings. She has EMT experience from her home town in Augusta. She is really excited to help our service during the breaks and hopes that this will help encourage her students to want to join in EMS and possibly even Laurel Ambulance in the future.

We will background checks on candidates. If they are granted Council and Mayor approval, we can bring them on the team.

I feel that these 2 will be a great start to try this new Seasonal EMT program.

Thank you very much for your consideration of these candidates.

Lyndy Gurchiek, NRP, Director  
Laurel EMS  
215 W 1<sup>st</sup> Street  
Laurel, MT 591044  
[lgurchiek@laurel.mt.gov](mailto:lgurchiek@laurel.mt.gov)  
406-860-8233

**File Attachments for Item:**

9. Budget/Finance Committee Minutes of 10.11.2022.

**Minutes of City of Laurel  
Budget/Finance Committee  
Tuesday, October 11, 2022**

**Members Present:** Richard Klose, Michelle Mize, Heidi Sparks, Emelie Eaton

**Others Present:** Kelly Strecker, Mayor Dave Waggoner

The meeting was called to order by the Committee Chair at 5:30 pm.

**Public Input:** There was no public comment

**General Items –**

1. Review and approved September 27, 2022, Budget and Finance Committee meeting minutes. Heidi Sparks moved to approve the minutes of September 27, 2022. Emelie Eaton seconded the motion, all in favor, motion passed 4-0.
2. Review and recommend approval to Council; claims entered through October 7, 2022. Michelle Mize moved to approve the claims and check register for claims entered through October 7, 2022. Heidi Sparks seconded the motion, all in favor, motion passed 4-0.
3. Review and approve the September 2022 Utility Billing Adjustments. Emelie Eaton moved to approve the Utility Billing Adjustments. Heidi Sparks seconded the motion, all in favor, motion passed 4-0.
4. Review and approve Payroll Register for the pay period ending October 2, 2022, totaling \$220,496.95. Heidi Sparks motioned to approve the payroll register for the pay period ending October 2, 2022, totaling \$220,496.95. Michelle Mize seconded the motion, all in favor, motion passed 4-0.
5. Review and approve February 2022 financial statement. Heidi Sparks motioned to approve the February 2022 financial statement. Emelie Eaton seconded the motion, all in favor, motion passed 4-0.
6. Review and approve March 2022 financial statement. Emelie Eaton motioned to approve the March 2022 financial statement. Heidi Sparks seconded the motion, all in favor, motion passed 4-0.
7. Review and approve April 2022 financial statement. Michelle Mize motioned to approve the April 2022 financial statement. Heidi Sparks seconded the motion, all in favor, motion passed 4-0.
8. Review and approve May 2022 financial statement. Michelle Mize motioned to approve the May 2022 financial statement. Richard Klose seconded the motion, all in favor, motion passed 4-0.
9. Review and approve June 2022 financial statement. Emelie Eaton motioned to approve the June 2022 financial statement. Michelle Mize seconded the motion, all in favor, motion passed 4-0.

**New Business –** Heidi Sparks suggested that the city check on the CD interest rates. She stated that there are CD specials going on right now. A couple of examples were First Interstate Bank was at 3% and Valley Federal was at 2.5%.

**Old Business –** None

**Other Items –**

10. Review Comp/OT reports for the pay period ending October 2, 2022.
11. Mayor Update – None

12. Clerk/Treasurer Financial Update – Clerk/Treasurer stated that the budget had been sent to the state and that FY 2022 was about closed out.

**Announcements –**

13. The next Budget and Finance Committee meeting will be held on October 25, 2022, at 5:30 pm.

14. Emelie Eaton is scheduled to review claims for the next meeting.

Meeting Adjourned 6:20 p.m.

Respectfully submitted,



Kelly Strecker  
Clerk Treasurer

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

**File Attachments for Item:**

10. Emergency Services Committee Minutes 9.26.2022.



**MINUTES  
CITY OF LAUREL  
EMERGENCY SERVICES COMMITTEE  
MONDAY, SEPTEMBER 26, 2022**

The Emergency Services Committee meeting was called to order at 6:00pm on Monday, September 26, 2022 by Chair Heidi Sparks

**Members Present:** Heidi Sparks- Chair, Irv Wilke- Vice Chair, Richard Klose, Jamie Swecker, Jim Irwin, Bruce McGee

**Others Present:** Police Chief Stan Langve, Ambulance Director Lyndy Gurchiek

**Public Input:** None

**General Items**

1. Approval of Emergency Services Committee minutes of August 22, 2022. Irv Wilke moved to approve the minutes; Richard Klose seconded- Motion carried 6-0

**New Business**

2. Update from Emergency Departments
  - a. Police Department Chief Langve- - Report attached
    - i. Items to note:
      1. Calls for Service can include Fire and Ambulance service as well where police are involved, so that is the difference between call for service versus crimes reported
      2. Dispatch is currently short-staffed due to employees out for various reasons
      3. Council Member Sparks asked about the increase of Nitazene, news article from last week. Chief Langve stated we have not started seeing this yet, but it is most likely a matter of time
  - b. Ambulance Director Lyndy Gurchiek – Report attached
    - i. Items to note:
      1. Numbers don't look super busy, but the month was busy with volunteers and staff out on vacations
      2. Seems like multiple calls at same time has increased
      3. Director Gurchiek will be meeting with the City Attorney this week to determine what options we have to help with funding
      4. Looking at more community outreach classes including Stop the Bleed

**Old Business**

3. Traffic Study of Main St - Chief Langve was able to research past information related to this topic. Provided previous letters and minutes from Council Meetings in 2020 to Mayor Waggoner. This included the information from the state on the next steps to request and have a traffic study completed. The mayor stated he will take the information and follow up with that. Chief Langve said he will continue to follow up with this issue so the state can get the traffic

study completed. This study will include both a speed limit study as well as look at the need for a light at Main and 5<sup>th</sup>.

**Other Items:** None

**Announcements**

8. Next Meeting will be Monday, October 24, 2022, at 6:00pm in Council Chambers

Meeting adjourned at 6:52pm

**File Attachments for Item:**

11. Public Works Committee Minutes 9.19.2022.





**MINUTES  
CITY OF LAUREL  
PUBLIC WORKS COMMITTEE  
MONDAY, SEPTEMBER 19, 2022**

The Public Works Committee meeting was called to order at 6:00pm on Monday, September 19, 2022, by Committee Chair, Heidi Sparks.

**Members Present:** Heidi Sparks- Chair, Irv Wilke- Vice Chair, Bill Mountsier, Emelie Eaton, Marv Carter, Dan Koch

**Others Present:** Dave Waggoner- Mayor, Kurt Markegard- Public Works Director

**Public Input:** None

**General Items**

1. Approval of Minutes from August 15, 2022- Irv Wilke made a motion to approve the minutes of August 15, 2022. Motion was seconded by Bill Mountsier. Motion carried 6-0 to approve the minutes.

**New Business**

2. Emergency Call Out Report- Report attached
3. KLJ Report- Report attached
  - Items to note:
    - 2022 Pavement Maintenance Project (S 4<sup>th</sup> Street Reconstruction)- due to issues with supply chain and/or employment issues the start date has been pushed back to November. Will start with Storm Water system
    - WWTP Screw Pump B Replacement- project is now complete
    - WTP Lift Well Replacement- should be taking place in the fall, needs to be completed no later than spring, April timeframe, due to volume of intake in the spring
    - West Railroad Street Reconstruction- funding commitment letter has been received from the state and needs to be signed and returned, once that takes place a project manager will be assigned and will start conversations on design and timing, etc. Coordination of the utility lines, such as the power lines, cable lines.

**Old Business:** None

**Other Items**

4. Water Reservoir Discussion
  - Looking for areas to build the additional 1-1.5-million-gallon reservoir, which needs to be high enough to maintain pressure within the system, but not too high for the pressure to be over the allowable pressure limit. If this is not possible with a ground tank, then an elevated tank needs to be looked at. In addition, water lines must be run to the tank from the water treatment plant. Pumps also need to be installed to push the water from the WTP to the reservoir.

- The tank cannot be too big, it must be able to draw down from the houses in the area. Otherwise, the chlorine in the water will not be sustained in the water within the reservoir. This would require the tank to have the ability to have water treatment within the system as well, which costs more money.
- The cost of the pumps and the additional water reservoir is estimated to be \$9-\$11 million at this time. This cost is covered by the water bills of those on the system and would result in an increase to the monthly bill. As additional properties come onto the system, it would lower the cost. System development fees are applied to new developments coming onto the system.
- Marv asked if the city has considered building a new water plant on the west end of Laurel. Kurt stated a new water plant would cost at least \$40-\$50 million to build. Dave stated the cost of building a new water treatment plant is not something that is feasible at this time.
- City of Laurel is also approaching the limit of their water rights; however, we have additional water rights within the reserve. The city will need to be reviewing and looking at asking for an increase in water rights for the city to continue to grow.

