

MINUTES OF THE CITY COUNCIL OF LAUREL

October 7, 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 Council President Doug Poehls at 6:30 p.m. on October 7, 2014.

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

COUNCIL MEMBERS ABSENT: Tom Nelson

OTHER STAFF PRESENT: Monica Plecker, Planning Director

Council President Poehls led the Pledge of Allegiance to the American flag.

Council President Poehls asked the council to observe a moment of silence.

MINUTES:

Motion by Council Member Stokes to approve the minutes of the regular meeting of September 16, 2014, as presented, seconded by Council Member Dickerson. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

Motion by Council Member Herr to approve the minutes of the special meeting of September 30, 2014, as presented, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

CORRESPONDENCE.

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS.

PUBLIC HEARINGS:

- **Special Review for Grace Bible Church**

Council President Poehls stated that this is the time and place set for the public hearing for the Special Review for Grace Bible Church.

Council President Poehls opened the public hearing and asked Staff to present the item prior to hearing the public comments.

Planning Director Monica Plecker stated that the resolution to grant a Special Review for the property at 801 Washington Avenue would allow a church or assembly building to be built in a residential area. Currently, the existing zoning is Residential Tracts. The Planning Board recommended approval with the staff suggested conditions.

Monica explained the background of the Planning Board's discussion. The Planning Board felt that the uses in the adjacent properties facilitated this type of development. The Laurel Middle School is located to the south, and the Board did not think it would create major traffic congestion due to the hours that the church is in operation. There might occasionally be some conflict, but not enough to warrant any conditions related to the traffic pattern. The Crossings is located to the north, so a church building seems to be a compatible land use.

The Planning Board considered the public comment that was received. At the public hearing, an individual spoke regarding how the storm water might affect their property. Monica stated that it is

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required that all storm water is maintained on site. One staff-suggested condition of approval addresses future curb, gutter and sidewalk on East Maryland. Right now, East Maryland is not completely improved. If the city required the applicant to make those improvements at this time, it would run the storm water onto the next property, which cannot be done. The sixth condition of approval says that "Grace Bible Church shall execute a waiver of right to protest to be filed so that curb and gutter can be placed along East Maryland at which time in the future Maryland is improved."

The conditions of approval include:

- The Grace Bible Church shall apply for a building permit;
- Property shall be kept free of noxious weeds;
- All storm water must be kept on site.
- Off street parking shall be required as stated in Laurel Municipal Code 17.40.

Monica explained that Gary calculates the off street parking into the plans based on square footage of the building. No problems are anticipated since it is a sizeable lot.

- All signs shall comply with the regulations stated in LMC 15.40.
- Grace Bible Church shall execute a waiver of right to protest to be filed so that curb and gutter can be placed along East Maryland at which time in the future Maryland is improved."
- Sidewalks shall be installed along Washington Avenue and East Maryland Lane.

A site plan was attached to the application and the staff report, as well as a concept of what the building would look like.

Monica mentioned that other public comments heard at the Planning Board's public hearing had to do with the proposed approaches. The Board heard that residents did not want the approaches across from their house. This is just a concept, as actual plans have not been submitted yet. There are eleven individual lots along Washington Avenue, so depending on how land development goes, that could potentially be five to eleven driveway approaches. The city requires two points of access. There were no staff suggested conditions to force the first or second point of access to move, and the Planning Board did not make that a condition.

Council Member Dickerson asked if the two approaches or exits to the property would be affected by East Maryland being an arterial route.

Monica explained that there are a couple different ways to handle that. According to the site plan, Grace Bible Church is not planning on putting future parking in along East Maryland. It is important to be cautious about not getting too excessive with points of access on urban routes, which has started to become a standard, though they are necessary at times. With the size of the lot, an additional exit would certainly be appropriate. Monica does not think two approaches would be needed on the East Maryland side, but that would be a worthwhile conversation in the future when East Maryland is improved with curb and gutter. The city has nothing that would hinder the applicant from putting an approach off of East Maryland.

Council Member Eaton mentioned that the plans call for five-foot boulevards, five-foot sidewalks and the property to be developed. And the end of last week's discussion, Council Member Poehls said that the church was going to continue the sidewalk as it is configured in front of the middle school. She asked if that contradicts the boulevard/sidewalk/property concept and how the sidewalk is in front of the middle school.

