

MINUTES OF THE CITY COUNCIL OF LAUREL

August 6, 2002

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 Bud Johnson at 7:00 p.m. on August 6, 2002.

COUNCIL MEMBERS PRESENT: Lauren Van Roekel
 Ken Olson Mark Mace
 Gay Easton Daniel Dart
 Dan Mears John Oakes

COUNCIL MEMBERS ABSENT: Doug Poehls

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

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

Mayor Johnson thanked the audience for attending the council meeting. He explained that there were some procedural challenges regarding the Entryway Zoning District and Sign Code public hearings. The public hearing for the Sign Code was closed at the July 16th council meeting. If the council chose to do so tonight, they could set an additional public hearing for the Sign Code. The public hearing for the Entryway Zoning District was continued to this meeting at the July 16th council meeting.

MINUTES:

Motion by Alderman Olson to approve the minutes of the regular meeting of July 16, 2002, as presented, seconded by Alderman Mears. Motion carried 7-0.

CORRESPONDENCE:

MT/WY Railroad Association – July 2002 Newsletter (Not distributed – Newsletter was on orange paper and could not be copied)

Montana Department of Commerce: Memo of July 17, 2002 regarding FFY 2002 HOME Program Applications.

Clark's Riverfront Campground and Resort: Letter of July 17, 2002.

Montana League of Cities and Towns: Memo of July 30, 2002, regarding 2002 Annual Conference; Registration Form.

Bruce Bowman: Letter of July 30, 2002 regarding Clark's Camp.

Laurel Chamber of Commerce: Letter of July 30, 2002 to Laurel Business Owners.

PUBLIC HEARINGS:

- **Ordinance No. O02-31: Community Entryway Zoning District (continued from July 16, 2000)**

Mayor Johnson opened the public hearing.

Cal Cumin explained that the Sign Code and Community Entryway Zoning District ordinances have not been adopted by the council yet. This is the third hearing, and Cal was pleased to see people participating, as there had been very little public input until tonight.

Cal clarified that the jurisdictional area of the Entryway Zoning District is 300 feet on either side of the interstate right of way and 300 feet on either side of First Avenue as it extends through the city north to south. An important clarification of the ordinance is the fact that within that area, the Entryway Zoning District does not affect an on-premise sign. Signs on the property of a business within the 300 feet are not affected by the ordinance.

Mayor Johnson asked if anyone wanted to make remarks regarding the Entryway Zoning District.

Jim Taylor, 605 West 14th Street, stated that he was surprised that anyone would see the need for this type of ordinance in Laurel. He understood Cal's remarks regarding on-site premises, but stated that it should be specifically addressed in the ordinance. It concerns him that it would be subject to interpretation after the ordinance was passed. If it is not specifically included, it should be excluded in the ordinance. He feels that the council is being asked to pass regulations and restrictions that are not needed in Laurel. He urged the council to vote against it.

Curt Riemann, 2702 West Maryland, owns Little Big Men Pizza. He cannot understand why they are making a signing ordinance on the entryway if the sign is on the business property. He questioned where else a business can put a sign but on its property. He asked for further definition of this. Mr. Riemann recently paid \$50,000 to install a sign in front of his building, and he does not want that to be illegal. He again asked for further clarification.

Lyle Cusson is from Butte and is associated with Town Pump. Town Pump has signs in many cities, some of which have had entryway zones imposed on them. He stated that the State of Montana has a very good standard in place right now for control of signs that are within 500 feet of entryways, exit ramps and things that are there. He suggested that what the council is trying to do is already in place and that the legislation would not be needed. The Montana Motorist information signs are the only signs that he is aware that can be placed inside the specified 500 feet. The federal government also has controls regarding what can be in an entryway or that close to the interstate.

Ryan Burrows, 102 East First Street, is the vice-president of the Laurel Chamber of Commerce. He expressed concern regarding the requirement to turn all signage lighting off at midnight, and he asked for further clarification on the requirement. Ryan stated that the businesses rely on their signs to bring in business at all hours. Ryan asked for information regarding the Growth Management Plan referred to in the ordinance. As a Chamber of Commerce, they are interested in promoting business and in helping existing businesses.

