

Monica explained that there are seven criteria that have to be met in order to grant a variance. The seven criteria were listed in the staff report and an explanation for the seven criteria was received from the applicant.

Upon staff review of the application and supplemental materials, Monica stated her recommendation that the variance be denied. Substantial evidence to support the criteria for a variance has not been presented by the applicant, in her opinion. Furthermore, the protection of entryway points into the community has always been a priority of the Planning Board and the City Council. Recently, the Planning Board and Council have taken action to protect the character of the commercial districts within the City by adopting overlay districts. An animated sign like this one proposed would be detrimental to the character of the SE 4th Street area. Furthermore, the ordinance allows for only one freestanding sign. While the two existing signs were permitted, a change in ordinance makes the property nonconforming. Nonconforming structures are permitted to continue as long as there is no change. Without the granting of this variance, the existing second sign could continue to be used. The code allows for a sign height of 40' to address interstate travelers.

Monica stated the staff suggested conditions of approval:

1. The applicant shall apply for a sign permit before constructing any new sign.
2. The Used Car sign shall be removed prior to any construction of a new sign.
3. Any alteration of the new sign shall be permitted by the City.
4. Before the construction of any sign, the applicant shall contact MDT and apply for any necessary permits that may be required as the structure is located within 600' of a controlled roadway.

Monica stated that, at last week's council workshop, there were questions about the history of the sign ordinance. She researched and found that it was a controversial issue many years ago. There were multiple public hearings with a lot of proponents and opponents, but her research did not find that animated signs were heavily discussed by any of the proponents or opponents. That does not mean that there has been lack of talking about animated signs on the record elsewhere. In 2008 and 2009, the Planning Board spent quite a bit of time discussing the importance of placing limitations onto electronic message board signs, lighting, flashing, and movement within the signs. It was clear that the Planning Board felt it needed to be heavily limited. However, no ordinance change ever came about, so the current ordinance is that the animated sign is prohibited.

Other information Monica found is the language that talks about the Entryway Zoning District. A public hearing regarding changing the Entryway Zoning District to complete the portion along the interstate that was missing will follow this public hearing. A provision in the Entryway Zoning District states that any nonconforming sign in the Entryway Zoning District has seven years to come back into conformance. There has been a lot of thought about signs in general, nonconforming signs, and how to bring signs back in. There were no ordinance changes adopted other than what is stated in the current LMC book that animated signs are prohibited.

Mayor Mace asked if there were any proponents.

Tim Thelen, the President of Epcon Sign in Billings, has been working with Mr. Zabawa on this project since he purchased Rimrock Chevrolet. They have always had the intent to try to work within the code.

Mr. Thelen directed the council to LMC 15.40.040 Definitions. "Animated sign" means any sign that uses movement or change or lighting to depict action or create a special effect or scene. "Changeable copy sign" means a sign whose informational content can be changed or altered by manual or electric or electronic means. Changeable signs include the following: Manual, electrically activated, and computer controlled variable message, which this is a computer controlled variable message sign. LMC 15.40.050 Signs prohibited states that animated signs are prohibited. He stated that there is nothing to address controlled electronic signs. LMC 15.40.120, Changeable copy states that "unless otherwise specified by this section, any sign in this chapter allowed may use manual or fixed message electronic sign. Computer controlled variable message center signs shall be permitted provided that the bottom of the reader board is ten feet above the crown of the adjacent road", which they are. Rimrock Chevrolet has two signs right now and they want to remove the smaller sign on 4th Street because it is not getting any advertising for them and they want to utilize the interstate to let people know they have a viable franchise here and are growing. Traffic warrants the sign, as the two sides of Southeast 4th Street and the interstate have over 1,500 lineal feet of frontage. Mr. Thelen stated that they are within the limits as far as the sign on the highway, as 350 feet is allowed and they are at 221 feet and a total height of 40 feet.

Mayor Mace asked if there were any proponents.

