

MINUTES OF THE CITY COUNCIL OF LAUREL

May 6, 2014

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 Mark Mace at 6:30 p.m. on May 6, 2014.

COUNCIL MEMBERS PRESENT: Emelie Eaton Doug Poehls
 Bruce McGee Richard Herr
 Scot Stokes Chuck Dickerson
 Bill Mountsier

COUNCIL MEMBERS ABSENT: Tom Nelson

OTHER STAFF PRESENT: Monica Plecker, Planning Director

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

Mayor Mace asked the council to observe a moment of silence.

MINUTES:

Motion by Council Member McGee to approve the minutes of the regular meeting of April 15, 2014, as presented, seconded by Council Member Dickerson. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

CORRESPONDENCE:

Arbor Day Foundation: Letter of April 2, 2014, recognizing Laurel as a 2013 Tree City USA.

Laurel Chamber of Commerce: Minutes of April 10, 2014; Agenda for April 24, 2014.

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS.

PUBLIC HEARING:

- **Ordinance No. O14-01: An ordinance amending Chapter 17.48.050 of the Laurel Municipal Code to update the City's Zoning Ordinance regulating fence heights within the City of Laurel.** (First reading – April 1, 2014)

Mayor Mace opened the public hearing and asked staff to present the item prior to hearing the public comments.

Planning Director Monica Plecker spoke regarding the fence heights ordinance. The Planning Board recommended approval of the ordinance. The ordinance includes 4-foot front yards, 6-foot side yards, and even adjacent to the street as long as clear vision is met. The application process remains the same and the permitted list of materials that are excluded was refined. Monica has not received any written comments regarding the ordinance.

Mayor Mace opened the floor for public comment.

Mayor Mace asked if there were any proponents supporting the item.

Lacey Thompson, 520 Second Avenue, stated that she is for the amendment to the ordinance. She lives on a corner lot that abuts an alley and her side yard is on a very busy street. She is glad that the ordinance is being changed because currently she is only able to have a 3-foot fence on the side of her back yard. She thinks that is very insufficient, considering that Sixth Street is a popular through street. It does not currently allow her to have a privacy fence to keep her family and dogs safe. Lacey lives across the street from The Design, which is a very popular location, so there is a lot of steady traffic and people park on the side road. The people are usually polite, but Lacey thinks it is

M. Mace

still a safety issue for her family. She would like the changes to pass. Lacey submitted six letters of support from other city residents to Mayor Mace.

Mayor Mace asked two times if there were any other proponents. There were none.

Mayor Mace stated that the letters Lacey Thompson submitted were in favor of the amendment to the ordinance. Letters were received from: Michelle Goodman Linder, 602 2nd Avenue; The Design Hair and Tanning Studio, 209 West 6th Street; Bob and Nancy Hogg, 716 6th Avenue; Jay and Lacey Thompson, 520 2nd Avenue; Brenda Lawver, 613 6th Avenue; and Sandra Robinson, 1009 West 12th Street.

Mayor Mace asked three times if there were any opponents. There were none.

Mayor Mace closed the public hearing.

Council Member Dickerson asked for clarification that any fences constructed prior to the adoption of the proposed ordinance would be grandfathered in and any fences that are constructed after approval would be affected.

Monica stated that, with any ordinance, the city does not retro activate the ordinance. It will only affect permanent fences moving forward. Monica, the building official, and the code enforcement officer will not be sending any letters telling residents that their current fence does not comply with the new ordinance. Letters will only be sent per the policy outlined in the Laurel Municipal Code if a fence is built from the time that this was effective forward and was not permitted.

- **Long Range Transportation Plan**

Mayor Mace opened the public hearing and asked Staff to present the item prior to hearing the public comments.

Monica Plecker explained that the representatives from Robert Peccia did not attend, as their work is done. At last week's council workshop, they spoke regarding the meeting with the CHS Refinery, some of the refinery's needs and how those play into the Long Range Transportation Plan. Although CHS is not in the city limits, the city's Plan area extends to parts of the County. Monica stated that her department is a City-County Planning Department, so it is important for the city to look out on the city's behalf for those properties as well. A copy of the letter from CHS will be added to the end of the Plan as written comments.