Monica did not know that information off hand. She explained that the city allows for flexibility for either boulevard or curb walk and there are transitions all over the city. There needs to be a transition for that, which would be reviewed at the building plan stage. The city has not yet received an actual set of building plans, which will be reviewed to make sure that the sidewalks are in compliance with Montana Public Works Standards. At that time, staff will review to make sure there is an appropriate transition that is in accordance with the Public Works Standards.

Council Member Herr stated that it is five-foot grass and sidewalk, exactly like it is in front of the middle school.

Council Member Dickerson asked if the information would be prepared and presented at the time Grace Bible Church requests a building permit.

Monica stated that it would be. She explained that the city cannot expect an applicant for a special review to already have construction plans prepared, as the council could decide not to grant the special review and there are costs associated with the development of the plans. The special review is for the council's consideration to allow the use of the property for a church.

Council President Poehls opened the floor for public comment and stated that copies of the rules governing the public hearing have been posted in the council chambers.

Council President Poehls asked three times if there were any proponents.

Chris Hallock, 319 7th Avenue, represented Grace Bible Church. He stated that the church is interested in building a building that would be useful to the church body and to the community.

Council President Poehls asked three times if there were any other proponents. There were none.

Council President Poehls asked three times if there were any opponents.

Bob Robinson, 916 Washington Avenue, stated that he attended the first Planning Board meeting when there were not enough members to have the public hearing, so the meeting was rescheduled on a Monday morning and he could not attend. He wrote a letter that got at that meeting. Mr. Robinson stated that he is not against building the church. He is against the north exit and entrance they are going to put on Washington Avenue. As to the statement that there is no traffic up and down Washington, he would like somebody to sit in his driveway during the week or on a weekend to see how much more traffic goes up and down Washington Avenue, especially during the school hours. Bob stated that three property owners, including himself, are against having the entrance/exit on the upper end of Washington Avenue. He explained that there is a stop sign going on to Maryland Lane there, and when there is traffic going up there, there are six or seven cars waiting to go through that stop sign. He questioned how traffic will get in and out of the church if the entrance or exit are there and stated that it is not feasible. Regarding the requirement for two entrances to a parking lot, Bob stated that the middle school does not have two entrances. It has a wide exit and entrance into the parking lot on the north end of the school. The way they get the traffic in and out is with a stop sign coming out of the parking lot with a right turn only sign so there is no cross traffic going across Washington Avenue. Bob suggested that it would work great if there was a large exit/entrance into the property from East 9th Street, which would put traffic in several directions. He stated that his opposition is because of the traffic congestion, as residents cannot get out of their driveways between 7:30 a.m. to 9:00 a.m. because of the current traffic congestion.

Council President asked three times if there were any other opponents. There were none.

Council President Poehls closed the public hearing.

- **Annexation of R & T Subdivision**

Council President Poehls stated that this is the time and place set for the public hearing for the annexation of R&T Subdivision.

Council President Poehls opened the public hearing and asked Staff to present the item prior to hearing the public comments.

Monica Plecker explained the application to consider annexation of three lots of R & T Subdivision, which obtained preliminary plat. This 30-acre parcel is located in the County and was reviewed as a First Minor Subdivision by the County. Four lots are being created, including one lot that is 28 acres and three small single-family dwelling lots. Mr. Harmon submitted an application for annexation for the three small single-family dwelling lots. Annexation of the three lots is a condition of approval for Final Plat for several reasons. First, the property is within 500 feet of municipal services. Second, drain fields cannot be permitted. One lot would allow for that, but the other two do not. If the city denied services to those lots, they would be totally unbuildable, which is something the Planning Board is not interested in doing. Monica has often mentioned the need for additional housing in the City of Laurel. This is only three lots, but three lots are better than none. The property is currently in an area of residential development. One of the lots had an old house on it that has been torn down and is actually in the process of being rebuilt. Monica stated that Mr. Harmon came with a very proactive approach to the city, presented his plans, and acknowledged that the smaller lots need city services. Gary Colley has been inspecting the house as it has been built,

knowing that the annexation request would be before the city council to consider. The County does not typically require inspection of their houses, but that was something that Mr. Harmon was willing to do and the city has worked with him.

Monica stated the conditions of approval for the annexation.

- In the event public improvements have not been completed at the time a building permit is applied for, the applicant shall provide a development agreement.

Monica explained that the Subdivision Improvements Agreement (SIA), which is required with the Preliminary Plat, discusses how the properties will hook up to city services. The development agreement comes in the form of the SIA.