**Announcements**

Next Meeting will be Monday, October 17, 2022, at 6:00pm in Council Chambers

Meeting adjourned at 7:25pm



## City of Laurel Project Status Update September 15, 2022



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

**Current Status:**

- Project Bid July 1<sup>st</sup>
- Project Award July 13<sup>th</sup>
- Old pump removal completed week of July 11<sup>th</sup>
- New pump installation roughed in week of July 11<sup>th</sup>
- Pump grouted August 9<sup>th</sup>
- Lakeside inspection for the week of August 22<sup>nd</sup>
- Project completion, August 2022
- Pump is in service

### **WTP Lift Well Replacement (KLJ #2004-01487)**

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

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

**Current Status:**

- 100% review with Nathan completed February 8<sup>th</sup>
- DEQ approval received March 14<sup>th</sup>
- Pre-Bid conference was held on May 12<sup>th</sup>
- Bid opening was held on May 19<sup>th</sup>
- Construction agreements executed
- Submittal reviews are underway
- Construction to take place late fall and winter

### **Laurel Planning Services (KLJ #1804-00554)**

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

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

**Current Status:**

- Zoning Regulations Update. To be scheduled
- Subdivision Regulations Update. In house project
- Planning Jurisdiction Issues moving forward.
- West Interchange Plan. Local match not budgeted



**City of Laurel Project Status Update**  
**September 15, 2022**



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**2022 Pavement Maintenance Project (4<sup>th</sup> Street Reconstruction)**

**(KLJ #2104-00862)**

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

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

*Current Status:*

- Project Bid Opened on 5.5.22
- Contracts Executed 6.8.22
- Suspend Work Order issued 6.8.22 (Contractor to begin in Spring of 2023)
- Working with DEQ on getting plan approval
- Working with MDT & MRL on getting RR crossing approved.
- Contractor is scheduled to begin work in November

**Water System PER (KLJ #2104-00147)**

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

Project Scope: To Update the existing computer model for the water distribution system; Review pressure zone, tank and booster station alternatives; Analyze up to 3 different sites for a new water tank and explore funding alternative for all potential projects.

*Current Status:*

- Draft PER near complete; currently evaluating potential funding sources

**Southside Stormwater Study (KLJ #2004-01470)**

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

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

*Current Status:*

- Completed, need to discuss next steps in resolving outfall.

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

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



## City of Laurel Project Status Update September 15, 2022



- Planner/Project Transition. Ongoing
- Lazy KU Subdivision 2<sup>nd</sup> Filing. Element and Sufficiency Reviews. Waiting on additional information.

### **Laurel Capital Improvement Plan (KLJ # 2104-00649)**

Reason for Project: KLJ has been retained by the City of Laurel to develop a 5-year Capital Improvement Plan (CIP).

Project Scope: The CIP is primarily a planning tool for annual budgeting to assist Departments and the Governing Body establish project priorities and funding.

#### *Current Status:*

- *Task Order executed*
- *Kick-off meeting Department Heads*
- *Initial structure of CIP generated*
- *Department Heads contacted for additional projects.*
- *Document is being drafted.*
- *A meeting with City Department Heads needs to be scheduled in late November.*
- *The document will be presented to a City Council Work Session*
- *A Public Hearing before the City Council needs to be scheduled.*

### **Other Notes and Information**

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

#### Anticipated FY22 Projects

1. West Railroad Street Reconstruction- Proposal submitted
2. Water System Planning
  - a. Booster station rehabilitation or replacement (task order forthcoming)
  - b. Water storage tank Preliminary Engineering Report
3. 7<sup>th</sup> Street reconstruction
4. Waterline extension out to Golf Course Road
5. Updates to Zoning regulations
6. Updates to Subdivision Regulations
7. West Interchange Neighborhood Plan

#### Other Potential Future Projects

1. West Side TIFF

**File Attachments for Item:**

12. City-County Planning Board Minutes of September 21, 2022.



**MINUTES  
CITY OF LAUREL  
CITY/COUNTY PLANNING BOARD  
WEDNESDAY, SEPTEMBER 21, 2022  
5:35 PM  
CITY COUNCIL CHAMBERS**

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

**1. Roll Call**

The Chair called the meeting to order at: 5:35pm

Present:

Jon Klasna

Roger Giese

Richard Herr

Dan Koch

Judy Goldsby

Kurt Markegard, (City of Laurel)

Absent:

Ron Benner-present for opening of meeting and then left with no objections to the requests.

Gavin Williams

Others

Richard Klose

**General Items**

**1. Meeting Minutes: June 15, 2022**

Roger moved to accept the minutes of the July 28<sup>th</sup>, 2022, planning board meeting and Jon seconded the motion. All members voted aye.

**New Business**

**2. Carlton sign permit**

Kurt gave a brief description of the Carlton sign permit application and told the board that the sign was designed to the entry way zoning requirements. Roger moved to approve the sign and Richard seconded it. Judy asked for a vote on the motions, and all were in favor 5-0.

**3. On the Run sign permit**

Kurt explained that On the Run was going to be the new name of the Conoco C-Store on S1st Avenue across from the Town Pump Store. The sign is in conformance to a wall sign as per the regulations. Roger asked what the colors would be, and Judy explained that it was on the attachment that was presented. Jon asked about the lights for the sign and that was explained by Richard. Judy also explained that it was going to be illuminated over the door. Richard moved to approve the sign permit and Dan seconded the motion. Judy asked for a vote on the motions, and all were in favor 5-0.

4. Albertson's sign permit and plans.

Kurt asked the committee to go over the plans that were submitted to building department for a review of the remodel of the former IGA store. The planning board discussed the plan at length and Dan asked about the old drug store next door and if that was also part of the plans for the remodel. Kurt explained that was not going to be included and they would keep the remodel within the existing store. Richard moved to approve the sign and plans and Roger seconded the motion. Judy asked for a vote on the motions, and all were in favor 5-0.

### **Old business**

There was none.

### **Other Items**

5. Resignation of Dan Koch

Kurt announced that Dan had resigned effective at the end of September and Kurt wanted to thank Dan for the years of service he has given to the Planning Board. Dan indicated that he has been a part of the board for 18 years.

### **Announcements**

Judy announced the next meeting will be on October 19<sup>th</sup>, 2022. Kurt asked how members could be contacted for reminders for future meetings. Kurt asked for all cell phone numbers again. The member stated that phone calls or text messages would work.

6. Motion to Adjourn

Judy entertained a motion to adjourn the meeting and Richard moved with Roger seconded the motion, and all were in favor 5-0. The meeting was adjourned at 6:15 pm.

Submitted by Kurt Markegard



**File Attachments for Item:**

13. Park Board Minutes of October 6, 2022.



**CITY OF LAUREL  
PARK BOARD  
THURSDAY, October 6, 2022  
5:30 PM  
COUNCIL CHAMBERS  
MINUTES**

Meeting called to order at 5:30 by Irv Wilke with Richard Herr, Richard Klose, Evan Bruce and Jon Rutt in attendance. No city representatives in attendance.

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

Sue Carter wanted to speak in support of opening the pool because of the limited age use of a splash park.

**General Items**

1. Approval of Park Board Minutes of September 1, 2022

Evan B moved Richard H 2<sup>nd</sup> and the motion was approved to approve the minutes from the September 1 meeting.

**New Business**

2. Park maintenance District was discussed as an option for financing the expenses of the parks in Laurel. Creating an enterprise fund for the rental fees of the campground and building being used for the benefit of the parks was discussed and will be discussed with the City Council.
3. The Rod and Gun Club has and will rent tables and chairs for people renting the buildings from the city. Evan moved and Richard K 2<sup>nd</sup> a motion to add this information to the Building Rental Webpage. The motion was approved. Some discussion on finding the Building reservation Webpage on the city's website. More research needs to be done on this.

**Old Business**

4. 4-H Shooting Sports Program Jamie Krug said they would like to use the Jaycee Hall for BB gun and Archery. Richard H moved and Evan B 2<sup>nd</sup> a motion to allow this. Motion passed.
5. South Pond irrigation for trees was completed.
6. Playground Equipment at Lions park-Nothing reported.
7. Fir Field Bike Park is waiting for dirt.
8. Splash Park at Thompson Park is in fundraising mode and starting to build some momentum.
9. Some Lights are up and operating at Riverside Park.
10. American Legion Building has drains installed and framing for new walls. Building was vandalized and some discussion on securing the building ensued. Hand tools and some beverages were stolen and a door and window were damaged.
11. Some trees have been removed in Riverside Park. Most people are paying to camp and a person has shown interest in being a camp host.

**Other Items**

None

**Announcements**

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

12. Next meeting November 3, 2022

Meeting was adjourned at 6:15

Jon Rutt

**File Attachments for Item:**

14. City/County Planning Board Minutes Of October 19, 2022.

**MINUTES  
CITY OF LAUREL  
CITY/COUNTY PLANNING BOARD  
WEDNESDAY, OCTOBER 19, 2022**

The Chair, Judy Goldsby, called the meeting to order at 5:33 p.m.

Present: Judy Goldsby (Chair), Richard Herr (via Phone), Gavin Williams, Jon Klasna, and Roger Giese

Others Present: Kurt Markegard, Public Works & Planning Director, Brittney Moorman, Administrative Assistant

**Public Input:**

There was none.

**General Items**

1. Approve Minutes of September 21, 2022

Motion by Roger to approve the City/County Planning Board minutes of September 21, 2022, seconded by Jon. There was no public comment or board discussion. A vote was taken on the motion. All five board members present voted aye. Motion carried 5-0.

**New Business**

2. Public Hearing: Zoning Commission Special Review for Alcohol Sales at 701 E. Main Street- Pelican Café

Chair Goldsby opened the public hearing and asked Staff to present the item.

Kurt Markegard, Public Works & Planning Director, briefly review the application and staff report.

Chair Goldsby opened the floor for public comment.

Chair Goldsby asked three (3) times if there were any proponents. There were none.

Chair Goldsby asked three (3) times if there were any opponents. There were none.

