

# MINUTES OF THE CITY COUNCIL OF LAUREL

August 20, 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 7:30 p.m. on August 20, 2002.

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

COUNCIL MEMBERS ABSENT:            None

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

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

Mayor Johnson welcomed those who attended the council meeting.

Mayor Johnson stated that the Department Head minutes of August 13, 2002, which were listed in the Consent Items, were not to be accepted into the record and he removed them from the consent agenda.

## MINUTES:

Motion by Alderman Easton to approve the minutes of the regular meeting of August 6, 2002, as presented, seconded by Alderman Dart. Motion carried 8-0.

## CORRESPONDENCE:

Laurel Chamber of Commerce: Letter of August 2, 2002 regarding opposition to the Entryway Zoning District Ordinance and the Municipal Sign Code Ordinance.

Yellowstone Bank: Letter of August 2, 2002 regarding opposition to the Entryway Zoning District Ordinance and the Municipal Sign Code Ordinance.

Laurel Hearing Aid: Letter of August 6, 2002 regarding sign codes.

L. Bean letter regarding Clarks River Front Campground.

Air Pollution Control agenda, minutes, and other documents.

Montana League of Cities and Towns Summary of Special Legislative Session.

## PUBLIC HEARINGS:

- **Ordinance No. O02-31: Community Entryway Zoning District** (continued from August 6, 2002)

Mayor Johnson stated that each individual would be allowed to speak for three minutes.

Mayor Johnson opened the public hearing on Ordinance No. O02-31.

Mayor Johnson asked if there were any comments.

Jim Taylor, 605 West 14<sup>th</sup> Street, represents Yellowstone Bank. Mr. Taylor stated he understood that the stated intent of the ordinance is to provide an appealing image of the City of Laurel. He was not here to debate whether or not anyone finds signage a distraction or unsightly. His concern lies in any proposed limitation to the bank's or any other Laurel businesses ability to advertise their goods and services in any sign medium they would choose, whether it be along the interstate or on First Avenue. In his opinion, this ordinance has the potential to limit their ability to advertise. That fact, combined with regulations concerning parking lot landscaping are just too much. Parking lot

landscaping should be at the option of the business paying the bill and not mandated by city regulation. Yellowstone Bank remains opposed to this ordinance.

Jon Rutt, 120 East 13<sup>th</sup> Street, commented on the section of the ordinance regarding off-premise signage. "Only one sign is allowed per parcel of record, and there shall be at least one thousand feet between signs." Jon questioned if this should be clarified as to one thousand feet per parcel, or if a parcel is next to another parcel, does that preclude the second parcel to have a sign if the first parcel is less than one thousand feet. Jon did not see a grandfather clause under the landscaping standards, so he assumed that the ordinance would be enforced immediately upon enactment. He did not think that would be fair and stated that grandfathering should be allowed. Businesses with a parking lot that meets the present codes should be allowed to use the parking lot in its present condition and some percentage for future improvement could be established. Jon stated that present businesses could not afford to do the landscaping when they already have a significant investment in a paved parking lot. He asked for further clarification of this issue.

Curt Riemann, 702 West Maryland, suggested that the looks of Laurel's entryway could be improved by having the power and telephone companies bury all the lines. The poles are leaning because of the west winds, and he stated that they look worse than having signs.

Tim Ballou, 2246 George Street, Billings, is associated with Burger King. Mr. Ballou stated that Burger King currently has more lighting than the foot-candles allowed in the ordinance, and he questioned whether or not that would be grandfathered in. He questioned whether vehicle sales lots are exempt from screening merchandise. Regarding landscaping, he stated that parking lots become quite congested if quality landscaping is mandated in narrow lots like Burger King's lot unless adjoining areas are allowed to help. He questioned whether the landscaping berm requirement of a minimum of three feet in height should read as a maximum of three feet in height. He asked the council to reevaluate the internal landscaping requirements. When a parking lot is limited because of landscaping requirements, it can cause problems for vehicles in the lot.