Tim Ballou, 2246 George Street, Billings, is associated with Burger King. Mr. Ballou understood that only the off-premise signs would be affected by the ordinance and did not have a problem with that. He expressed questions regarding screening, landscaping, and site lighting and asked for clarification before the ordinance was passed. Tim asked if there were exceptions to the screening, or if it were on a per-case basis. He stated that Burger King does not have objections to the landscaping requirements, but the signs are a concern. He questioned if the landscaping inside the parking area requires specific landscape islands or if borders are an option.

Mark Lynde, 10 Bridlewood Drive, Billings, is from the Epcon Sign Company. He has been in the sign business for fourteen years and has installed big signs. Mark agreed with Lyle Cusson's statement that the State of Montana and the federal laws already have a good standard. He sells signs in Montana, North and South Dakota, and Wyoming and he works exactly to the letter of the law. He has noticed that anything goes in communities that have thick sign codes because the codes get complicated and are not enforced. One of the things in a sign code law is that people take signs as being offensive, but they are not. When you are not from this zip code, Mark stated that safety comes into consideration. Motorists may or may not stop in Laurel until they notice a particular sign with which they associate safety and direction. Mark stated that communities become dead or dying because motorists do not know what is in them when there are no signs to advertise. If signs invite travelers in from the outside, business grows. Mark stated that the lifeblood comes into Laurel because of the business signs.

Joyce Bratlund, 310 South First Avenue, represented the Howard Johnson Inn. The business recently invested a large amount of money in new signage that followed every code and every permit required by the City of Laurel. Joyce addressed the requirement of turning off signage at midnight. She stated that many people enter the community after midnight. The hotel hosts many truckers, commercial businessmen, and vacationers. A community that looks inviting and has recognizable signage will attract travelers to spend money in the community. Joyce stated that lighting is also a safety issue during the night hours.

Don Smarsh, 305 East 4th Street, stated that he is concerned that the ordinance is vague. He emphasized that our community needs business, and restrictions will prevent businesses from coming to town. Requirements for landscaping will limit small businesses from coming to Laurel, and only big businesses could spend that much money. He does not see too many big businesses wanting to come to the Laurel and Billings area. It is still small community, locally-owned

businesses, and we will not draw those if there are so many restrictions and the businesses are scrutinized every time they come to town.

Gary Franklin, 620 West Main, owns the Welcome Travelers Motel. He gets a lot of business after hours and is located on the entryway into Laurel on the west end. If the signs have to be turned off, people will drive by and they will lose the business. If a sale on a room is missed, the sale cannot be regained. Even though the room is available the next day, it could be lost if the sign is not lit. People drive by motels that do not have lighted signs because they think they are closed.

Mike Penne, 601 East Main, own Modern Auto. His business is not located within the specified zone area, but he stated that his lights provide some security for his business. There have been fewer thefts to customer's vehicles in his lot since the sign was installed. Modern Auto is the only 24-hour towing business in Laurel and he tows people into Laurel at all hours of the day. People look at the signs to find hotels, gas stations, and restaurants. He asked the council to realize that there is only one full-service gas station in town, and he questioned who would take over the business when he retires. People who need help on Saturdays would have to go to Billings if the business is closed. Mike stated that he would have to haul vehicles to Billings if Laurel loses more businesses, and that would affect other businesses within the city. Mike stated that the security that the lighting provides during the night is important to him. Although his business is not in the district, he suggested that a complaint might be made regarding the light at his business and a rule might be made for his business.

Ty Roy, 517 Fairview Lane, owns the Gourmet Grind and is a real estate agent with Prudential-Floberg Realtors. Ty stated that our bread and butter is small businesses, and big businesses will continue to build in the high-tech business parks. Small businesses need exposure through signage to bring people into Laurel. Ty stated that he knows of two instances where local business people have not purchased property along the interstate to try to expand the business because of the uncertainties of the process of the Entryway Zoning District. Ty urged the council to give local businesses an incentive to expand their business.