Chair Goldsby stated that he would not have Staff respond to questions as there were none.

3. Special Review for Pelican Cafe allowing Alcohol Sales at 701 E. Main Street

The board reviewed the special review process. Please see attached handouts.

Public Works Director Markegard recommended to the board that this matter move forward to Council without a Public Hearing.

Motion by Gavin to recommend approval to Council for onsite consumption of alcohol at 701 E. Main Street without an additional Public Hearing by the City Council, seconded by Roger. There was no public comment.

It was questioned what hours alcohol would be served. It was clarified that the State restricts the hours of alcohol sales. The business owner clarified his hours would remain the same.

A vote was taken on the motion. All five board members present voted aye. Motion carried 5-0.

#### 4. Approval for a Pole sign permit for Chen's Express and City Brew

Per code, a property can have on Pole sign per lot advertising what is in the building. This Pole sign does comply with our code. The sign will be located off South 1<sup>st</sup> Avenue. The developer will do considerable landscaping around the sign; no variance will be needed.

Motion by Gavin to approve the Pole sign permit for Chen's Express and City Brew, seconded by Roger. There was no public comment or board discussion. A vote was taken on the motion. All five board members present voted aye. Motion carried 5-0.

### **Old Business**

The City is currently trying to hire a City Planner and has hired Prothman to advertise this position.

The City has hired a Building Inspector who will begin work on October 31, 2022.

### **Other Items**

#### **Announcements**

The next City/County Planning Board will meet on November 16<sup>th</sup>, and chair Goldsby stated she would be gone during that meeting.

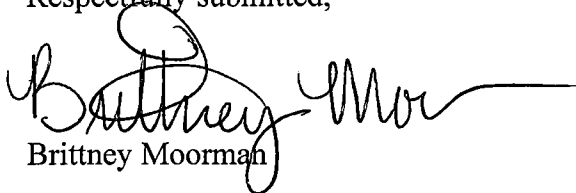
Motion by Richard to cancel the City/County Planning Board meeting of November 16th, seconded by Gavin. There was no public comment or board discussion. A vote was taken on the motion. All five board members present voted aye. Motion carried 5-0.

### **Adjournment**

Motion to adjourn meeting by Jon, seconded by Roger. There was no public comment or board discussion. A vote was taken on the motion. All five board members present voted aye. Motion carried 5-0.

The meeting was adjourned at 6:25 p.m.

Respectfully submitted,

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

Brittney Moorman

Administrative Assistant

## Chapter 17.68 - SPECIAL REVIEW PROCEDURE

### Sections:

#### 17.68.010 - Purpose of provisions.

Although each zoning district is primarily intended for a predominant type of use, there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, the character of the surrounding development, traffic capacities of adjacent streets, and potential environmental effects, all may indicate that the circumstances of the development should be individually reviewed. It is the intent of this section to provide a system of review of such uses so that the community is assured that the uses are compatible with their locations and with surrounding land uses, and will further the purpose of this title and the objectives of the Laurel comprehensive planning process.

(Prior code § 17.88.010)

#### 17.68.020 - Application requirements.

An application for a special review may be filed by the property owner, contract purchaser, or his authorized agent. The application shall be filed with the zoning commission secretary and shall be submitted under the following conditions:

- A. The application shall include, but not be limited to the following information:
  1. A legal and general description of the tract(s) upon the special review use is sought;
  2. A map showing the dimensions, acreage and location of the tract(s);
  3. The name and addresses of the owner(s) of the tract(s) and their agents, if any and the names and addresses of property owners of record within three hundred feet of the property for which a special review has been requested; such list of property owners shall be so certified by the county clerk and recorder's office;
  4. A site plan showing major details of the proposed development including but not limited to, the location of proposed and existing buildings and structures; off-street parking and loading; service and refuse areas; means of ingress and egress; landscaping; screening; signs and open space areas;
  5. A time schedule for development;
  6. Any other information the applicant believes will support his request.
- B. An application for a special review shall be made on or before five p.m. of the first day of the month preceding the date of the public hearing before the zoning commission. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following day before



five p.m.

(Ord. 94-15, 1994; prior code § 17.88.020)

17.68.030 - Evaluation responsibility—Consultation—Notification.

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

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

(Ord. 94-16, 1994; prior code § 17.88.030)

17.68.040 - Zoning commission action.

- 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.

(Ord. 94-17, 1994; Ord. 953, 1989; prior code § 17.88.040)

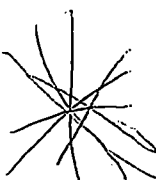
17.68.050 - City council action.

- 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.

(Ord. 94-18, 1994; prior code § 17.88.050)

## 17.40.020 - Location specified.

Off-street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be in walking distance measured from the nearest point of parking facility to the nearest point of the lot that such facility is required to serve. All such off-street parking shall be improved as required by Sections 17.40.080 and 17.40.140.

- 
- A. For one- and two-family dwellings, off-street parking is required on the same building site with the building it is required to serve.
  - B. For multiple dwellings, retirement homes, lodging and boardinghouses, etc., off-street parking is required within the walking distance of one hundred feet.
  - C. For hospitals, sanitariums, convalescent homes, nursing homes, rest homes, homes for the aged and asylums, off-street parking is required within six hundred feet for employees and three hundred feet for visitors.
  - D. That portion of the city zoned central business district (CBD) shall not have any off-street parking requirements; provided, however, that the owners of expanded or new structures must consider the off-street parking needs of their projects.
  - E. For uses other than those specified above, off-street parking within four hundred feet is required.

(Ord. 05-11, 2005; Ord. 927, 1987; Ord. 800 (part), 1985; prior code § 17.76.010(A))

**File Attachments for Item:**

15. Appointment of Aron Kostelecky to the Public Works Committee.

Mr. Mayor, My name is Aron Kostelecky, I live with my wife and son on 10th ave in Laurel. I would like to be considered for a seat on the Public Works Committee. I have been to four city council meetings now and one Public Works meeting. I am eager to help with the expansion and maintenance of Laurel and whatever comes with that. I have an eye to make things efficient and functional. I believe that those will help with whatever faces the Committee. If you have any questions my phone number is 406-598-5682.

Thank you for your time.

**File Attachments for Item:**

16. Appointment of Jonathan Gotschall to the Public Works Committee.

Jonathan Gotschall  
1011 Duval Drive  
Laurel, MT 59044

October 5, 2022

Mayor Dave Waggoner  
115 West 1<sup>st</sup> Street  
Laurel, MT 59044

Dear Mayor Waggoner,

My name is Jonathan Gotschall, and I am interested in filling one of the vacant Public Works Committee positions.

I currently work for HDR as a Roadway Engineer where I specialize in roadway design. I will soon transition to a different career with Montana Department of Transportation as a Civil Engineering Specialist. In this position, I will oversee road/bridge construction sites and confirm the contractor is following the contract, spec book, standard designs, and plan set. Road design and construction is my specialty.

I also volunteer for the Laurel Volunteer Fire Department. Running fire calls, planning open houses, helping with the Fourth of July, setting up Christmas in the Park, and supporting our school district is my way of giving back to this community. I would like to expand my community service by becoming a member of the Public Works Committee.

I have lived in every corner of Laurel, from growing up on East Maryland Lane, to living off West 13<sup>th</sup> Street in high school, to owning my own house off Duval Drive. This town and this community have given me so much. I want to see it grow, prosper, and become a safer place for everyone. Please consider me for the position in the Public Works Committee.

I currently live at **1011 Duval Drive** here in Laurel with my wife. My phone number is **406-696-9493** and my email is **jonathanmgotschall@gmail.com**.

I hope to hear from you soon.

Sincerely,

Jonathan Gotschall

**File Attachments for Item:**

17. Appointment of Camilla Nelson to the Laurel Urban Renewal Agency for the remainder of a four-year term ending December 31, 2024.





406-628-8105  
108 East Main St  
Laurel, Montana 59044  
[laurelchamber@laurelmontana.org](mailto:laurelchamber@laurelmontana.org)  
[www.laurelmontana.org](http://www.laurelmontana.org)

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"Building a better community and economic growth through communication and business relations"

May 2, 2022

Dear Mr. Mayor,

I am writing to express my interest in seating on the LURA board for the City of Laurel. I believe that my abilities and experience with the business community makes me a suitable candidate for the board.

I have worked for the Laurel Chamber of Commerce for 5 years and in that time have learned a lot about the Laurel community. With this experience I think I would be able to help the LURA board.

I look forward to hearing from you about this opportunity. You can contact me at 406-628-8105 or [laurelchamber@laurelmontana.org](mailto:laurelchamber@laurelmontana.org).

Sincerely,

*Camilla Nelson*

Camilla Nelson  
Executive Director  
Laurel Chamber of Commerce  
[laurelchamber@laurelmontana.org](mailto:laurelchamber@laurelmontana.org)  
406-628-8105

**File Attachments for Item:**

18. Appointment of Richard Klose to the City/County Planning Board for a two-year term ending June 30, 2024.

REFERENCE CITY COUNTY PLANING BOARD

SEPTEMBER 13,2022

DEAR MAYOR WAGGONER,

I would like to be considered to replace K DAN KOCK when he is officially off the CITY COUNTY PLANING BOARD.

YOURS TRULY

RICHARD A. KLOSE SR.

