

MINUTES OF THE CITY COUNCIL OF LAUREL

December 3, 2013

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 Ken Olson at 6:30 p.m. on December 3, 2013.

COUNCIL MEMBERS PRESENT: Emelie Eaton Doug Poehls
 Bruce McGee Mark Mace
 Scot Stokes Chuck Dickerson
 Tom Nelson Bill Mountsier

COUNCIL MEMBERS ABSENT: None

OTHER STAFF PRESENT: Monica Plecker Brent Peters

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

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

MINUTES:

Motion by Council Member Dickerson to approve the minutes of the regular meeting of November 19, 2013, as presented, seconded by Council Member Nelson. 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:

Laurel Chamber of Commerce: Minutes of October 17, 2013; Agenda for November 21, 2013.

PUBLIC HEARINGS:

- Growth Management Plan (Continued from November 19, 2013)

Mayor Olson asked staff to introduce the item to the council.

City Planner Monica Plecker stated that this was a continuation of the public hearing that opened on November 19th for the Growth Management Plan. The council adopted a resolution of intent to approve the growth policy, which triggered the two-week public hearing timeframe. No written comment has been received.

Mayor Olson asked for any questions or comments from the council.

Mayor Olson read the rules governing the public hearing.

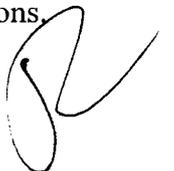
Mayor Olson asked four times if there were any proponents. There were none.

Mayor Olson asked four times if there were any opponents. There were none.

Mayor Olson closed the public hearing.

- Zoning Variance - Community Hope

City Planner Monica Plecker stated that the council received a staff report and a memo. The variance request is for the property located at 204 Cedar Avenue, which is known as Community Hope. The property is currently zoned Residential Limited Multi-Family and Community Hope currently operates on a special use permit that was granted in 1994. They are requesting permission to add an approximately 500 square foot addition to their facility, as they have stated a need for additional storage. At the Planning Board meeting, it was stated that food storage is especially important as Community Hope has an agreement with Walmart to accept some food products. The Planning Board recommended approval of the variance with the staff suggested conditions.



Monica stated that, at last week's workshop, there were some questions and she wanted to explain that information. In 1994, a special use permit was granted for the operation of Community Hope. There were many conditions that should have been complied with as a result of the special use permit, but some were not. The memo highlighted some of the conditions, which included landscaping, fencing and a sprinkler system. Monica explained that the minutes were vague regarding whether or not a sprinkler system was required. After talking with legal counsel, if this structure were to be built today, based on current building codes, it would not need to be sprinkled, as it does not meet the square footage requirements for that.

Monica suggested that, after talking with legal counsel and following up on the situation, the council consider including the conditions that were not met prior to this application. The resolution included the four staff suggested conditions and the four outstanding conditions.

Mayor Olson opened the public hearing and read the rules governing the public hearing.

Mayor Olson asked three times if there were any proponents.

Mike Gradwohl, 406 West 9th Street, is the president of the Board of Directors for Community Hope. He explained that, compared to when Community Hope was built 25 years ago, they are now in dire straits for room. Basically, if the building was a residence, they would be adding on a 500 square foot garage for storage space. They already have the architectural plans and the bids in place, but did not know that a variance was required. Mike stated that Community Hope has requested the zoning variance in order to move forward with the project.

Mayor Olson asked three times if there were any other proponents. There were none.

Mayor Olson asked four times if there were any opponents. There were none.

Mayor Olson closed the public hearing.

CONSENT ITEMS:

- **Claims for the month of November 2013 in the amount of \$667,232.88.**
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 11/24/2013 totaling \$143,049.11.**
- **Receiving the Committee Reports into the Record.**
 - Budget/Finance Committee minutes of November 19, 2013 were presented.
 - City-County Planning Board minutes of November 7, 2013 were presented.
 - Park Board minutes of November 7, 2013 were presented.
 - Council Workshop minutes of November 26, 2013 were presented.
 - Laurel Public Library Board of Trustees minutes of September 10, 2013 were presented.
 - Laurel Public Library Board of Trustees minutes of October 8, 2013 were presented.