Steve Zabawa, a partner in Rimrock Chevrolet, envisioned coming to Laurel, Montana, and establishing a great quality business and expanding the parts and service and sales from what the Fichtners had built over the last thirty plus years at that location. When he drove in on the interstate to look at the project the first time, he noticed there was nothing there to see when coming down the interstate and pulling off the ramp. There is a white building with a few trucks off to the side, but people cannot tell that it is a car lot. If someone goes down the interstate and looks at Laurel Ford, there are trucks, a lot of frontage and the big Ford sign. He thought then that the thing that hurt this location for a long time was that so much traffic goes up and down the interstate to Denny Menholt Chevrolet, Hardin Chevrolet, the Ford Store, Rimrock and other stores and people do not know there is a Chevy Store right there. Steve thinks it will be a big boom for Laurel, Montana, to have a message center there to put the message out there that there is a Chevrolet dealer and that there are events happening in the community. The sign has been a big thought process of theirs since they were in the process of buying the store, as they need to get the message out on the interstate. They will be able to bring people in from Big Timber, Red Lodge, Cody, etc., to do business in Laurel, Montana. Steve stated that most people do not know there is a nice Chevy Store here and he thinks they can bring people from Billings out to Laurel to buy vehicles and parts and service and to continue to employ more people. When they started, there were 15 employees. Now they have 30 and are trying to hire ten more people. He stated that this sign is a very, very big piece of their strategy to make Rimrock Chevrolet, the Chevy Store in Laurel, as large as the Ford Store in Laurel. The Ford Store put up a new sign, redid their building, and spent a lot of money to build that business and have done a good job. As far as the reader board, Steve stated that he drove past several message boards to get here tonight. He is confused as to what an animated sign is versus a message center. Their sign is a message center and will say "Rimrock Chevrolet, come on in and buy a car here" or "Fireworks display this weekend. Come on by!" He thinks it will be a good thing to get the message out there, as right now there is no message board on the interstate for Laurel, Montana. Steve stated that he is only looking to put one sign there and taking one down, so it is a neutral event. They feel that the variance should be approved and he thinks it is a great thing for Laurel and will be awesome for Rimrock Chevrolet. He asked if there were any questions.

Mayor Mace stated that it is a public hearing so there are no questions.

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

Mayor Mace asked if there were any opponents.

Kathy Siegrist, 1319 Shay Road, is the Chairman of the City-County Planning Board. If this application had been made a month later, the Planning Board would have reviewed it first. The council is in the process of approving the Southeast 4th Street Overlay District and the expansion of the Entryway Zoning District, both of which have increasingly stringent sign limitations over the Laurel Code. Kathy is not clear on the difference between a regular reader board and an animated sign. She has not seen the application for their variance request, but if Monica's recommendation is that it does not meet the seven criteria, she is very respectful of Monica's opinion on that. She does not think that any of Rimrock's dealerships in Billings and Denny Menholt Chevrolet have an interstate presence. Kathy stated that various people have put a lot of effort into trying to give Laurel its own identity. The Growth Management Plan talks about maintaining a sense of place and ensuring that small town characteristics are reinforced. She does not feel that a sign of this nature is necessarily going in that direction. On a personal level, she was on the interstate during last month's sandstorm and she does not particularly want the driver behind her looking at something interesting 40 feet in the air when she is hitting her brakes.

Mayor Mace asked if there were any opponents.

Judy Goldsby, 2741 Alpine View Drive, serves on the City-County Board, is currently the Chairman of the Laurel Urban Renewal Agency, and serves on other organizations. They have been working very hard with staff, who have done a commendable job, on submitting the things they feel are in the best interest of the community. With that respect, she is opposed to it, but more so she is opposed to its presence on the interstate. She has looked into some studies of the Billboard Safety Research Committee. They have proven, by virtue of these studies, that placing these signs along a busy interstate, especially on an off ramp, is very much a hazard. She stated that we do not need any more hazards on our off ramps or freeways, so she is opposed.

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

Since there was no further public comment, Mayor Mace asked the staff to respond to any relevant questions.