Mike Penne, 601 East Main, owns Modern Auto. Mike stated that signs should be grandfathered in because businesses have made investments in the signs. His business is not involved in the district, but he anticipates that the requirements could apply to his area in the future. When he is called out at night, the east end of town is dark and the south side is well lighted. Mike emphasized the need for lights in order to provide safety for police officers, citizens, and night workers.

Lyle Cusson is from Butte and works for Town Pump. Although Lyle agrees that a sign code is necessary for most communities, he asked the council to consider that a sign is the backbone of a business. A business can advertise in the newspaper, radio, or television, and can have the cleanest restrooms and the nicest motel rooms and the best meals, but if a customer cannot find the business it will not be successful. It is up to the business to decide what it will spend on their signage. Some businesses have made substantial investments in their signs. A business exists to make a profit in order to pay employees, taxes, etc. Lyle stated that there are zoning laws that regulate the locations of both signs and businesses. When signs are restricted, in effect the business and the chances of its success are being restricted. Lyle suggested that Laurel, like most Montana cities, is attempting to balance the budget and provide services with less state and federal funding. It is in the interest of every city to encourage businesses to locate within the community and provide jobs. Lyle also stated that safety is an issue. If signs are turned off at pre-determined times, criminals will know that and will key on it. A sign that is off says that the business is closed. Lyle asked that council consider the businesses and their chance for success when adopting regulations.

Mark Lynde, 10 Bridlewood, Billings, stated that he has not heard anyone speak for the proposed ordinance. He agreed that it is important for a community to have a sign code, but the prosperity of the market should dictate the sign code and not the other way around. The community welfare depends on signage. After reviewing the proposed sign code, he stated that the ordinance has "special interest" written all over it and it is asking for danger. Signs are necessary for direction. Mark commented regarding low-key colors for signs. Mark stated that sign professionals, the business community, and city professionals working together should accomplish development of a good sign code.

Motion by Alderman Dart to continue the public hearing on the Entryway Zoning District to September 3, 2002, seconded by Alderman Mears. Motion carried 8-0.

- **Ordinance No. 002-32: City of Laurel Municipal Sign Code** (first public hearing held on July 15, 2002; additional public hearing set on August 6, 2002)

Mayor Johnson opened the public hearing on the City of Laurel Municipal Sign Code.

Jim Taylor, 605, West 14<sup>th</sup> Street, acknowledged comments made by Steve Klotz during the Committee of the Whole meeting that this is basically a work in process. He expressed continued concerns about the ordinance and questioned if there is a sign problem in Laurel that requires this type of regulation. More specifically, he is uncomfortable with prohibiting banner and portable signs. Jim stated that the requirement that monument signs located in the Entryway Zoning District must be turned off by midnight is a big concern. Jim mentioned that this point was discussed at the public hearing of the Entryway Zoning District at the August 6<sup>th</sup> council meeting, but it was not addressed in the Municipal Sign Code. He stressed that it should be addressed in both ordinances.

Jon Rutt, 120 East 13<sup>th</sup>, suggested that monument signs could be turned off at 2:00 a.m. if the business is closed. Jon stated that businesses should be allowed to leave their monument signs on if the business is open during the night hours. He leaves the lights on at his businesses for security purposes. Regarding the statement that "computer controlled variable message electronic signs shall be permitted provided that the bottom of the reader board is ten (10) feet above the crown of the adjacent road", Jon stated that it should mean when constructed. If the roadbed were built up six inches during reconstruction, it could cause problems. Jon questioned how it would be possible to have a roof sign that cannot be higher than the roof (section on Signs Permitted, item 14) and suggested that the requirement needed to be reworded.

Lyle Cusson, Butte, voiced concerns regarding the height of the sign. The interstate system allows travel between Glendive and Missoula without entering the towns and cities along the way. High-rise signs are necessary to reach the interstate traffic for the businesses along the entryway zones and within the cities and towns. In addition to local residents, businesses depend on travelers and tourists to survive. Lyle asked for reconsideration of the sign heights in the sign code for both high rise signs and signs within town.