Monica spoke regarding an Addendum, which states: "The following short range projects are to be added to Section 5.2.1 of the City of Laurel Long Range Transportation Plan." The Addendum takes into consideration the comments received from CHS Refinery and adds it into the Plan. The Addendum does not take priority over any of the other projects that were listed, but just includes it to consider the refinery's transportation needs as CHS expands. The projects include the Bernhardt Road intersection. At last week's meeting, CHS talked about the potential need for a stoplight at that intersection, as it is a highway with multiple lanes, a 45 mph speed limit, and their heavy truck traffic as they have relocated some of the facilities those trucks utilize. A request to install a stoplight has to go through extensive evaluation and studies. The second project is a speed study, for which CHS will probably lobby to the County Commissioners. The city will have a role to play in these projects, but it is really a courtesy to include the refinery, as CHS is an important part of the community even if it is across the invisible line. Staff has reviewed the Addendum and recommends the change, which will be included in the document before the council for approval tonight.

Council Member Dickerson asked if this would require the expertise of Great West Engineering for some of the decisions that will have to be made.

Monica stated that it depends on the project. For the two projects listed which are out in the County, Great West Engineering would not be needed. Great West Engineering provides assistance to the City of Laurel, and the County has measures in place to take care of issues in the County. Monica explained the possibility that the city could authorize a task order with Great West Engineering through the usual council process if design work or engineering is needed for projects in the city. None of the projects in the Transportation Plan have been designed, so design and engineering elements will need to be done as funding is available for projects to go forward.

Mayor Mace opened the floor for public comment.

Mayor Mace asked three times if there were any Proponents. There were none.

Mayor Mace asked three times if there were any opponents. There were none.

Mayor Mace closed the public hearing.

CONSENT ITEMS:

- **Claims for the month of April 2014 in the amount of \$850,572.98.**
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 04/13/2014 totaling \$165,750.60.**
- **Approval of Payroll Register for PPE 04/27/2014 totaling \$173,784.43.**
- **Receiving the Committee Reports into the Record.**
 - Budget/Finance Committee minutes of April 15, 2014 were presented.
 - Park Board minutes of April 3, 2014 were presented.
 - Health Insurance Committee minutes of April 14, 2014 were presented.
 - Emergency Services Committee minutes of April 21, 2014 were presented.
 - Laurel Urban Renewal Agency minutes of April 21, 2014 were presented.
 - Council Workshop minutes of April 29, 2014 were presented.

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

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

CEREMONIAL CALENDAR: Poppy Day Proclamation

Mayor Mace read the Poppy Day Proclamation and proclaimed Friday, May 23, 2014, as Poppy Day in the City of Laurel.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):

Phyllis Wasson, 716 West Main Street, owns the Wagon Wheel Lodge in Laurel. She stated that she has some problems with her water bill, which usually averages between \$450 to \$500 a month. In March, she received a bill for \$1,852. She called city hall right away and someone went there and told her they must have a leak. She made sure everyone shut off the water for ten minutes and the meter did not move. She stated that they said maybe if it was a leak, it fixed itself. Phyllis feels that the meter needs to be replaced but she thinks something also happened to the meter. She asked the council to adjust her water bill for that month. Her bill was \$800 this month and they have never had an \$800 water bill. The motel's eleven units have not been full, as four or five rooms have been open. She does not know what is happening but thinks that a new meter should be put in. Phyllis asked if the bill could be adjusted for the month of March.

Mayor Mace asked if Phyllis had talked to anyone from the city or the public works director about it.

Phyllis answered that she had and was told that they would have to pay it unless they went in front of the council.

Mayor Mace stated that he would talk to the public works director to find out what the issue is and get back to her.

SCHEDULED MATTERS:

- **Confirmation of Appointments.**

Laurel Ambulance Service:

Mayor Mace appointed Miranda Story and Keriann Nemitz to the Laurel Ambulance Service.