WARD 4

**File Attachments for Item:**

19. Resolution No. R22-67: Resolution Of The City Council Approving An Application For Special Review For The Pelican Café, Llc Authorizing The Onsite Sale And Consumption Of Alcohol On Premises, Within An Existing Structure Located At 701 East Main Street, City Of Laurel

**RESOLUTION NO. R22-67**

**RESOLUTION OF THE CITY COUNCIL APPROVING AN APPLICATION FOR  
SPECIAL REVIEW FOR THE PELICAN CAFÉ, LLC AUTHORIZING THE  
ONSITE SALE AND CONSUMPTION OF ALCOHOL ON PREMISES, WITHIN AN  
EXISTING STRUCTURE LOCATED AT 701 EAST MAIN STREET, CITY OF  
LAUREL**

WHEREAS, The Pelican Café, LLC (hereinafter “Applicant”), submitted a Special Review Application for the property located at 701 East Main Street, Laurel MT 59044, which is currently zoned within the Laurel Central Business Zoning District (hereinafter “CBZD”) within the City of Laurel; and

WHEREAS, the Applicant seeks to provide for the sale and consumption of alcohol on its premises, within an existing structure located at 701 East Main Street, Laurel MT 59044, to be known as The Pelican Café, more particularly described as Allard Subdivision, Lots 9 and 10, Block 27, Section 9, T. 2 S., R. 24 E., P.M.M., City of Laurel, Yellowstone County, Montana;

WHEREAS, the Applicant seeks such Special Review pursuant to and anticipating its purchase and transfer of an All-Beverage Liquor License presently held by Sonny O’Day, Inc. with the State of Montana;

WHEREAS, the State of Montana Department of Revenue has placed a deadline of November 19, 2022 for the transfer of the Sonny O’Day, Inc. All-Beverage Liquor License to The Pelican Café;

WHEREAS, in order to complete the transfer of the All-Beverage Liquor License in a timely manner, Public Notice and Hearing of the Special Review Application will need to be waived, so that the City Council of the City of Laurel can approve/deny the Special Review Application in a manner which allows appropriate action by the State of Montana Department of Revenue;

WHEREAS, the Laurel Municipal Code and the Special Review procedures for the City of Laurel allow waiver of extended public notice of Special Review Applications;

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. The Planning Board (acting as the Zoning Commission) considered this matter on October 19, 2022 and 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. 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.
3. The operation of the business at the site shall not constitute a nuisance.
4. 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.
5. 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 19<sup>th</sup> day of October, 2022 with the Zoning Commission;

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 of the Zoning Commission (of which there was none), 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 provide for the sale and consumption of alcohol on its premises, located at 701 East Main Street, Laurel MT 59044; 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 25<sup>th</sup> day of October 2022, by Council Member \_\_\_\_\_.

PASSED and APPROVED by the City Council of the City of Laurel the 25<sup>th</sup> day of October 2022.

APPROVED by the Mayor the 25<sup>th</sup> day of October 2022.

CITY OF LAUREL

---

Dave Waggoner, Mayor

ATTEST:

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Kelly Strecker, Clerk-Treasurer

APPROVED AS TO FORM:

---

Michele L. Braukmann, Civil City Attorney

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

# City Of Laurel

P.O. Box 10  
Laurel, Montana 59044



Office of the Director of Public  
Works

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## **INTRODUCTION**

On Wednesday, September 28, 2022, Chad Page submitted a **Special Review Application for onsite sales and consumption of alcohol within the Laurel Central Business Zoning District (CBZD)**. The property involved in the request is the Pelican Cafe, 701 East Main Street, and is described as Allard Subdivision (Laurel) Lots 9 and 10, Block 27, Section 9, T. 2 S., R. 24 E., P.M.M., City of Laurel, Yellowstone County, Montana.

The project will be presented to the Laurel – Yellowstone City County Planning Board on **October 19, 2022**, with a recommendation to the Laurel City Council for final decision in November.

## **PLANNER RESPONSIBILITY**

- A. Consult with other departments of the City or County to evaluate the impact of the special review upon public facilities and services; ACCOMPLISHED
- B. Study each application with reference to its appropriateness and effect on existing and proposed land use, and reference to the comprehensive plan; ACCOMPLISHED
- C. Advertise twice in a newspaper of general circulation in the jurisdictional area of the Laurel – Yellowstone City County Planning Board; ACCOMPLISHED
- D. Notify by mail, the applicant or his agent at least five days prior to the date of the public hearing of the date, time and place of such hearing; ACCOMPLISHED
- E. Notify, by mail, all property owners within 300 feet of the exterior boundaries of the property subject to the special review of the date, time and location of the public hearing; ACCOMPLISHED
- F. **After the public hearing and as part of the public record, report findings and conclusions and recommendations to the Zoning Commission.**

## **STANDARD OF REVIEW Zoning Commission/City Council**

- The request complies with the requirements of §17.68.040 of the City of Laurel Zoning;
- The request is consistent with the objectives and purpose of Title 17 of the Laurel Municipal Code;
- The proposed use is compatible with surrounding land use or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects;
- The zoning commission shall consider and may impose modification or conditions concerning, but not limited to:
  - Street and road capacity,



- Ingress and egress to adjoining streets,
- Off-street parking,
- Fencing, screening and landscaping.
- Building bulk and location,
- Usable open space,
- Signs and lighting,
- Noise, vibration, air pollution and similar environmental influences.

#### **VARIANCES REQUESTED**

N/A. None Requested.

#### **Recommendation to the City Council for special review for 701 East Main Street.**

On October 19, 2022, the zoning commission held a public hearing to consider a special review for the sale of onsite alcohol consumption at 701 E. Main Street for the Pelican Café. The zoning commission chair opened the public hearing after the presentation and asked three times for proponents and for which there were none. The chair then asked three times for opponents and for which there were none. The chair closed the public hearing, and the matter was then taken up by the zoning commission. The zoning commission considered the criteria for special review and evaluated all aspects pertinent for a recommendation of approval to allow onsite alcohol sales at 701 E. Main Street.

It is the zoning commission's recommendation to allow the sale of onsite consumptions of alcohol at 701 East Main Street and to consider the special review without holding another public hearing. The requirement to hold or not hold a public hearing is the City Council's decision to make but due to the lack of participation or comments for or against the special review, it was the zoning commission's recommendation that public involvement was noticed, and the public decided not to participate.

CITY HALL  
115 W. 1<sup>ST</sup> ST.  
PUB. WORKS: 628-4796  
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# City Of Laurel

P.O. Box 10  
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Office of the Director of Public  
Works

---

## **INTRODUCTION**

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The project will be presented to the Laurel – Yellowstone City County Planning Board on **October 19, 2022**, with a recommendation to the Laurel City Council for final decision in November.

## **PLANNER RESPONSIBILITY**

- A. Consult with other departments of the City or County to evaluate the impact of the special review upon public facilities and services; ACCOMPLISHED
- B. Study each application with reference to its appropriateness and effect on existing and proposed land use, and reference to the comprehensive plan; ACCOMPLISHED
- C. Advertise twice in a newspaper of general circulation in the jurisdictional area of the Laurel – Yellowstone City County Planning Board; ACCOMPLISHED
- D. Notify by mail, the applicant or his agent at least five days prior to the date of the public hearing of the date, time and place of such hearing; ACCOMPLISHED
- E. Notify, by mail, all property owners within 300 feet of the exterior boundaries of the property subject to the special review of the date, time and location of the public hearing; ACCOMPLISHED
- F. **After the public hearing and as part of the public record, report findings and conclusions and recommendations to the Zoning Commission.**

## **STANDARD OF REVIEW Zoning Commission/City Council**

- The request complies with the requirements of §17.68.040 of the City of Laurel Zoning;
- The request is consistent with the objectives and purpose of Title 17 of the Laurel Municipal Code;
- The proposed use is compatible with surrounding land use or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects;
- The zoning commission shall consider and may impose modification or conditions concerning, but not limited to:
  - Street and road capacity,

- Ingress and egress to adjoining streets,
- Off-street parking,
- Fencing, screening and landscaping.
- Building bulk and location,
- Usable open space,
- Signs and lighting,
- Noise, vibration, air pollution and similar environmental influences.

**VARIANCES REQUESTED**

N/A. None Requested.

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

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# 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: Chad Page  
Legal Description: Allard Subdivision Block 27 Lot 9, S 09, T2S, R24E  
General Address: 701 East Main Street  
Owner of Tract: Chad Page  
Mailing Address: 1960 Coyote Ridge Road North, Laurel, MT 59044-9489  
Phone Number: 406-628-6683 (Pelican Cafe); 406-861-9987 (Mobile)  
Email Address: jamiegrey@yahoo.com

General Description of the requested Special Review:  
Onsite sale and consumption of alcohol

Timing for development:  
**By or before November 19, 2022**

### 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: 

Date: September 26, 2020

September 26, 2022

To Whom it May Concern:

In compliance with Laurel Municipal Code Chapter 17.68, this letter and attendant materials comprise a request for a Special Review to approve the Montana Department of Revenue's transfer of the Sonny O'Day's, Inc., All-Beverage Liquor License to The Pelican Cafe, LLC, for the service of alcohol.

Between Sonny O'Day's and The Pelican Cafe, and the Pelican's predecessors, nearly a century of service has been provided to the residents of the greater-Laurel community and its visitors. By joining together these two long-established businesses, The Pelican Cafe would offer a home-style, full-service restaurant, welcoming a family-friendly option for Laurel residents, in addition to providing an attraction for visitors, making The Pelican Cafe a vital, active, and even more integral part of the greater-Laurel community.