Tim Ballou, 2246 George Street, Billings, stated that Burger King's high-rise sign on the interstate is one of the major generators of traffic for the restaurant. They have a huge investment in the sign. An interstate sign typically brings in 15 to 20 per cent of the business, but this one brings in more than that as this market depends more on tourists than the Billings or Missoula markets. It could become a legal conforming sign, but it would have to be replaced in seven years. He questioned if there is a program where the business could write off the sign as a tax incentive from the city, or if the business would have to bear it on their own. Tim stated that the city is pushing for monument signs, trying to clear up the skyline, but yet requiring businesses to turn lights off at midnight. He suggested that it was counter-productive to do so.

Mike Penne, 601 East Main, again reiterated that the grandfather clause should be allowed for the present signs. Mike stated that the safety of the people and police officers should allow lights to remain on. He mentioned that times have changed and people are active twenty-four hours a day now.

Connie Pelican, 5817 Danford Road, Billings, is baffled about the sign ordinance. If Laurel was simply overrun with business and did not know what to do with it, she could understand this. However, Laurel businesses are struggling because they are too close to Billings and Red Lodge. Connie stated that people bypass Laurel and the business that can be snared off the interstate is very welcome. She stated that the silly restrictions are not needed. Connie emphasized that the businesses cannot afford to replace their expensive signs.

Mark Lynde, 10 Bridlewood, Billings, stated that the requirement to turn signs off at midnight does not make any sense. Mark stated that the adult-thinking business people should not be insulted with these requirements. He suggested that the intent and provision of why the requirements are needed should be included in the ordinance. Mark stated that a beautiful sign is one where the door is open and people are going in to do business. Monument signs are low level to people that are on the interstate. Mark stated that turning lights off at night defies common sense.

Dennis Harriman, 1278 Grubstake Circle, Billings, has been in the sign business for fifty years. He has been through twenty or thirty sign codes and helped write sign codes for Billings, Denver, and the county. He has seen amortization put into many codes, and he has yet to see one enforced. All it does is to cause a lot of bad blood, and if the city wants to do that they better start saving a big budget for attorney's fees. Bozeman put it into their sign code, and the signs are still there. Dennis stated that it creates a bad relationship between the business community and the council.

Mayor Johnson asked if there was any other input.

Mayor Johnson read a letter of opposition from Yellowstone Bank regarding the Entryway Zoning District Ordinance and the City of Laurel Municipal Sign Code.

Mayor Johnson asked if there was any other input.

Motion by Alderman Olson to continue the public hearing on the City of Laurel Municipal Sign Code to September 3, 2002, seconded by Alderman Dart. Motion carried 8-0.

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

Mayor Johnson opened the public hearing.

Mayor Johnson asked if there were any comments regarding the change of agenda deadline as proposed in Ordinance No. O02-33. There were none.

Mayor Johnson closed the public hearing.

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

Mayor Johnson opened the public hearing.

Mayor Johnson asked if there were any comments regarding Ordinance No. O02-34.

Mayor Johnson read a letter received from the West Elementary PTA regarding the ordinance governing school speed zones. The letter stated: “. . . We believe that the school zones should be extended to a radius of two blocks around all school buildings. We also believe that the installation of flashing lights designating when the speed zone is in effect will be a major deterrent to speeding offenders. The current zones as posted create confusion for drivers who do not know where the speed zone ends. The installation of signs stating end of school zone would be highly effective. . . .”

Mayor Johnson asked if there were any comments. There were none.

Alderman Easton stated that further consideration and research should be given to the school zone issue.

Motion by Alderman Easton to continue the public hearing of Ordinance No. O02-34 to September 3, 2002 for further study, seconded by Alderman Olson. Motion carried 8-0.

**CONSENT ITEMS:**

- **Clerk/Treasurer Financial Statements for the month of July 2002.**
- **Approval of Payroll Register for PPE 08/04/02 totaling \$114,225.16.**
- **Receiving the Committee Reports into the Record.**

--Budget/Finance Committee minutes of July 15, 2002 were presented.

--City Council Committee of the Whole minutes of August 6, 2002 were presented.

--City-County Planning Board minutes of July 10, 2002 were presented.