Monica stated that interpretation of changeable copy versus animated signs came up during one of the presentations. She recently had a conversation about this with the Building Official, Gary Colley. The code used to be written so that signs were approved under the Public Works Department, but a restructuring placed Building and Code Enforcement under the Planning Department. She was talking with Gary because he had permitted two of the signs in town, one at Reese and Ray's and one at the Cedar Ridge Casino Cenex. Gary informed her that he had been notified that he was misinterpreting the code that changeable copy was related to fixed signs with no motion or movement in them, as opposed to the potential movement, whereas animated allows flashing movement, change of scene, etc., within the sign. He remembers having discussion previously about his misinterpretation permitted two signs, one in 2005 and one in 2007. Monica stated that she wanted to clarify the matter between the interpretation of changeable copy being fixed versus animated allowing movement and change of scene.

Mayor Mace closed the public hearing.

- **Ordinance No. O15-03: Entryway Zoning District** (First reading – April 21, 2015)

Mayor Mace stated that this is the time and place set for the public hearing on the City of Laurel's Ordinance No. O15-03.

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

Planning Director Monica Plecker explained that the ordinance will expand the Entryway Zoning District. A map shows where the current Entryway Zoning District begins and ends and where there is a considerable gap between the east and west portion of the main interchange coming into Laurel. This is the official public hearing for that matter. The Planning Board unanimously recommended approval of changing the boundaries of the Entryway Zoning District.

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.

- **Ordinance No. O15-04: SE 4th Street Overlay District** (First reading – April 21, 2015)

Mayor Mace stated that this is the time and place set for the public hearing on the City of Laurel's Ordinance No. O15-04.

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

Planning Director Monica Plecker explained that the ordinance is for the SE 4th Street Overlay District. An overlay zoning district has zoning requirements and regulations in addition to the current zoning designation. The City of Laurel currently has other overlay districts in place, including the Entryway Zoning District and the Downtown Overlay District. The SE 4th Street Overlay District is the second part to the Downtown Overlay District and follows the TIFD boundary on the south side of the railroad. The SE 4th Street Overlay District addresses signage, landscaping, parking requirements, etc., and requests wood timber features on properties located on other streets in that area, including First Avenue South, Washington Avenue, Bernhardt Road and Railroad street. On Southeast 4th Street, it does require log continuance in that area with the intent to preserve the character of the area.

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 2015 in the amount of \$514,980.17.**
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE totaling \$174,867.32.**
- **Receiving the Committee/Board/Commission Reports into the Record.**
 - Budget/Finance Committee minutes of April 21, 2015 were presented.
 - Council Workshop minutes of April 28, 2015 were presented.
 - Emergency Services Committee minutes of April 27, 2015 were presented.
 - Laurel Urban Renewal Agency minutes of April 20, 2015 were presented.
 - Library Board minutes of March 10, 2015 were presented.
 - Laurel Airport Authority minutes of March 24, 2015 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 22nd as Poppy Day in the City of Laurel.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Confirmation of Appointments.**

Laurel Fire Department

Mayor Mace appointed Justin Kostelecky, Levi Vandersloot, Dan Wirtzberger, Matt Oswald and Chris Franklin to the Laurel Fire Department.

Motion by Council Member McGee to approve the Mayor's appointments to the Laurel Fire Department, 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.

- **Ordinance No. O15-03: An ordinance amending Chapter 17.26.030 of the Laurel Municipal Code to update the City's Zoning Ordinance within the City of Laurel.** Second reading.

Motion by Council Member Dickerson to adopt Ordinance No. O15-03, seconded by Council Member Nelson. 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.

- **Ordinance No. O15-04: Ordinance creating the SE 4th Street Overlay District and to codify the ordinance as Chapter 17.27 of the Laurel Municipal Code.** Second reading.



Motion by Council Member Nelson to adopt Ordinance No. O15-04, seconded by Council Member Poehls. 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. R15-30: A resolution of the City Council granting a variance from Chapter 15.40 of the City's Sign Code for the property located at 202 SE 4th Street to allow the removal and replacement of a freestanding pole sign with an animated sign which is currently prohibited.**

Motion by Council Member Mountsier to approve Resolution No. R15-30, seconded by Council Member McGee.