Motion by Council Member Dickerson to approve the Mayor's appointments of Miranda Story and Keriann Nemitz to the Laurel Ambulance Service, seconded by Council Member Poehls. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Ordinance No. O14-01: An ordinance amending Chapter 17.48.050 of the Laurel Municipal Code to update the City's Zoning Ordinance regulating fence heights within the City of Laurel.** Second reading.

Motion by Council Member Poehls to adopt Ordinance No. O14-01, seconded by Council Member Eaton. There was no public comment or council discussion. A roll call vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R14-22: A resolution of intent to adopt an official Schedule of Fees and Charges for the City of Laurel, repealing all previous resolutions that set fees or charges that conflict with the schedule attached hereto upon its effective date.**

Motion by Council Member Mountsier to approve Resolution No. R14-22, seconded by Council Member Dickerson. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R14-23: A resolution of the City Council adopting the Long Range Transportation Plan developed by Robert Peccia & Associates.**

Motion by Council Member Stokes to approve Resolution No. R14-23, seconded by Council Member Mountsier. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R14-24: A resolution of the City Council authorizing the Mayor to sign a contract with Sanderson Stewart for the Tax Increment Financing District Development Strategy Plan.**

Motion by Council Member Herr to approve Resolution No. R14-24, seconded by Council Member Poehls. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Pay off Loan #WRF-10209R in the amount of \$247,000.**

Motion by Council Member Eaton to pay off Loan #WRF-10209R in the amount of \$247,000, seconded by Council Member Dickerson. There was no public comment.

Council Member Poehls stated that, for the record, this is payoff of a Water Revolving Fund loan.

A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

- Review of Monthly Reports: Police, Fire, Ambulance, and Code Enforcement: None.

Council Member Poehls stated that the council should be getting some news from Kurt Markegard about the septic tank for septic haulers. He asked that the issue be on the next council workshop agenda.

The Emergency Services Committee will not meet in May, as May 26th is Memorial Day.

Council Member Mountsier commended the Police Department for being diligent about writing parking tickets up at the stadium. It has cut down on the number of violators that are parking in front of the fire hydrants and in front of the intersections.

Council Member Dickerson asked for an update on the relocation of the emergency siren at the next council workshop.

Council Member Eaton asked regarding a little building down at Riverside Park that has been moved. She would like an explanation in the record so the public can know the details of what the building was, why it was moved and who moved it.

Mayor Mace did not know the specifics of the building. An explanation will be provided at the May 13th council workshop.

Council Member Eaton stated that the Public Works Committee meeting is scheduled for Monday, May 12th. At the last Public Works Committee meeting, there was confusion regarding meeting dates. At that time, the Public Works Director explained that the Public Works Committee meets on the Monday before the first workshop of the month. It is not always the second Monday of the month, so Council Member Eaton wanted an explanation for the record.

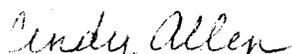
Mayor Mace mentioned the meeting with BNSF and MRL on Friday, May 9th. He asked any council members that attend the meeting to provide some feedback regarding the information.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

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

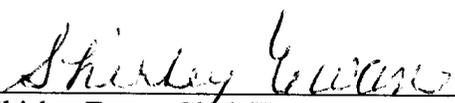
There being no further business to come before the council at this time, the meeting was adjourned at 7:05 p.m.


Cindy Allen, Council Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 20th day of May, 2014.


Mark A. Mace, Mayor

Attest:


Shirley Ewan, Clerk/Treasurer

I, Michelle Goodman Linder, home owner of 602 2nd Avenue, Laurel MT support the amendment proposed with regards to fencing on a corner alley lot.

Should you have questions and/or concerns please feel free to contact me at 406-890-0596.

Thanking you for your consideration.

A handwritten signature in cursive script that reads "Michelle Goodman Linder". The signature is written in black ink and is positioned above the printed contact information.

Michelle Goodman Linder
602 2nd Avenue
Laurel MT 59044
406-890-0596

THE DESIGN HAIR AND TANNING STUDIO

209 WEST 6TH STREET
LAUREL, MT 59044

I, Michelle Goodman Linder, business owner of The Design Hair and Tanning Studio support the amendment proposed with regards to fencing on a corner alley lot in Ward .