--Council Workshop minutes of July 30, 2002 were presented.

--Insurance Committee minutes of July 31, 2002 were presented.

--Cemetery Board minutes of August 1, 2002 were presented.

--City-County Planning Board minutes of August 1, 2002 were presented.

--Cemetery Board minutes of August 7, 2002 were presented.

--Public Works Committee minutes of August 12, 2002 were presented.

--Council Workshop minutes of August 13, 2002 were presented.

- **Resolution No. R02-58: A resolution accepting the bid and authorizing the Mayor to sign a contract with JTL Group, Inc. – Billings, for the Seal and Cover 2002, Contract 1 Project.**

Mayor Johnson stated that the Department Head minutes of August 13, 2002 were removed from the consent agenda at the beginning of the council meeting.

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

Motion by Alderman Olson to approve the consent items as presented, seconded by Alderman Poehls. Motion carried 8-0.

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

**SCHEDULED MATTERS:**

- **Confirmation of Appointments.**  
Board of Appeals: one position – unspecified length of term

Mayor Johnson requested council suggestions to fill the remaining position on the Board of Appeals.

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

**AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):** None.

**COUNCIL DISCUSSION:**

Mayor Johnson received the official release of the mill levy request by the City-County Health Board. The mill request will be for 4.75 mills.

Mayor Johnson has had discussion with Rocky Mountain College regarding their Flight School at the Laurel Airport. Additional grant money might be received in April. We are on the threshold of a major change in the operations of the airport and opportunities. Mayor Johnson offered to arrange a tour of the facilities at the airport and requested the council and staff to contact him regarding that.

Alderman Van Roekel thanked Steve Klotz for his work regarding the land purchase at the cemetery.

Alderman Olson mentioned the Business After Hours meeting at the Laurel Chamber of Commerce building on Thursday, August 22<sup>nd</sup>, at 5:30 p.m. A presentation regarding growth and development in the downtown area will be given.

The Joint City-County Meeting is scheduled for Thursday, August 22<sup>nd</sup>, at 5:30 p.m. at the Billings Airport.

Alderman Easton represented the City of Laurel at a lunch with the County Commissioners last week at the fair.

Alderman Dart stated that the Emergency Services Committee subcommittee was scheduled to meet on Wednesday, August 21<sup>st</sup>, at 1:00 p.m. The subcommittee will discuss particulars regarding cats, potential feline control, a leash law, and other related subjects. The recommendation will be taken to the Emergency Services Committee.

Alderman Mace mentioned that the Local Emergency Planning Committee met on August 13<sup>th</sup>. The committee is currently working on a set of bylaws. The core group will include the emergency services within the county. Laurel has a vote as a community within the county, provided a representative continues to attend the meetings. Alderman Mace will continue to attend the

meetings. Tabletop exercises are scheduled for 2003 and a faux exercise that will involve the Laurel refinery is scheduled for 2004.

Alderman Poehls stated that the Laurel YMCA would be planting trees at the park at South Pond for the next three weekends. A concert is scheduled at the park on Saturday, September 14<sup>th</sup>. The YMCA raised over \$1,000 at a fundraiser for the skate park.

Alderman Poehls stated that individuals at the public hearings have presented negative input but have not suggested any positive input. He questioned how they want the ordinances to read.

Mayor Johnson stated the council has not continued public hearings in the past. By continuing the public hearings, the council has let the public know that it wants to hear their input on these important issues in order to bring forth a positive process.

Alderman Easton stated that it is helpful for the council to hear the public's input so that proper decisions can be made.

Alderman Oakes has researched sign codes of various communities throughout the country. He stated that Laurel's sign code is basic compared to those in other areas. Many sign codes regulate all signs on the main roads and in entryway zones. He stated that many sign codes also regulate the reflection of the light into the sky.

**UNSCHEDULED MATTERS:**

There being no further business to come before the council at this time, the meeting was adjourned at 8:22 p.m.

---

Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 3<sup>rd</sup> day of September, 2002.

---

John E. Johnson, Jr., Mayor

Attest:

---

Mary K. Embleton, Clerk-Treasurer