Steve Zabawa, Rimrock Chevrolet, stated that it is interesting that it says it is a replacement of a freestanding pole sign with an animated sign which is currently prohibited, as that is not their understanding. They believe this is a message center and it falls underneath the other piece of the code that is black and white saying that a message center is allowed. Steve showed the council several pictures of signs in Laurel, including Cenex, Exxon, CVS, the Federal Credit Union, Walmart, Cenex, Reese and Ray's, Exxon, the Laurel High School, Montana Lil's Casino and Curt's Famous Saloon. Looking at what is already in place, he does not think they are asking for anything outside of the ordinary. The readerboards in Billings are used for all sorts of great events, the time and date, and basic messaging. They feel this sign will be great for their business and great for Laurel. They feel that it is a message center and not an animated sign. It is not their intention to distract drivers on the interstate and have them crash into the back of somebody. The idea is to have a nice big Rimrock Chevrolet sign up where they can change the message. They spent millions and millions of dollars to have this property and to be able to have some type of message out there on the interstate is very important to their success and welfare and to grow the business. Steve thanked the council for their support on this issue.

There was no further public comment.

Council Member Dickerson stated that he has mixed feelings on the signage the way it is being requested. Other businesses along the interstate put up their signage according to the Entryway Zoning and the compliance of whatever was stated at that time. He would not object if the signage that Rimrock Chevrolet put up was similar to what Laurel Ford has, a big Rimrock Chevrolet sign that showed that was their business. He feels it would be an injustice to the other businesses that have built along that side of the interstate and followed the compliance and put up the type of signs that were being requested. His concern as far as the sign is the distraction of getting off the ramp because of the curve that is there. People already slow down to 30 or 35 mph a half a mile or so down the interstate before coming off the exit ramp. The placement of the sign by the off ramp is also a concern for him. He would be 100 percent supportive of a type of sign like Laurel Ford has and feels it would be an injustice to the other businesses to allow this now before Ordinance No. O15-03 is put into effect. Once that is put into effect, it gives everyone on that side by the interstate the ability to come back and reapply for a different type of sign and everybody has got the same opportunity to do that at that time. Right now, the council is voting on something that is not even allowable yet, but the other ones did not even have a chance to do it.

There was no further council discussion.

A vote was taken on the motion. Council Member McGee voted aye. Council Members Poehls, Herr, Mountsier, Nelson, Dickerson and Eaton voted nay. Motion denied 1-6.

- **Resolution No. R15-31: A resolution of the City Council approving a loan application to the Intercap Loan Program for purchase of self-contained breathing apparatuses for the Laurel Volunteer Fire Department.**

Motion by Council Member Eaton to approve Resolution No. R15-31, 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. R15-32: Resolution of the Laurel City Council to place a Public Safety Mill Levy on the General Election Ballot.**

Motion by Council Member Herr to approve Resolution No. R15-32, 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. R15-33: A resolution of the City Council authorizing the Mayor to sign a contract with Sprague Construction Roofing, LLC for roofing construction at city hall.**

Motion by Council Member Poehls to approve Resolution No. R15-33, 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. R15-34: A resolution of the City Council authorizing the Mayor to sign a contract with Central Heating and Air Conditioning Inc. for HVAC services at city hall.**

Motion by Council Member Eaton to approve Resolution No. R15-34, seconded by Council Member McGee. 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.

- **Motion to authorize the CAO and city attorney to work with the Laurel Rod and Gun Club to determine the possibility of conveyance of the building in Riverside Park.**

Motion by Council Member Dickerson to authorize the CAO and city attorney to work with the Laurel Rod and Gun Club to determine the possibility of conveyance of the building in Riverside Park, seconded by Council Member McGee. 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.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Council Members Nelson and Herr will attend the Elected Officials Workshop in Billings this week.

The Park Board will meet on Thursday, May 7th, at 5:30 p.m.

The Public Works Committee will meet on Monday, May 11th, at 5:30 p.m. to tour the Wastewater Treatment Plant.

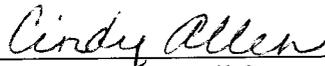
Council Members need to take bring LMC books to the council secretary for the updates.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Council Member McGee 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 7:20 p.m.

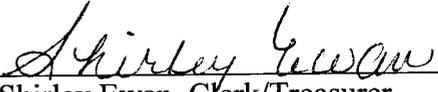

Cindy Allen, Council Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 19th day of May, 2015.



Mark A. Mace, Mayor

Attest:



Shirley Ewan, Clerk/Treasurer