Should you have questions and/or concerns please feel free to contact me at 406-628-4877.

Thanking you for your consideration.

A handwritten signature in cursive script that reads "Michelle Goodman Linder".

Michelle Goodman Linder
Owner, The Design Hair & Tanning Studio
209 West 6th Street
Laurel, MT 59044
406-628-4877

April 28, 2014

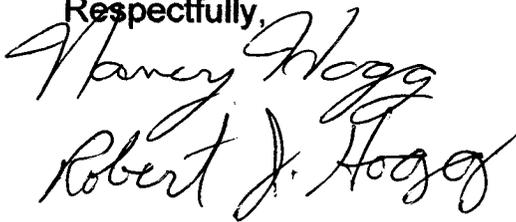
Bob and Nancy Hogg
716 6th Ave
Laurel, MT

To Whom it May Concern,

This letter is being submitted in support of Amendment 17.20. As homeowners and residents of Laurel we agree with the amendment that will allow 6 ft fences in a residents backyard. This is a privacy and safety benefit, which also offers safety for young children on busy roads.

We completely support the amendment to the city ordinance 17.20 that allows corner lots that abut an ally to have a 6ft fence in the backyard.

Respectfully,

Handwritten signatures of Nancy Hogg and Robert J. Hogg. Nancy's signature is written in a cursive style, and Robert's signature is also cursive and includes a middle initial.

Bob and Nancy Hogg
Laurel Residents

4/29/14

To City of Laurel Planning Committee:

I am writing in support of the amendment to the city ordinance that would allow corner residential lots to have up to a 6ft privacy fence in the rear of the dwelling so long as it abuts an alley.

Our family has been saving funds for years to be able to build a privacy fence in our back yard. Now that we are finally ready to make the steps to start that process – we've been informed that the current ordinance does not allow us to put up a 5ft cedar fence all the way around our backyard. We see building a privacy fence as a necessary safety precaution to protect our 2 year old child and dog from the very busy 6th street. 6th Street is a very popular and busy pass through street because it has the right of way to the other streets and only one stop sign. Having a 5ft fence on the side of our yard that is parallel to 6th street is paramount. However, the way the ordinance is currently written, that length of the fence that can only be 3ft. Any loose dog could jump that fence straight in to our yard. Any strange person walking that popular sidewalk could step right over. The thriving business (The Design Salon) across 6th street from our property has patrons coming and going all day, 5 days a week. They generally park on our side of the street – I'm not complaining because they are most always polite and respectful of our property but I mention this to say that it's a very busy area.

Also, we've observed many other corner lots in the city of Laurel that do indeed already have 6ft privacy fences that are in opposition of the current ordinance. This concerns me because it sends the message to residents like us that we should have just built the fence and asked forgiveness later rather than what we did do: contact the city to make sure we were doing things the right way, then being told we can't build a 5ft fence all the way around the backyard.

We hope we've made our case that the ordinance needs to be amended. For us it's about safety – but it would also improve the property significantly.

Thank you for your consideration.

Jay and Lacey Thompson
520 2nd Ave
Laurel, MT

April 29, 2014

To Whom It May Concern:

I am writing this in support of an amendment to the current ordinance allowing residents who own corner lots to build privacy fences.

Sincerely,

A handwritten signature in black ink that reads "Brenda Lawver". The signature is written in a cursive style with a large initial 'B'.

Brenda Lawver
613 6th Ave
Laurel, MT 59044

April 28, 2014

To whom it may concern,

I'm writing in support of the amendment to the city ordinance 17.20 that would allow homeowners to build up to a 6' privacy fence in the back yard as long as the property abuts an ally and does not obstruct the visibility of the alley traffic.

A handwritten signature in cursive script that reads "Sandra Robinson". The signature is written in black ink and has a horizontal line extending to the right from the end of the name.

Sandra Robinson
1009 W. 12th Street
Laurel, MT 59044