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

Motion by Council Member Mace 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 eight council members present voted aye. Motion carried 8-0.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.



SCHEDULED MATTERS:

- **Confirmation of Appointments.**

Laurel Volunteer Fire Department:

Mayor Olson appointed Eric Handegard, Drake Gradwohl, Keith Burns, Michael Jenkins and Tomas Sarkela to the Laurel Volunteer Fire Department.

Motion by Council Member Poehls to approve the Mayor's appointments of Eric Handegard, Drake Gradwohl, Keith Burns, Michael Jenkins and Tomas Sarkela to the Laurel Volunteer Fire Department, seconded by Council Member Dickerson.

Mayor Olson asked Fire Chief Brent Peters to introduce the appointees to the council.

Chief Peters introduce Eric Handegard, Drake Gradwohl, Keith Burns, Michael Jenkins and Tomas Sarkela. He stated that the appointments will fill the ranks to 45 members.

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. R13-90: A resolution of the City Council approving budget amendments for appropriations and reserves for various funds for fiscal year 2012-2013.**

Motion by Council Member Eaton to approve Resolution No. R13-90, seconded by Council Member Mace. 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. R13-91: A resolution of the City of Laurel, Montana, agreeing to prepare the Environmental Review Record for NeighborWorks MT as the entity to administer State HOME non-competitive funds for Homebuyers Assistance for the City of Laurel.**

Motion by Council Member McGee to approve Resolution No. R13-91, 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.

- **Resolution No. R13-92: A resolution of the City Council designating the City's Chief Administrative Officer as the Environmental Preparer for NeighborWorks MT as the entity to administer State HOME non-competitive funds for Homebuyers Assistance for the City of Laurel.**

Motion by Council Member Stokes to approve Resolution No. R13-92, seconded by Council Member Nelson. 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. R13-93: A resolution of the City Council to adopt a new Growth Policy entitled "City of Laurel Growth Management Plan" to replace the existing Growth Plan pursuant to Montana Law.**

Motion by Council Member Nelson to approve Resolution No. R13-93, seconded by Council Member Stokes. 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. R13-94: A resolution of the City Council to adopt Policies and Procedures for the Laurel Transportation Program.**

Motion by Council Member Mountsier to approve Resolution No. R13-94, seconded by Council Member Dickerson. 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. R13-95: A resolution of the City Council granting a variance from the City Zoning Ordinance that restricts property owners from expanding their existing non-conforming use.**

Motion by Council Member Dickerson to approve Resolution No. R13-95 with the eight conditions stated, seconded by Council Member Mace.

Council Member Dickerson had a question for Mr. Gradwohl. He stated that the new resolution proposed for the variance request includes four items that were not met with the first variance request. He asked Mike if he could foresee any issues with those.

Mike asked what the issues were.

Council Member Dickerson stated that they are landscaping and fencing issues. The landscaping issue states that "the half-moon made by the turn around on the property shall be landscaped with, at a minimum, three deciduous trees of at least three inch diameter and three low, ground cover, juniper bushes." Four items were previously in the variance request in 1994 but they never followed through on. The current resolution includes those four items in this variance request.

Mike stated that this goes back 25 years to before he was a member of the board so he was not aware of any of this. He does not think that landscaping would be an issue. Regarding the fencing issue, the question is parking. They need traffic in the back of the building, as that is where the volunteers park their vehicles when they come. The front is reserved for their clients when they pick up their food boxes and other needs that Community Hope provides. Mike stated that a 6-foot solid cedar fence around the back along the alley would be very cumbersome for the operation of the business. It will be cumbersome for the volunteers, for garbage, for the recycling company and things of that nature on a daily basis.

Council Member Dickerson stated that the conditions of the area for Community Hope have not changed as far as lot dimensions and the conditions in the first variance request that were agreed upon at that time.

Mike stated that he was not a member of Community Hope then.

Council Member Dickerson stated that the council is trying to correct something that should have been done when the resolution was first passed and the conditions were required.