Sonny O'Day's All-Beverage license is the longest singly-owned liquor license in the State of Montana, and has been a 75-year tradition in Laurel since 1947. The loss of this historic liquor license to Laurel would be immeasurable.

Because heritage and long-standing traditions are important in Laurel, we seek timely approval of this Special Request, to ensure that Sonny O'Day's historic liquor license remains in Laurel, where Sonny and his wife, Carra, a much-beloved grade-school teacher, raised their family and lived for over seven decades. Without timely approval, Laurel no longer may be home for the Sonny O'Day liquor license, and our community will have lost a valued piece of its heritage, as well as the Sonny O'Day legacy.

The Montana Department of Revenue has placed a deadline of November 19, 2022, for the Sonny O'Day All-Beverage Liquor License either to be transferred to The Pelican Cafe; or, if the Special Request to The Pelican Cafe is denied, to be sold through a competitive bidding process to another Montana city; or, to be forfeited.

Sonny O'Day's All-Beverage license has received Special Review approval in the past, and we ask that this same approval be granted once more, so that Sonny's legacy may remain in Laurel: his and his family's treasured home.

Thank you in advance for your consideration of this Special Request. We look forward to long and valued service in the Laurel community.

Best regards,



Chad Page  
Owner, The Pelican Cafe, LLC



Shelley Van Atta  
Owner, Sonny O'Day, Inc.





**Property Owners within 300 ft. of The Pelican Cafe**

The map displays a grid of streets and property lots. A red dashed circle highlights a specific area around the cafe, which is marked with a red star. The map includes numerous property addresses and street names.

**Streets:** Pennsylvania Ave, Wyoming Ave, Washington Ave, Idaho Ave, Birch Ave, Cottonwood Ave, E 6th St, E 5th St, E 4th St, E 3rd St, E 1st St, E Main St, Ohio Ave.

**Property Owners (Addresses):**

- B00541, B00534, B00540, B00525, B00520, B00519A, B00805, B00802, B00801, B00800, B00799, B00796, B00796A, B00797, B00798, B00794, B00790, B00791, B00792, B00793
- B01125, B01127, B01128, B01116, B01136A, B01137, B01138, B01135, B01139, B01134, B01133, B01132, B01131, B01130, B01129, B01149, B01148, B01147, B01146, B01145, B01150, B01151, B01152, B01158, B01160, B01162, B01161, B01159, B01157, B01156, B01155, B01154, B01153, B00509, B00512, B00508, B00513, B00513A, B00507, B00506, B00505, B00504, B00815, B00806, B00807, B00814, B00813, B00812, B00815, B00826, B00825, B00824, B00823, B00822, B00821, B00816, B00817, B00818, B00819, B00820, B00837, B00838, B00827, B00828, B00829, B00830, B00831, B00832, B00833, B00834, B00835, B00836
- B01068, B01067, B01069, B01070, B01065, B01064, B01063, B01062, B01061, B01058, B01059, B01057, B01056, B01055A, B01055, B01054, B01053, B01052, B01048, B01049, B01050, B01051, B01047, B01046, B01045, B01044, B01043, B01042, B01041, B00502B, B00502A, B00502, B00501, B00499, B00910, B00899, B00909, B00900, B00908, B00901, B00898, B00897, B00896, B00895, B00894, B00893, B00912, B00911, B00913, B00890, B00889, B00888, B00887, B00886, B00881, B00882, B00883, B00884, B00885
- B01018, B01017, B01016, B01015, B01014, B01013, B01012, B01011, B01029, B01028, B01027, B01026, B01024, B01022, B01021, B01020, B01019, B01030, B01031, B01032, B01033, B01034, B01035, B01036, B01037, B01038, B01039, B00495, B00494, B00493, B00492, B00491, B00490, B00489, B00965, B00964, B00963, B00962, B00961, B00960, B00959, B00958, B00957, B00956, B00955, B00954, B00953, B00952, B00951, B00950, B00949, B00948, B00947, B00946, B00945, B00944, B00943, B00942, B00941, B00940, B00939, B00938, B00937, B00936, B00935, B00934, B00933, B00932, B00931, B00930, B00929, B00928, B00927, B00926, B00925, B00924, B00923, B00922, B00921, B00920, B00919, B00918, B00917, B00916, B00915, B00914, B00913, B00912, B00911, B00910, B00909, B00908, B00907, B00906, B00905, B00904, B00903, B00902, B00901, B00900, B00899, B00898, B00897, B00896, B00895, B00894, B00893, B00892, B00891, B00890, B00889, B00888, B00887, B00886, B00885, B00884, B00883, B00882, B00881, B00880, B00879, B00878, B00877, B00876, B00875, B00874, B00873, B00872, B00871, B00870, B00869, B00868, B00867, B00866, B00865, B00864, B00863, B00862, B00861, B00860, B00859, B00858, B00857, B00856, B00855, B00854, B00853, B00852, B00851, B00850, B00849, B00848, B00847, B00846, B00845, B00844, B00843, B00842, B00841, B00840, B00839, B00838, B00837, B00836, B00835, B00834, B00833, B00832, B00831, B00830, B00829, B00828, B00827, B00826, B00825, B00824, B00823, B00822, B00821, B00820, B00819, B00818, B00817, B00816, B00815, B00814, B00813, B00812, B00811, B00810, B00809, B00808, B00807, B00806, B00805, B00804, B00803, B00802, B00801, B00800, B00799, B00798, B00797, B00796, B00795, B00794, B00793, B00792, B00791, B00790



## Property Owners within 300 ft. of The Pelican Cafe

Owner name	Tax Code	Legal Description	Address
MONTANA RAIL LINK	D13144	S09, T02 S, R24 I	
BEQUETTE PROPERTIES LLC	B01035	LAUREL REALTY	: 601 E MAIN ST
LAMBRECHT, JACOB C & TERRIE L	B01034	LAUREL REALTY	: 613 E MAIN ST
GOLDSBY, JUDITH ANN	B01033	LAUREL REALTY	: 619 E MAIN ST
O'LOUGHLIN, JAMES T & KAREN L	B01040	LAUREL REALTY	: 12 IDAHO AVE
HICKS, SCOTT	B01039A	LAUREL REALTY	: 16 IDAHO AVE
LINSE, JUSTIN &	B01039	LAUREL REALTY	: 20 IDAHO AVE
CHAPMAN, RAMONA J	B01038	LAUREL REALTY	: 17 WASHINGTON AVE
BOBO, GARY & SHARON K	B01037	LAUREL REALTY	: 15 WASHINGTON AVE
STEFFANICH, LEE & BETSY	B01036	LAUREL REALTY	: 13 WASHINGTON AVE
PAGE, CHAD E	B00492	ALLARD SUBD (L 701 E MAIN ST	
SUAZO FAMILY TRUST	B00491	ALLARD SUBD (L 709 E MAIN ST	
ARROYO SECO GROUP INC	B00489	ALLARD SUBD (L 711 E MAIN ST	
DEMARAY, ROGER D & KRISTINA R	B00497	ALLARD SUBD (L 16 OHIO AVE	
SMITH, LANCE E & AMBER	B00496	ALLARD SUBD (L 20 OHIO AVE	
FJELSTAD, NATHAN LANE & KATHERINE LEE	B00495	ALLARD SUBD (L 19 IDAHO AVE	
SCHRAUDNER, JORDAN & MICHELLE	B00494	ALLARD SUBD (L 15 IDAHO AVE	
VALLECIO JR, ALEX YAMANI	B00493	ALLARD SUBD (L 11 IDAHO AVE	
RODABOUGH, WENDY S	B01044	LAUREL REALTY	: 605 E 4TH ST
DAVIS, TERENCE A	B01043	LAUREL REALTY	: 609 E 4TH ST
LEKSEN, ALAN & SUSAN C	B01042	LAUREL REALTY	: 613 E 4TH ST
HARMON, PATRICK D & MATTHEW J	B01041	LAUREL REALTY	: 619 E 4TH ST



# Yellowstone County, Montana

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**Disclaimer:** Not all fields are currently maintained. The [accuracy of the data is not guaranteed](#). Please notify the Appraisal/Assessment Office of any inaccuracies.

[Back to Search Form](#)

[Full Orion Detail](#)

## Owner Information

**\*Please Note:** Owner information is supplied by the Montana Department of Revenue. To request updates to addresses or other ownership information, please **contact the DOR office at 896-4000**. Records for the current year will **not** be updated after tax bills have been sent out, so changes requested after you receive your bill will appear only on next year's records.

Tax Code: B00492

### Primary Party

Primary Owner Name: PAGE, CHAD E [Ownership History](#)

2022 Mailing Address: PAGE, CHAD E  
1960 COYOTE RIDGE RD N  
LAUREL, MT 59044-9489

Property Address: 701 E MAIN ST

Township: 02 S Range: 24 E Section: 09

Subdivision: ALLARD SUBD (LAUREL) Block: 27 Lot: 9

Full Legal: ALLARD SUBD (LAUREL), S09, T02 S, R24 E, BLOCK 27, Lot 9 - 10,  
AMND

GeoCode: 03-0821-09-4-11-01-0000

[Show on Map](#) (May not work for some newer properties.)