Connie Pelican, 216 South 1st Avenue, owns several businesses in this area. Her concern is the height requirement for signs. The ordinance states that business owners would have seven years to come into compliance with the signs. The motel recently installed a sign that cost several thousand dollars, and she does not want to spend more money to get the sign into compliance. Connie also emphasized the need for lighting in order to provide safety. Cars are broken into at the motel and employees leave the casino at 2:00 a.m., and lighting is needed for safety reasons.

Mayor Johnson read three letters of opposition from the following: James Taylor, Vice President of Yellowstone Bank; Gary Franklin, President of the Laurel Chamber of Commerce; and Bill Harrington, the owner of Laurel Hearing Aid.

Bob Dantic, Jan's IGA, asked for an explanation of why the lights would have to be shut off at midnight.

Cal Cumin again stated that on-premise lights do not have to be turned off at midnight. Lights on a business owner's property would not be affected by the ordinance.

There was discussion regarding the draft of the Entryway Zoning District ordinance. Revisions to the draft ordinance had not been distributed.

The height for signs in the Sign Code is currently 40 feet, but Cal stated that the Sign Code has not been finally adopted and could be changed.

Jim Taylor asked if revisions in the Entryway Zoning District ordinance could be expected as far as excluding existing business on-premise lighting.

Donna P., Donna's Massage Thereapy, works at the Elite Beauty Salon on Main Street. Donna asked regarding the intent of the ordinance, as she can see no purpose for the regulations. She stated that none of us like change and none of us like to be controlled. Donna stated that it is nice to drive into a town that looks pretty, and lights are needed for safety reasons. Travelers need a place to stop, and signs welcome people into town. Donna asked the council to let her know regarding the intent of the ordinance.

Motion by Alderman Olson to continue the public hearing of the Community Entryway Zoning District to August 20, 2002, seconded by Alderman Dart. Motion carried 7-0.

- **2002-2003 Preliminary Budget (continued from July 16, 2002)**

Mayor Johnson opened the public hearing.

Mayor Johnson asked if there were any comments regarding the 2002-2003 Preliminary Budget. There were none.

Mayor Johnson closed the public hearing.

CONSENT ITEMS:

- **Claims for the month of July 2002 in the amount of \$510,137.59.**

A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.

- **Receiving the Committee Reports into the Record.**

--Budget/Finance Committee minutes of July 1, 2002 were presented.

--City Council Committee of the Whole minutes of July 16, 2002 were presented.

--Insurance Committee minutes of July 11, 2002 were presented.

--Emergency Services Committee minutes of July 29, 2002 were presented.

--Council Work Session Budget Presentations by Department Heads of June 25, 2002 were presented.

--Council Workshop minutes of July 9, 2002 were presented.

--Council Workshop minutes of July 23, 2002 were presented.

- **Resolutions.**

Resolution No. R02-47: Being a resolution levying taxes for general and specific purposes for the City of Laurel, Montana, for the fiscal year beginning July 1, 2002.

Resolution No. R02-48: Being a resolution levying and assessing all of the property embraced within Special Improvement District Light No. 2 of the City of Laurel, Montana, for the entire cost of maintenance and electrical current for the fiscal year 2002-2003.

Resolution No. R02-49: Being a resolution levying and assessing all of the property embraced within Special Improvement District Light No. 3 of the City of Laurel, Montana, for the entire cost of maintenance and electrical current for the fiscal year 2002-2003.

Resolution No. R02-50: Being a resolution levying and assessing all of the property embraced within the City of Laurel, Montana, for street maintenance for the fiscal year 2001-2002.

Resolution No. R02-51: Being a resolution levying and assessing all of the property embraced within Street Sweeping District No. 1, of the City of Laurel, Montana, for the purpose of the sweeping of streets in the downtown or business district for the fiscal year 2002-2003.

Resolution No. R02-52: A resolution levying and assessing all of the property embraced within Special Improvement District No. 110 of the City of Laurel, Montana, with the cost of street paving, curb and gutter, and storm drain facilities in Murray Heights Subdivision.

Resolution No. R02-53: Being a resolution levying and assessing a special tax against certain property in the City of Laurel for any unpaid water charges.