- A Subdivision Improvements Agreement shall be executed with Final Plat approval.

Monica stated that Final Plat cannot be achieved without a Subdivision Improvements Agreement.

- A waiver of right to protest shall be executed and filed with the Clerk and Recorder at the time of annexation approval.

The City of Laurel's Annexation Policy requires a waiver of rights to protest in the event that special improvement districts are created in the future.

- The final plat shall be filed prior to annexation.

Council President Poehls opened the floor for public comment and stated that copies of the rules governing the public hearing have been posted in the council chambers.

Council President Poehls asked two times if there were any proponents.

Ron Harmon, 1001 Montana Avenue, built a nice home there. I want to thank Monica. She has brought me this far and been very helpful. We have done everything that the city has required that I know of. We built a good home, an attractive home, and I do need the city's services to continue. So I'm asking that the city council consider it. Thank you.

Council President Poehls asked two times if there were any other proponents. There were none.

Council President Poehls asked three times if there were any opponents. There were none.

Council President Poehls closed the public hearing.

CONSENT ITEMS:

- **Claims for the month of September 2014 in the amount of \$1,081,386.00.**
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 09/14/2014 totaling \$168,517.28.**
- **Approval of Payroll Register for PPE 09/28/2014 totaling \$174,843.33.**
- **Receiving the Committee/Board/Commission Reports into the Record.**
 - Budget/Finance Committee minutes of September 16, 2014 were presented.
 - Emergency Services Committee minutes of September 22, 2014 were presented.
 - Council Workshop minutes of September 30, 2014 were presented.
 - Laurel Urban Renewal Agency minutes of August 4, 2014.
 - Laurel Urban Renewal Agency minutes of September 2, 2014.
 - Laurel Urban Renewal Agency minutes of September 15, 2014.
 - Tree Board minutes of July 17, 2014 were presented.

- Laurel Library Board minutes of January 14, 2014 were presented.
- Laurel Library Board minutes of February 18, 2014 were presented.
- Laurel Library Board minutes of March 11, 2014 were presented.
- Laurel Library Board minutes of April 8, 2014 were presented.
- Laurel Library Board minutes of May 13, 2014 were presented.

The Council President 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 Dickerson. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Confirmation of Appointments.**

Laurel Volunteer Ambulance Service

Council President Poehls appointed Joni Lande to the Laurel Volunteer Ambulance Service.

Motion by Council Member McGee to approve the appointment of Joni Lande to the Laurel Volunteer Ambulance Service, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

- **Resolution No. R14-77: A resolution of the City Council approving an application for Special Review submitted on behalf of Grace Bible Church.**

Motion by Council Member Dickerson to approve Resolution No. R14-77, seconded by Council Member Mountsier. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

- **Resolution No. R14-78: A resolution approving the annexation of R&T Subdivision, Lots 1, 3, and 4, an addition to the City of Laurel, Montana.**

Motion by Council Member Mountsier to approve Resolution No. R14-78, seconded by Council Member Dickerson. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Council Member Stokes asked for discussion regarding a plan for the swimming pool on the next council workshop agenda.

Council Member Dickerson requested an update of the status of the underpass rehab project at the next council workshop.

Council Member Eaton asked for an update at the next council workshop regarding repairs that are presently being made on West Railroad Street.

Council Member Eaton shared the following notice that she received on her door: "The City of Laurel will be replacing a water valve on South 5th Street and Forrest Avenue and the water will be shut off on October 16th at 8:00 a.m. and will be off until the project is complete."

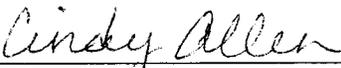
Council Member Eaton requested an update of the leases at the next council workshop. At tonight's Budget/Finance Committee meeting, the committee was told that Heidi had taken it upon herself to try to take the burden off of some of the organizations that were tasked with updating the leases. There is some discussion going forward from the Park Board with regard to some of the leases and use of the parks, so she thinks it would be a good idea to get an update.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Council Member Stokes to adjourn the council meeting, seconded by Council Member Mountsier. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

There being no further business to come before the council at this time, the meeting was adjourned at 7:00 p.m.



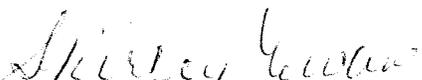
Cindy Allen, Council Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 21st day of October, 2014.



Mark A. Mace, Mayor

Attest:



Shirley Ewan, Clerk/Treasurer