## Property Assessment Information

Levy District: 7 TI LAUREL URBAN RENEWA TAX I (618.13 Mills)

### 2021 Assessed Value Summary

Assessed Land Value = \$ 43,068.00

Assessed Building(s) Value = \$ 59,832.00

Total Assessed Value = \$ 102,900.00

### Assessed Value Detail Tax Year: 2021

Class Code	Amount
2207 - Commercial City or Town Lots (1.89% Tax Rate) =	\$ 43,068.00
3507 - Improvements on Commercial City or Town Lots (1.89% Tax Rate) =	\$ 59,832.00
Total =	\$ 102,900.00

The values shown for the given tax year are for taxation purposes only. They are supplied by the Department of Revenue. For questions about these values, please contact the Montana Department of Revenue, Appraisal/Assessment Office at [406-896-4000](#).

## Rural SID Payoff Information

NONE

## Property Tax Billing History

Year	1st Half	2nd Half	Total
<a href="#">2000</a>	467.00 P	467.00 P	934.00
<a href="#">2001</a>	514.04 P	514.04 P	1,028.08
<a href="#">2002</a>	563.46 P	563.45 P	1,126.91

<a href="#">2003</a>	626.03 P	626.03 P	1,252.06
<a href="#">2004</a>	718.17 P	718.17 P	1,436.34
<a href="#">2005</a>	774.83 P	774.82 P	1,549.65
<a href="#">2006</a>	791.37 P	791.35 P	1,582.72
<a href="#">2007</a>	789.24 P	789.22 P	1,578.46
<a href="#">2008</a>	781.64 P	781.60 P	1,563.24
<a href="#">2009</a>	752.17 P	752.14 P	1,504.31
<a href="#">2010</a>	774.84 P	774.83 P	1,549.67
<a href="#">2011</a>	736.62 P	736.62 P	1,473.24
<a href="#">2012</a>	721.85 P	721.84 P	1,443.69
<a href="#">2013</a>	50.00 P	0.00	50.00
<a href="#">2013</a>	679.67 P	679.65 P	1,359.32
<a href="#">2014</a>	790.26 P	790.25 P	1,580.51
<a href="#">2015</a>	732.84 P	732.82 P	1,465.66
<a href="#">2016</a>	740.49 P	740.49 P	1,480.98
<a href="#">2017</a>	774.70 P	774.69 P	1,549.39
<a href="#">2018</a>	820.34 P	820.32 P	1,640.66
<a href="#">2019</a>	767.69 P	767.66 P	1,535.35
<a href="#">2020</a>	711.01 P	710.99 P	1,422.00
<a href="#">2021</a>	809.41 P	809.40 P	1,618.81

(P) indicates paid taxes.

Click on year for detail. [Pay Taxes Online](#)

### Jurisdictional Information

**Commissioner Dist: 1 -** [John Ostlund \(R\)](#)

**Senate: 28 -** [Brad Molnar \(R\)](#)

**House: 55 -** Vince Ricci (R)

**Ward: 1 (LAUREL)**

[Emelie Kay Eaton](#)

[Heidi Sparks](#)

**Precinct: 55.4**

**Zoning: CBD-Central Business District**

[Click Here to view Billings](#)

[Regulations](#)

[Click Here to view Laurel](#)

[Regulations](#)

[Click Here to view Broadview](#)

[Regulations](#)

[Click Here to view Yellowstone](#)

[County Regulations](#)

**School Attendance Areas**

**High:** LAUREL

**Middle:** LAUREL

**Elem:** LAUREL

[School District Trustee Links](#)

Any comments or questions regarding the web site may be directed to the [Web Developer](#).

**MINUTES  
CITY OF LAUREL  
CITY/COUNTY PLANNING BOARD  
WEDNESDAY, OCTOBER 19, 2022**

The Chair, Judy Goldsby, called the meeting to order at 5:33 p.m.

Present: Judy Goldsby (Chair), Richard Herr (via Phone), Gavin Williams, Jon Klasna, and Roger Giese

Others Present: Kurt Markegard, Public Works & Planning Director, Brittney Moorman, Administrative Assistant

**Public Input:**

There was none.

**General Items**

1. Approve Minutes of September 21, 2022

Motion by Roger to approve the City/County Planning Board minutes of September 21, 2022, seconded by Jon. There was no public comment or board discussion. A vote was taken on the motion. All five board members present voted aye. Motion carried 5-0.

**New Business**

2. Public Hearing: Zoning Commission Special Review for Alcohol Sales at 701 E. Main Street- Pelican Café

Chair Goldsby opened the public hearing and asked Staff to present the item.

Kurt Markegard, Public Works & Planning Director, briefly review the application and staff report.

Chair Goldsby opened the floor for public comment.

Chair Goldsby asked three (3) times if there were any proponents. There were none.

Chair Goldsby asked three (3) times if there were any opponents. There were none.

Chair Goldsby stated that he would not have Staff respond to questions as there were none.

3. Special Review for Pelican Cafe allowing Alcohol Sales at 701 E. Main Street

The board reviewed the special review process. Please see attached handouts.

Public Works Director Markegard recommended to the board that this matter move forward to Council without a Public Hearing.

Motion by Gavin to recommend approval to Council for onsite consumption of alcohol at 701 E. Main Street without an additional Public Hearing by the City Council, seconded by Roger. There was no public comment.

It was questioned what hours alcohol would be served. It was clarified that the State restricts the hours of alcohol sales. The business owner clarified his hours would remain the same.

A vote was taken on the motion. All five board members present voted aye. Motion carried 5-0.

#### 4. Approval for a Pole sign permit for Chen's Express and City Brew

Per code, a property can have on Pole sign per lot advertising what is in the building. This Pole sign does comply with our code. The sign will be located off South 1<sup>st</sup> Avenue. The developer will do considerable landscaping around the sign; no variance will be needed.

Motion by Gavin to approve the Pole sign permit for Chen's Express and City Brew, seconded by Roger. There was no public comment or board discussion. A vote was taken on the motion. All five board members present voted aye. Motion carried 5-0.

### **Old Business**

The City is currently trying to hire a City Planner and has hired Prothman to advertise this position.

The City has hired a Building Inspector who will begin work on October 31, 2022.

### **Other Items**

#### **Announcements**

The next City/County Planning Board will meet on November 16<sup>th</sup>, and chair Goldsby stated she would be gone during that meeting.

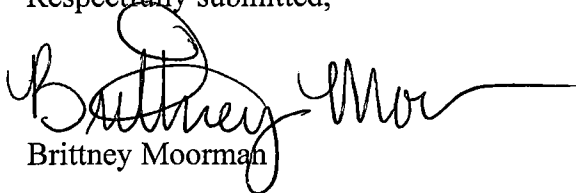
Motion by Richard to cancel the City/County Planning Board meeting of November 16th, seconded by Gavin. There was no public comment or board discussion. A vote was taken on the motion. All five board members present voted aye. Motion carried 5-0.

### **Adjournment**

Motion to adjourn meeting by Jon, seconded by Roger. There was no public comment or board discussion. A vote was taken on the motion. All five board members present voted aye. Motion carried 5-0.

The meeting was adjourned at 6:25 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Brittney Moorman", with a long horizontal flourish extending to the right.

Brittney Moorman

Administrative Assistant

## Chapter 17.68 - SPECIAL REVIEW PROCEDURE

**Sections:**

## 17.68.010 - Purpose of provisions.

Although each zoning district is primarily intended for a predominant type of use, there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, the character of the surrounding development, traffic capacities of adjacent streets, and potential environmental effects, all may indicate that the circumstances of the development should be individually reviewed. It is the intent of this section to provide a system of review of such uses so that the community is assured that the uses are compatible with their locations and with surrounding land uses, and will further the purpose of this title and the objectives of the Laurel comprehensive planning process.

(Prior code § 17.88.010)

## 17.68.020 - Application requirements.

An application for a special review may be filed by the property owner, contract purchaser, or his authorized agent. The application shall be filed with the zoning commission secretary and shall be submitted under the following conditions:

- A. The application shall include, but not be limited to the following information:
  - 1. A legal and general description of the tract(s) upon the special review use is sought;
  - 2. A map showing the dimensions, acreage and location of the tract(s);
  - 3. The name and addresses of the owner(s) of the tract(s) and their agents, if any and the names and addresses of property owners of record within three hundred feet of the property for which a special review has been requested; such list of property owners shall be so certified by the county clerk and recorder's office;
  - 4. A site plan showing major details of the proposed development including but not limited to, the location of proposed and existing buildings and structures; off-street parking and loading; service and refuse areas; means of ingress and egress; landscaping; screening; signs and open space areas;
  - 5. A time schedule for development;
  - 6. Any other information the applicant believes will support his request.
- B. An application for a special review shall be made on or before five p.m. of the first day of the month preceding the date of the public hearing before the zoning commission. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following day before

five p.m.

(Ord. 94-15, 1994; prior code § 17.88.020)

17.68.030 - Evaluation responsibility—Consultation—Notification.

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

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

(Ord. 94-16, 1994; prior code § 17.88.030)

17.68.040 - Zoning commission action.

- 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.

(Ord. 94-17, 1994; Ord. 953, 1989; prior code § 17.88.040)

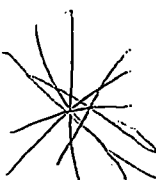
17.68.050 - City council action.

- 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.

(Ord. 94-18, 1994; prior code § 17.88.050)

## 17.40.020 - Location specified.

Off-street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be in walking distance measured from the nearest point of parking facility to the nearest point of the lot that such facility is required to serve. All such off-street parking shall be improved as required by Sections 17.40.080 and 17.40.140.