Resolution No. R02-54: Being a resolution levying and assessing a special tax against certain property in the City of Laurel for any unpaid sewer charges.

Resolution No. R02-55: Being a resolution levying and assessing a special tax against certain property designated as garbage districts in the City of Laurel, Montana, for the removal of garbage and refuse.

Resolution No. R02-56: A resolution approving Blue Cross Blue Shield Blue Select Plan, a Managed Health Care Plan.

Resolution No. R02-57: A resolution authorizing the Mayor to sign an agreement and documents transferring real property owned by the City of Laurel.

The mayor asked if there was any separation of consent items.

Alderman Olson separated item 6.d.11) from the consent agenda. This item was placed under Items Removed From the Consent Agenda.

Motion by Alderman Easton to approve the remaining consent items as presented, seconded by Alderman Olson. Motion carried 7-0.

CEREMONIAL CALENDAR: Mayor Johnson read the following proclamation.

**PROCLAMATION
DEERING COMMUNITY HEALTH CENTER WEEK**

WHEREAS, there is a significant number of citizens in the Laurel community who are currently medically underserved or unserved for a number of reasons, the most prominent of which include financial barriers, geographical isolation, and an insufficient number of health care providers; and

WHEREAS, the Deering Community Health Center, as a program of the Yellowstone City-County Health Department, is a health district that provides high quality comprehensive primary health care to medically underserved people in Laurel, Montana; and

WHEREAS, the Deering Community Health Center has made great strides in the community health care system specifically by maintaining a high standard of accountability, demonstrating cost effectiveness, empowering our community to develop programs to its specific needs, enhancing opportunities for children and families, and providing health care services in accessible low-cost environments; and

WHEREAS, the Deering Community Health Center has also made a significant difference in the Laurel community health care system by improving access to quality health care provided by trained professionals in areas that had previously been unserved or underserved, promoting individual responsibility and health awareness in the community, and offering primary preventive health care of the highest quality to reduce preventable deaths, costly disabilities, and communicable diseases; and

WHEREAS, Community Health Centers like Deering Community Health Center promote 100% access and zero health disparities to help achieve primary health care for all people;

NOW, THEREFORE, I John E. Johnson, Jr., Mayor of the City of Laurel, Montana, do hereby proclaim the week of August 18 through August 24, 2002 as "Health Center Week" in the community, and urge our citizens to recognize the important contributions of the Deering Community Health Center to the improvement of the general quality of life of the citizens of this community.

Dated this 6th day of August, 2002.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Confirmation of Appointments.**

Police Reserves:

Mayor Johnson appointed Jody Guillaume and Ray Ostermiller to the Police Reserves.

Motion by Alderman Oakes to approve the appointments of Jody Guillaume and Ray Ostermiller to the Police Reserves, seconded by Alderman Dart. Motion carried 7-0.

Board of Adjustments:

Mayor Johnson reappointed Marvin Carter and Bruce Teeters to three-year terms, ending June 30, 2005, on the Board of Adjustments.

Motion by Alderman Mears to approve the reappointments of Marvin Carter and Bruce Teeters to three-year terms, ending June 30, 2005, on the Board of Adjustments, seconded by Alderman Olson. Motion carried 7-0.

Board of Appeals:

Mayor Johnson reappointed Marvin Carter to a two-year term, ending August 31, 2004, on the Board of Appeals.

Motion by Alderman Oakes to approve the appointment of Marvin Carter to a two-year term, ending August 31, 2004, on the Board of Appeals, seconded by Alderman Dart. Motion carried 7-0.

- **2002-2003 Final Budget.**

Motion by Alderman Olson to set aside the public hearing rule (2.10.080) to discuss the budget, seconded by Alderman Van Roekel. Motion carried 7-0.

Motion by Alderman Easton to adopt the 2002-2003 Final Budget, seconded by Alderman Olson. Motion carried 7-0.

- **Ordinance No. O02-32: City of Laurel Municipal Sign Code.**

Motion by Alderman Mace to adopt Ordinance No. O02-32, seconded by Alderman Olson.