Mike stated that they can certainly attempt to meet those provisions. It is going to take some time and some money to collect to do this. It is nothing they can do overnight, as they are working on a very grassroots budget. If it was not for the help of the community, the churches, and some corporations that help them a lot, Community Hope would not even be in existence right now. He stated that they can see what they can do about these situations, but they are going to have to get some money raised to do these particular things. They have scraped enough money together to put the addition on. The landscaping is not a big issue, but the fence is going to be the biggest issue for them to get the funding.

Council Member Mountsier stated that 25 years is more than enough time to get these done. He understands that there is a problem down there with transients coming in and out and asked if that was true.

Mike stated that there is not a problem with transients, but there is a problem with people dropping things off. With the addition to the building, there should not be any place for people to leave the stuff.

Council Member Mountsier stated that he foresees a real problem there with transient people coming down because it is a residential area. As the crime rate keeps going up and the economy keeps getting worse, it is only going to get worse.

Mike explained that Community Hope gets very little transient traffic. He would be amazed if they get ten transients in a whole year come in asking for food. Mike worried about it when he first got on the board because he was worried about the safety of the director and the volunteers working there.

Council Member Mountsier stated that he was thinking of transients coming by when the place is closed.

Mike stated that there has not been a problem with it. The only problems have been with local people and juveniles trying to break in.

Council Member Mountsier was not trying to give Mike a hard time and understood that he was not involved with Community Hope in 1994. He stated that the council put three conditions on the business at that time. It is easy to apply for a variance when needed, but he questioned why things are not done right in the first place and why there is a city code if the council is going to continue to grant variance requests.

Council Member Eaton asked for a clarification on the first condition, which stated that "the variance is effective for a period of 3 years from the date this resolution is approved;" She asked if that means that Community Hope has three years to comply with all eight of the issues.

Monica explained that the language that is written on the three years is on unimproved properties. That means that, if Community Hope does not build the addition within three years, the variance would no longer be good and they would need to reapply in order to get that 500 square feet addition. If the improvements are not made, the variance is not good in perpetuity, as it is only good for three years.

Council Member McGee asked if they have three years to get it done.

Monica explained that they have three years to build the addition they are requesting.

Council Member McGee asked if the other conditions were also incorporated since they are part of the resolution.

Monica stated, no, they are conditions to be able to build the addition to the building.

Council Member McGee questioned if Community Hope has to get the conditions done before they build the building.

Monica stated that was correct.

Council Member Mountsier asked Monica how this would be enforced.

Monica explained that, in the 1994 minutes, there was not a full-time building official and an individual with the state was talking about potentially wanting to contract with the city. The city currently has a building official, a code enforcement officer and a city planner. At the time of the special review, the city planner's office was not housed in the City of Laurel. Three staff members are now in house full-time, so the city has the staff capacity to follow through in a way that maybe was not possible in 1994.

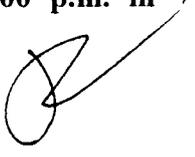
Council Member Dickerson told Mike that this was not a reflection toward him as a resident. By being president, he fell into the issue at hand that should have been taken care of 25 years ago. He did not address this to cause any hardship or animosity. It is reflected toward the fact that the property in question was not taken care of 25 years ago.

A vote was taken on the motion. Council Members Poehls, Mace, Dickerson, Mountsier, Stokes, McGee and Eaton voted aye. Council Member Nelson voted nay. Motion carried 7-1.

- **Resolution No. R13-96: A resolution of the City Council authorizing the Mayor to sign a contract with P&H Concrete Inc. for the removal and replacement of sidewalks pursuant to the City's Sidewalk Replacement Plan.**

Motion by Council Member Mace to approve Resolution No. R13-96, seconded by Council Member Dickerson. 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.

- **Rod and Gun Club's request to hold turkey shoots at Riverside Park on December 8, 2013, January 12, 2014, and February 9, 2014, from 10:00 a.m. to 3:00 p.m. in accordance with the language in the lease agreement.**



Motion by Council Member Poehls to approve the Rod and Gun Club's request to hold turkey shoots at Riverside Park on December 8, 2013, January 12, 2014, and February 9, 2014, from 10:00 a.m. to 3:00 p.m. in accordance with the language in the lease agreement, seconded by Council Member McGee.