- 
- A. For one- and two-family dwellings, off-street parking is required on the same building site with the building it is required to serve.
  - B. For multiple dwellings, retirement homes, lodging and boardinghouses, etc., off-street parking is required within the walking distance of one hundred feet.
  - C. For hospitals, sanitariums, convalescent homes, nursing homes, rest homes, homes for the aged and asylums, off-street parking is required within six hundred feet for employees and three hundred feet for visitors.
  - D. That portion of the city zoned central business district (CBD) shall not have any off-street parking requirements; provided, however, that the owners of expanded or new structures must consider the off-street parking needs of their projects.
  - E. For uses other than those specified above, off-street parking within four hundred feet is required.

(Ord. 05-11, 2005; Ord. 927, 1987; Ord. 800 (part), 1985; prior code § 17.76.010(A))

## PUBLIC HEARING NOTICE

The Laurel Zoning Commission will conduct a public hearing on a Special Review for The Pelican Café on property located at 701 E. Main Street, Laurel, Montana. The hearing is scheduled for **5:35 p.m., or as soon as practicable thereafter, in the City Council Chambers (115 W. Main Street, Laurel, Montana), on Wednesday, October 19, 2022.**

The specific property subject to the Special Review is described as:

- Allard Subdivision Block 27 Lot 9, S 09, T2S, R24E

The use triggering the Special Review is a request for **onsite sale and consumption of alcohol** within the Laurel Central Business District (CBD)

In addition to the above items, the Zoning Commission/City Council will consider the following items in the Special Review Process:

- The request complies with the requirements of §17.68.040 of the City of Laurel Zoning;
- The request is consistent with the objectives and purpose of Title 17 of the Laurel Municipal Code;
- The proposed use is compatible with surrounding land use or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects;
- The zoning commission shall consider and may impose modification or conditions concerning, but not limited to:
  - Street and road capacity,
  - Ingress and egress to adjoining streets,
  - Off-street parking,
  - Fencing, screening and landscaping.
  - Building bulk and location,
  - Usable open space,
  - Signs and lighting,
  - Noise, vibration, air pollution and similar environmental influences.

A copy of the Special Review application and supporting materials is available for public review at Laurel City Hall during regular business hours. Questions may be directed to Kurt Markegard, Planning Director at (406) 628-4796 ext. 5305 or [kmarkegard@laurel.mt.gov](mailto:kmarkegard@laurel.mt.gov). Public comment is encouraged.

The City of Laurel is committed to open and transparent government and associated public decision-making processes. Public comment is encouraged.

Publish September 30 and October 7, 2022.

**File Attachments for Item:**

20. Ordinance No. O22-06: An Ordinance Amending Certain Chapters Of Title 12.18 Of The Laurel Municipal Code Relating To Special Event Permits For The City Of Laurel

## ORDINANCE NO. 022-06

### AN ORDINANCE AMENDING CERTAIN CHAPTERS OF TITLE 12.18 OF THE LAUREL MUNICIPAL CODE RELATING TO SPECIAL EVENT PERMITS FOR THE CITY OF LAUREL

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

WHEREAS, City Staff prepared, reviewed, and approved the following amendments to the existing Title 12.18 (Special Event Permits) as noted herein and hereby recommends the same to the City Council for their full approval.

#### Chapter 12.18 SPECIAL EVENT PERMITS

##### 12.18.005 Purpose and Definitions.

A. Purpose. The City recognizes community events may provide cultural enrichment, promote economic vitality, enhance community identity, and create funding opportunities for service organizations. The purpose of this Chapter is to establish a coordinated process for managing community events held on City property to protect the health and safety of event patrons, residents, workers, and other visitors, and to regulate competing uses of City property. This Chapter is further intended to create mechanisms for cost recovery that allow the City to recoup some of the costs associated with community events but which do not unduly impact the viability of events.

B. Definitions. The following definitions apply to this Chapter:

1. ~~Under this chapter, "Event"~~ "Event" means and includes, but is not limited to: parade, gathering, protest, walk, run, demonstration, athletic event, speech, exhibition or motorcade. This definition also specifically includes any event that involves assembling or traveling in unison on any public street, highway, alley, sidewalk or other public way owned, controlled, or maintained by the City and which either: 1) will impede, obstruct, impair or interfere with the free use of such public street, highway, alley, sidewalk, or other public way owned, controlled, or maintained by the City; or 2) will not comply with normal or usual traffic regulations or controls. This definition is not all-inclusive, and the term "event" may be what a "reasonable person" under the circumstances would believe it means.

(Ord. 07-03 (part), 2007)

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#### 12.18.010 Requirement to ~~Obtain~~ ~~Special~~ ~~Event~~ ~~Permit~~.

A. It is unlawful for any person to conduct any event in or upon any public street, ~~highway~~, sidewalk, ~~or alley, or other public way owned, controlled, or maintained by or within the~~ ~~in the~~ ~~C~~city of Laurel, or knowingly participate in any such event, unless and until a special event permit to conduct such event has been obtained from the ~~C~~city of Laurel.

B. It is unlawful for any person to conduct any event in or upon property owned, controlled, or maintained by the City of Laurel, or knowingly participate in any such event, unless and until a special event permit to conduct such event has been obtained from the City of Laurel if:

1. The event involves more than twenty-five (25) people;
2. The event involves the consumption of alcoholic beverages;
3. The event involves the physical alteration to City property;
4. The event involves vending/solicitation; or
5. If fees are to be collected by the permittee for the event.

C. The following activities are exempt from the special event permit requirement: funeral processions, lawful picketing on sidewalks when the number of participants does not substantially impede, obstruct, impair or interfere with the free use of the sidewalk or the conduct of business, and activities conducted by a governmental agency acting within its scope of authority.

(Ord. 07-03 (part), 2007)

#### 12.18.020 Permit ~~F~~ees.

Special event permit applicants shall pay a fee upon submittal of the application for the permit. The fee amount shall be determined by ~~R~~esolution passed by the ~~C~~city of Laurel ~~C~~city ~~C~~council. The fee is due upon application for the permit, and no permit shall issue without the fee being paid prior to issuance except by express waiver determined by the ~~city council~~Mayor. The ~~city council~~Mayor shall have the authority to waive the permit fee.

The Mayor, with the consultation of City Staff, may also set additional fees related to specific events, based upon the demands and costs to the City in

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allowing the event. These additional fees may include, at the Mayor's discretion, fees related to cost of providing City services for the event, additional staffing costs, such as Police, Ambulance, or Fire, crowd control costs, the provision of garbage receptacles and crowd-monitoring barriers, and other costs reasonably incurred by the City in allowing an event to be held within the City. The additional fees shall be invoiced to the applicant upon the conclusion of the event, and the invoice is due and payable within ten (10) business days of invoicing by the City. An applicant can request an estimate of the additional fees prior to issuance of the permit.

(Ord. 07-03 (part), 2007)

#### **12.18.030 Application and ~~A~~approval ~~P~~process.**

A. The application for such permit shall be made in writing on an approved form available at the ~~C~~eity ~~C~~lerk-~~T~~reasurer's office. Any person who wants to conduct a special event on a ~~C~~eity of Laurel street or sidewalk shall apply to the ~~C~~eity for a special event permit at least thirty (30) ~~ten working business~~ days in advance of the date of the event.

B. The ~~M~~ayor may, in his or her discretion, consider any application for a permit to conduct an event that is filed less than thirty (30) ~~ten business working~~ days prior to the date such event is to be conducted.

C. After review of the application ~~and approval~~ by the ~~C~~eity ~~P~~ublic ~~W~~orks ~~D~~irector, ~~C~~ehief of ~~P~~olice, ~~F~~ire ~~C~~ehief, ~~and~~ ~~A~~mbulance ~~D~~irector, ~~and~~ ~~C~~ity ~~A~~ttorney, and payment of the permit fee by the special event permit applicant, the ~~M~~ayor shall issue the special event permit, if he/she determines such issuance is in the best interests of the ~~C~~eity of Laurel.

D. The Mayor may place reasonable conditions on any special event permit concerning the time, place or manner of holding the event as is necessary to coordinate multiple uses of City property, assure preservation of City property, prevent dangerous, unlawful, or impermissible uses, and protect the safety of persons and property. Conditions the Mayor may impose include, but are not limited to:

1. Establishment of an assembly or disbanding area for a parade or like event;

2. Accommodation of an event's pedestrian and vehicular traffic, including restricting events to City sidewalks, portions of a City street, or other public right-of-way and implementation of a parking or transportation plan;

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3. Conditions designed to avoid or lessen interference with public safety functions and/or emergency service access;

4. Number and type of vehicles, animals, or structures to be displayed or used in the event and their locations;

5. Provision and use of traffic cones or barricades;

6. Provision or operation of sanitary facilities, including handicap accessible sanitary facilities;

7. Provision of a waste management plan, and the cleanup and restoration of the site of the event;

8. Use of sound amplification equipment, and restrictions on the amount of noise generated by motors and other equipment used in the course of the event;

9. Manner of providing notice of permit conditions to permit participants and those businesses or residents who may be directly affected by the conduct of the event;

10. Reasonable designation of alternate sites, times, dates, or modes for exercising expressive activity;

11. Obtaining of any and all business licenses or other necessary permits required by this Code for the sale of food, beverage or other goods or services at the event;

12. Manner by which alcohol sales and service, if any, shall be conducted at the event;

13. Limitations on the use of spray paint or chalk paint as directional cues for participants; and

14. Provisions for public safety and the preservation of public property such as traffic/pedestrian control, fire safety, the closure of streets or intersections, the diverting of traffic, etc.