Motion by Alderman Mace for an additional public hearing of the City of Laurel Municipal Sign Code on August 20, 2002, seconded by Alderman Van Roekel. Motion carried 7-0.

- **Ordinance No. O02-33: Ordinance amending Chapter 2.10 of the Laurel Municipal Code relating to Agenda.** First reading.

Motion by Alderman Mears to adopt Ordinance No. O02-33, seconded by Alderman Van Roekel. A roll call vote was taken on the motion. All seven aldermen present voted aye. Motion carried 7-0.

The public hearing for Ordinance No. O02-33 will be on the council agenda on August 20, 2002.

- **Ordinance No. O02-34: Ordinance amending Chapter 10.20.10 of the Laurel Municipal Code relating to School Zone.** First reading.

Motion by Alderman Olson to adopt Ordinance No. O02-34, seconded by Alderman Mears.

Alderman Dart commented that there have been questions regarding this ordinance.

Motion by Alderman Dart to table Ordinance No. O02-34. Motion died for lack of a second.

Police Chief Rick Musson stated that an ordinance is sometimes written one way and enforced another way. In this case, the ordinance states that the school zone is in effect twenty-four hours a day, seven days a week, 365 days of the year, but the signage in the school zones says 8:00 a.m. to 5:00 p.m. Aggressive officers read the law and ticket drivers accordingly. Rick questioned if that is what is really wanted from the ordinance. After discussing the issue with members of the council, he suggested that the issue should be examined further. Rick gave three suggestions for the school zones. First, the council could continue the present twenty-four hour a day school zones, as the ordinance reads currently. However, the 8:00 a.m. to 5:00 p.m. signs should be removed and proper signage should be posted. The second suggestion was to post the 15 m.p.h. school zone speed limit during the hours of 7:00 a.m. to 5:00 p.m. or 8:00 a.m. to 5:00 p.m. on school days. Rick's third suggestion was to install blinking lights in the school zones.

Mayor Johnson stated that this is the first reading of Ordinance No. O02-34. There would be ample opportunity to have further discussion regarding the school zone before and after the public hearing on August 20th and the second reading on September 3rd. There would be time to prepare an amendment to the ordinance.

Rick encouraged the council to discuss the issue with the police officers. Rick stated that the officers do care if they are writing tickets that are senseless because the ordinance is not valid. The ultimate goal in a school zone and the reason for traffic tickets is to save lives.

Mayor Johnson asked Rick and the officers to gather background information and to present a recommendation to the council on the issue.

Matt Erikson stated that the school zone exists only in front of the school building as it is written in the present ordinance. The school zone does not exist in front of the playground or the parking lot next to the school. There is discussion regarding the need to extend the school zone one-half block, one whole block, or even two blocks beyond the block on which the school is located. These options regarding the size of the zone would also encourage drivers to slow down.

There was discussion regarding the length of the block at Graff School. Rick stated that the Police Department would enforce the school zone there by dividing that block at the middle of the block because it is a long block. Mayor Johnson suggested that Rick include that issue in the recommendation from the Police Department.

The public hearing for Ordinance No. O02-34 will be on the council agenda on August 20, 2002.

A roll call vote was taken on the motion to adopt Ordinance No. O02-34. All seven aldermen present voted aye. Motion carried 7-0.

- **Resolution No. R02-46: Resolution adopting wage and position classifications.** (Tabled on July 16, 2002)

Motion by Alderman Mears to remove Resolution No. R02-46 from the table, seconded by Alderman Van Roekel. Motion carried 7-0.

Motion by Alderman Mears to approve Resolution No. R02-46, seconded by Alderman Dart. Motion carried 7-0.

ITEMS REMOVED FROM THE CONSENT AGENDA:

- **Resolution No. R02-57: A resolution authorizing the Mayor to sign an agreement and documents transferring real property owned by the City of Laurel.**

Motion by Alderman Olson to approve Resolution No. R02-57, seconded by Alderman Dart.

The resolution, as distributed, read Lots 18 and 19 but should have read Lots 19 and 20.

Motion by Alderman Olson to amend Resolution No. R02-57 to read Lots 19 and 20, seconded by Alderman Dart. Motion carried 7-0.