Irv Wilke, 1017 Seventh Avenue, stated that, because of the current winter weather situation, the turkey shoot scheduled for December 8th might not happen. A decision will be made tomorrow night at the meeting of the Rod and Gun Club. If another date is scheduled, a request will be submitted to the city council for approval.

Council Member Nelson asked that Irv inform the city whether or not the turkey shoot would be held on December 8th.

Irv explained that, if the event is not held on December 8th, the Club will move forward with the other two dates for certain. If the Club decides to schedule a date at a later time, they will present the request to the council. He will inform the city regarding the Club's decision for the December 8th turkey shoot.

A vote was taken on the motion to approve the Rod and Gun Club's request hold turkey shoots at Riverside Park on December 8, 2013, January 12, 2014, and February 9, 2014, from 10:00 a.m. to 3:00 p.m. in accordance with the language in the lease agreement. 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:

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

Council Member Mace reported on last night's meeting with the Park Board. Jolene Rieck presented the park maintenance district introduction to the public. Jolene felt that the results that came back from the park survey were strongly in favor of keeping the current parks and not building any new ones. Most folks agreed that they would pay more but they did not specify how much, even though there were questions in the survey regarding the cost for the park maintenance district. Council Member Mace has copies of the survey and results for anyone to review. Out of the 700 surveys that were sent out, about 47 percent were returned.

Council Member Nelson stated that the Lease Task Force is not scheduled to meet until more information and quotes are received for the repairs that need to be made at the Rifle Club building.

Council Member Nelson stated that the December meeting of the Cemetery Commission meeting has been cancelled. The next meeting is scheduled for January 16th and the agenda will be distributed soon.

Council Member Eaton requested discussion of two items on the next council workshop agenda. First, she asked that Park Board Chairman Mace give a discussion on the park maintenance district and the master plan for the parks and whether or not some of the information received will influence the master plan for the parks. Secondly, she asked for discussion on changing the ordinance for fence heights.

Mayor Olson stated that the City-County Planning Board is also reviewing the fence height issue.

Mayor Olson attended the town hall meeting for the parks. It surprised him that 47 percent responded to the survey, which is indicative of a cross section. Going forward, the city has a document that is supported by the public opinion.

Mayor Olson spoke regarding today's conference call with Great West and the permitting agencies during which they discussed the restoration of the south bank. Because of the amount of scouring and the depth of the dewatering, a change order will come forward to the permitting agencies and be reflected in some documentation that FEMA will consider. On Thursday, Heidi will meet with the Army Corps, the FWP and DNRC on the amount of work that they will allow the city to do in the river. Great West has some prospectus to present to see if the permitting agencies would allow

them. If they will, Great West will continue to move forward. If they won't, Great West will not spend any more time working in an area that the agencies will not permit. Without the regulatory agencies permitting it, there will be no funding from the granting agencies. The city is trying to ensure that it will move forward on a fairly stable foundation.

Mayor Olson mentioned that there was a power fluctuation at the wastewater treatment plant. NorthwesternEnergy was working on a line going into the plant and it caused a minor blip in the operation. Everything has been repaired and is working properly.

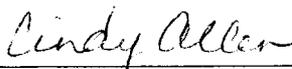
Council Member Dickerson attended the Christmas to Remember lighting ceremony. There were more floats and participating groups and it was a nice night, with a good turnout and a fantastic fireworks display.

UNSCHEDULED MATTERS: None.

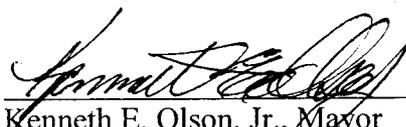
ADJOURNMENT:

Motion by Council Member Eaton to adjourn the council meeting, seconded by Council Member Poehls. 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.

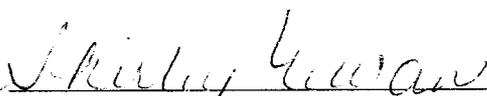
There being no further business to come before the council at this time, the meeting was adjourned at 7:27 p.m.


Cindy Allen, Council Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 17th day of December, 2013.


Kenneth E. Olson, Jr., Mayor

Attest:


Shirley Ewan, Clerk/Treasurer