E. Approval for the Permit must be obtained prior to the applicant beginning any advertising for the event.

(Ord. 07-03 (part), 2007)

**12.18.040 Permit Application Contents.**



In order that adequate arrangements may be made for the proper policing of the event, the application shall contain, at a minimum, the following information:

A. The name of the applicant, the sponsoring organization, and the event chairperson, and the addresses, and telephone numbers, and email addresses of each;

B. The purpose of the event, the dates and times when it is proposed to be conducted, and the route or specific area requested for use or any proposed alternate event route or deviation from the established route, to include:

1. The location of the assembly area, the location of the disbanding area, route to be traveled, and

2. The approximate time when the event will gather, from start to and finish;

~~C. A plan depicting the placement of temporary structures or facilities on public property or public rights-of-way and, if the event is a march, parade or process, a map of the proposed route.~~

~~D. A description of the individual vehicles, groups, or bands, including a description of any music or sound amplification equipment to be used, if applicable;~~

~~E. A statement regarding whether or not alcohol will be available or served and a copy of any applicable alcohol license or catering license;~~

~~F. A statement of any fees to be charged to participants or spectators in connection with the special event;~~

~~G. The approximate times when assembly for, and disbanding of, the special event is to take place;~~

~~H. Whether the permittee is requested any special signage (to be provided by the permittee);~~

~~I. Insurance information;~~

~~J. Whether the permittee will provide any portable toilets;~~

~~K. Provisions for trash removal and clean-up, if necessary;~~

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L. The anticipated attendance at the event;

M. Whether provisions will need to be made for public safety and the preservation of public property, such as traffic/pedestrian control, fire safety, emergency response services, the closure of streets or intersections, the diverting of traffic, and the like;

N. Any other information reasonably required by the Mayor.

(Ord. 07-03 (part), 2007)

#### **12.18.050 Permit ~~R~~requirements and ~~C~~econditions.**

A. For all special event permits, the ~~M~~mayor may specify any other additional requirements ~~requested by the city clerk treasurer, police chief, fire chief, ambulance director or public works director~~ reasonably necessary for the protection of persons or property.

B. The Mayor may refer the application to such City departments or personnel as he or she deems necessary for review, evaluation, investigation and recommendations regarding approval or disapproval of the application.

~~C~~B. Each permittee shall comply with all conditions stated in the special event permit. Failure by the permittee to comply with all special event permit conditions may result in revocation of the special event permit. In addition, failure to comply with the conditions may result in denial of future special event permits to the permittee that failed to comply.

(Ord. 07-03 (part), 2007)

#### **12.18.060 Insurance and Indemnity.**

Sponsoring persons, organizations, companies, corporations or other entities applying for a special event permit shall hold the ~~C~~eity harmless and indemnify from any and all claims, damages, loses and expenses arising from the special event. Applicants for a special event permit shall agree in writing to hold harmless and indemnify the ~~C~~eity for any and all claims, lawsuits or liability, including attorney's fees and costs allegedly arising out of the loss, damage or injury to persons or personal or public property occurring during the course of or pertaining to the special event caused by the events sponsoring organizations, companies, corporations, or other entities, their officers, employees, or agents.

The sponsoring organization shall carry appropriate insurance as ~~recommended by staff~~required by the City, including comprehensive general liability,

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automobile liability and/or designated premises liability in the minimum amount of ~~two one~~ million dollars per occurrence and ~~four two~~ million dollars aggregate per event or location. ~~and list~~ The Ceity of Laurel must be named as an additional named insured.

The Mayor has the authority to waive ~~the~~ requirements contained in this Section. Additionally, the Mayor may require insurance coverage in a higher or lower amount based upon the type of special event, the number of persons anticipated to attend the special event, or the anticipated number of persons participating in the special event.

Each applicant shall execute a hold harmless agreement in a form approved by the City agreeing to defend, indemnify, and hold harmless the City against losses and liabilities incurred from the conduct of the applicant or its officers, employees, and agents. The agreement must be submitted to the Mayor with the application for a special event permit.

(Ord. 07-03 (part), 2007)

(Ord. No. O14-02, 7-15-2014)

#### **12.18.070 Alcohol.**

No sales or soliciting are allowed unless proper licensing is prepared in advance of the special event.

The applicant must demonstrate that all state and local liquor control regulations pertaining to the sale and consumption of alcohol have been complied with and must provide copies of all applicable state and local liquor permits with the special event application.

Any person, company, corporation, association or other entity conducting a special event, within Ceity jurisdiction, shall, at the discretion of the Mayor, be entitled to a special permit to sell beer and/or alcohol to the patrons of the special event to be consumed within an enclosure wherein the event is held. The applicant must specify, in their request for the special event alcohol permit, the location and size of the area wherein they propose to sell the alcohol. The Mayor, at his or her discretion, may specify the location and size of the area at the special event where the alcohol may be consumed.

The fee for special event alcohol permit shall be set by City Ceouncil Resolution. This fee shall be paid upon presentation of the special event application along with the special event alcohol permit application to the Ceity Clerk-Treasurer. If the special event alcohol permit is denied, the Ceity

Celrk-Treasurer shall refund the special event alcohol permit fee to the applicant.

If the Ceity has revoked a special event permit of the special event alcohol permit applicant for any reason within the last five years, the special event alcohol permit may be denied.

The City Ppolice Department may revoke the special event alcohol permit if those in attendance become unruly, if property is damaged, or for other reasons that adversely affect the public health, safety and welfare of the citizens of Laurel or those people attending or participating in the special event.

(Ord. 07-03 (part), 2007)

#### **12.18.080 Permit Duration.**

The event permit shall issue with specific delineation of the event length and proposed time requirements estimated for the event. Only under extreme conditions or situations shall the event run longer than the proposed length of time specified in the special event permit, and then only with specific authority granted by the Mmayor. If the Mmayor permits an extension for time under this provision, the Ceity Celrk-Treasurer must provide notice to the Ceity of Laurel Cehief of Ppolice, Fire Cehief, Ambulance Director, and the Ppublic Wworks Director.

(Ord. 07-03 (part), 2007)

#### **12.18.090 Issuance of Permit.**

A. Issuing Permits. The Mmayor shall issue a special event permit, however, the granting of the permit is contingent upon the applicant signing the special event permit application. The special event permit must state the applicant's intent to adhere to the conditions stated in the special event permit application.

B. Denial of Permit Application. The Mmayor shall deny an application for a special event permit and shall notify the applicant of such denial when:

1. The Mmayor or other reviewing authority for the Ceity of Laurel makes any finding contrary to the findings required to be made for the issuance of a permit, or the Mmayor determines issuance is not in the best interest of the city; or

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2. The location, time, route, or magnitude of the event will disrupt to an unreasonable extent the movement of traffic, either pedestrian or motor vehicle; or
3. The event requires a significant quantity of law enforcement to properly control movement of participants and spectators in areas near or on the event site in such quantity to disable reasonable law enforcement protection for the spectators, participants and residents of the Ccity of Laurel; or
4. The special event will disrupt or inhibit with other events previously granted a special event permit occurring in the Ccity of Laurel on the same day and time; or
5. The permittee provided false or misleading information in the special event permit application concerning any relevant data; or
6. The permittee fails to agree, abide by or comply with all conditions of the special event permit.
7. Upon notice to the permittee of the denial of the special event permit, the Mmayor must also provide notice of denial of the special event permit to the Cchief of Ppolice, Ffire Cchief, Aambulance Director, and to the Ppublic Works Director.

(Ord. 07-03 (part), 2007)

#### **12.18.100 Revocation.**

The Ccity may revoke any special event permit granted under the terms of this chapter if it becomes known to the Ccity that the permittee is in any manner failing to comply with the terms of this chapter. In the event of such revocation, the person to whom such special event permit was granted shall thereafter be operating without a special event permit and shall be subject to penalties as provided in the Ccity of Laurel Municipal Code. The special event permit granted may be revoked in the manner provided for the revocation of licenses and permits generally.

If the Mmayor determines that the safety of the public or property requires revocation of the special event permit due to disaster, public calamity, riot or other emergency, the special event permit may be summarily revoked by the Mmayor. Notice of such action revoking a special event permit shall be delivered in writing to the permittee by personal service or by certified mail, and notice shall also be provided to the Ccity Clerk-Treasurer, the city of Laurel

~~C~~ehief of ~~P~~police, the ~~F~~fire ~~C~~ehief, the ~~A~~mbulance ~~D~~irector, and the ~~P~~ublic ~~W~~orks ~~D~~irector.

(Ord. 07-03 (part), 2007)

**12.18.110 Officials to be ~~N~~otified of ~~P~~ermit ~~I~~ssuance.**

Immediately upon the ~~M~~ayor's approval and issuance of the special event permit, the ~~C~~eity ~~C~~lerk-~~T~~reasurer shall deliver a copy of the permit to the ~~C~~ehief of ~~P~~police, the ~~F~~fire ~~C~~ehief, the ~~A~~mbulance ~~D~~irector, ~~and the P~~ublic ~~W~~orks ~~D~~irector, and the City Attorney.

(Ord. 07-03 (part), 2007)

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

Introduced and passed on first reading at a regular meeting of the City Council on the 25<sup>th</sup> day of October 2022, upon Motion by Council Member \_\_\_\_\_.

PASSED and ADOPTED by the Laurel City Council on second reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, upon Motion by Council Member \_\_\_\_\_.

APPROVED BY THE MAYOR on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

CITY OF LAUREL

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

ATTEST:

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

APPROVED AS TO FORM:

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