A vote was taken on the motion to approve Resolution No. R02-57, as amended. Motion carried 7-0.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Mayor Johnson stated that the City-County Health Board has issued a proclamation and is in the process of submitting a mill levy request to address needs as a result of September 11th. Fire and police departments were the two main responding entities during the September 11th tragedy. Due to biological threats, health departments will probably need to be added as a third component to the response teams. This is a difficult process, as no funding is available for this service.

August 18th through August 24th is Health Fair Week at the Deering Clinic. A senator will be at the Deering Clinic during that week, and information regarding the City-County Health Department will be available. Mayor Johnson serves on the Yellowstone City-County Health Board.

The Yellowstone Coalition is working to find a common platform to present to legislators from Yellowstone County and the surrounding area through which to encourage them to take concerns to the legislative session. The Yellowstone Coalition includes the City of Laurel, the City of Billings, Yellowstone County, MSU-B, School District 2, and possibly the hospitals. This forum would hear concerns and focus on a basis for economic development.

Alderman Mace updated the council on the Insurance Committee meeting held on July 31st. Gena Klotz explained the different policies and aspects of the insurance industry to the committee. She prepared a comparison of the various policies for the committee. The union presented the information to the union members at a meeting on Monday, August 5th. Alderman Mace thanked the members for their work on the committee. The Insurance Committee meeting scheduled for Wednesday, August 7, 2002, has been cancelled.

Mayor Johnson thanked Alderman Mace for his work as the chairman of the Insurance Committee.

Alderman Easton expressed that the council workshop with Ken Weaver on Saturday, August 3rd, was enlightening. Mayor Johnson agreed, and he stated that the present council is progressive and ready to address issues. Alderman Olson also stated that the workshop was beneficial.

Alderman Olson thanked everyone that was involved in the budget process, which began in February. The Budget/Finance Committee recently discussed changes in the budget process in order to present more information to the council.

Alderman Van Roekel mentioned that the funeral for Alderman Poehls' grandson is scheduled for Wednesday, August 7, 2002.

A Cemetery Board meeting is scheduled on Wednesday, August 7, 2002. The board will discuss plans to recommend purchase of additional property to expand the cemetery.

Alderman Van Roekel has received an increased number of telephone calls regarding the Sign Code, the Entryway Zoning District, and the siren.

Mayor Johnson stated that the plan to identify a schedule for the next budget session was mentioned at the department head meeting today.

UNSCHEDULED MATTERS:

- **Resolution No. R02-45: Resolution adopting job descriptions.**

Motion by Alderman Mears to reconsider Resolution No. R02-45, seconded by Alderman Olson. Motion carried 6-1, with Alderman Oakes voting nay.

Motion by Alderman Mears to approve Resolution No. R02-45, seconded by Alderman Dart. Motion carried 7-0.

- **Set public hearing date for zone change.**

Motion by Alderman Olson to place on the agenda consideration for a public hearing for the Seitz Ronan, Airport Road development.

Mayor Johnson explained that the motion was made to place the item on the agenda for consideration. The motion would require a unanimous vote.

Alderman Dart asked that the motion be restated.

The motion was restated as follows:

Motion by Alderman Olson to place a public hearing for a zone change of the development at Seitz Ronan and Airport Road for consideration on the agenda, seconded by Alderman Van Roekel. Motion carried 7-0.

Motion by Alderman Olson to set the public hearing on September 3, 2002, for the zone change of the development at Seitz Ronan and Airport Road, seconded by Alderman Mears. Motion carried 7-0.

The development is referred to as Pheasant Brook Subdivision. The legal description is: NE ¼ of Section 4, T2S, R24E, PMM, 400 feet North of Laurel Cemetery, 650 feet East of NW Corner of Tract C, South of Airport Road, 400 feet North of East Border of Cemetery.

There being no further business to come before the council at this time, the meeting was adjourned at 8:23 p.m.

Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 20th day of August, 2002.

John E. Johnson, Jr., Mayor

Attest:

Mary K. Embleton, Clerk-Treasurer