

MINUTES OF THE CITY COUNCIL OF LAUREL

October 20, 2015

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 Mark Mace at 6:30 p.m. on October 20, 2015.

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

COUNCIL MEMBERS ABSENT: None

OTHER STAFF PRESENT: Monica Plecker, Contracted City Planner

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

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

MINUTES:

Motion by Council Member Dickerson to approve the minutes of the regular meeting of October 20, 2015, 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 September 10, 2015 Agenda for October 8, 2015.

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS.

PUBLIC HEARING:

- Olson Variance Request

Mayor Mace stated that this is the time and place set for the public hearing on the variance request from Chris and Faith Olson.

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

Monica Plecker stated that Chris and Faith Olson submitted an application for a variance specifically requesting that their property located at 208 East 11th Street be built upon without completing the improvements of 150 feet of East 11th Street, which abuts the north edge of the property. In foregoing that, they must request a variance asking that the alley, which is defined by the Laurel Municipal Code as secondary access, be able to serve as primary access.

Monica reviewed her staff findings.

1. The property owners have submitted a variance asking for the lot to be built upon without completing the 150' of East 11th Street on the north edge of the property; therefore, the alley will act as the primary access for the property.
2. Typical improvements to an undeveloped street include water and sewer lines, curb, gutter and road improvements needed to serve the newly constructed building.
3. LMC 17.08.080 states an "alley means a public way which affords only secondary access to abutting property."
4. The alley located to the west of the Olson's property is 20 feet, East 11th Street to the north is 100 feet of right-of-way, and Colorado Avenue to the east is 30 feet of right-of-way
5. If the alley were to serve as primary access, all international fire codes are met; therefore, adequate fire and safety services can be provided to the lot.

MAN

6. Staff research concludes that the City owns an easement where East 11th Street is platted to the north.
7. The property was annexed into the City in 2005. All adjacent public right-of-ways are within the city limits.
8. The previous property owner signed a waiver of protest for the City to form a special improvement district. The waiver relates to the property even in the event of a sale.
9. The 2003 Bicycle-Pedestrian Plan identifies a proposed off-street trail which follows the portion of the Nutting Drain which is actually adjacent to the Olson's property. The Nutting Drain Ditch runs along the northern edge as well.
10. Exhibits included copies of the variance application request, a letter from the Olsons which addressed the criteria by which a variance can be granted, an aerial of the property, and minutes from the 2012 City Council recommendation.

Monica stated that the council reviewed this issue when it was submitted by Sam Robertus in 2012. At that time, the Planning Board and the City Council recommended approval with a number of conditions of approval. The Olsons have stated that they are in agreement with the conditions of approval; however, in their letter accompanying the application, they asked to be able to face the house in a northwesterly fashion. One of the previous conditions of approval was to face the house north in a normal fashion towards East 11th Street. Staff suggested to the Planning Board that the condition remain the same and continue to face the house to the north in a normal fashion. The Planning Board continued that recommendation forward.

11. Per the requirements of LMC 17.72.070, the Planning Board held a public hearing on September 3rd.

Monica explained comments received from neighboring property owners and residents regarding the request during the Planning Board's public hearing. Many of the comments were about the zoning on the property and future allowable uses. The property is zoned R-7500, which does not allow manufactured homes to be placed on the property under the current zoning. The property does not touch any other manufactured home zoning designation, so it would be spot zoning if someone came forward with that designation. Monica stated that modular homes are very different, as they are built to building code standards. Modular homes are not defined as manufactured homes, so a modular home could be placed on the property. The requirement is a single-family structure built to building codes on permanent foundation.

Monica stated that there were also comments about whether a commercial business or shop could be located on the property. Laurel Municipal Code requires that a residence be constructed prior to any accessory use, which a shop or garage would be. They can go up together but the shop could not be built first. Laurel Municipal Code has home occupation language, so some sort of business on the property would have to be accessory to the primary use being the dwelling. As far as having just a full-fledged business operating there, the zoning does not allow for that.

Monica explained some comments about added traffic to the alley. Some multi-family homes and condos have garages that face the alley, so the residents are using the most frequent access to their property through the alley. This request is for a single-family dwelling and would add one dwelling to the alley. The alley is a public way and other people use it. Neither the Planning Board nor staff really saw that as being a major issue.

During the public hearing, some concerns were raised by an opponent about whether the variance would be applicable to future lots. This is a larger lot and could technically, by zoning, be two or three individual lots. After the Planning Board's discussion, one new condition was proposed that states that the variance shall apply to the property as described today in that one lot in order to avoid having multiple lots being served by the alley, making this a special and peculiar situation.

Monica stated the staff suggested conditions.

1. The variance shall be good for 3 years from approval on unimproved property.
2. The applicant shall apply for a building permit.
3. The property shall be kept free of noxious weeds.
4. The owner shall comply with Public Works Standards for connection and improvements to city water and sewer services.
5. All storm water must be kept on site.
6. The house will face north toward East 11th Street in a normal fashion;
7. The variance only be approved with the 30' easement adjacent to Colorado Avenue

8. Make it known during the permitting process that the City intends to complete East 11th Street in the future by creation of a Special Improvement District, which this lot will participate in.
9. The variance shall apply to the property as currently legally described and not for any future or subsequent lots.

Monica concluded her staff report.

Mayor Mace opened the floor for public comment and stated that copies of the rules governing the public hearing were posted in the council chambers.

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:

- **Clerk/Treasurer Financial Statements for the month of September 2015.**
- **Approval of Payroll Register for PPE 10/11/2015 totaling \$168,485.67.**
- **Receiving the Committee/Board/Commission Reports into the Record.**
 - Budget/Finance Committee minutes of October 6, 2015 were presented.
 - City-County Planning Board minutes of October 1, 2015 were presented.
 - Park Board minutes of October 1, 2015 were presented.
 - Public Works Committee minutes of October 5, 2015 were presented.
 - Council Workshop minutes of October 13, 2015 were presented.

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

Motion by Council Member Eaton to remove item 7.b., Approval of Payroll Register for PPE 10/11/2015, to the November 3, 2015 Consent Agenda and to approve the remaining consent items 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.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Confirmation of Appointments.**
- **Ordinance No. O15-06: An ordinance amending Ordinance No. O15-01 regarding site design requirements in the City's Downtown Overlay District.** First reading.

Motion by Council Member McGee to adopt Ordinance No. O15-06, seconded by Council Member Dickerson. There was no public comment or council discussion. A roll call vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R15-106: Resolution of the City Council granting a variance from the City's zoning regulations which prohibit an alley acting as primary access to a property**

to allow the owners to build upon the property without completing street improvements.

Motion by Council Member Poehls to approve Resolution No. R15-106, 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.

ITEMS REMOVED FROM THE CONSENT AGENDA:

Mayor Mace stated that item 7.b., Approval of Payroll Register for PPE 10/11/2015, was moved to the council agenda on November 3, 2015.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Council Member Mountsier commented that the paving project was completed on Pennsylvania Avenue, part of the sidewalks have been poured and it is a nice improvement.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Council Member Nelson 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 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 6:47 p.m.

Cindy Allen
Cindy Allen, Council Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 3rd day of November, 2015.

Mark A. Mace
Mark A. Mace, Mayor

Attest:

Shirley Ewan
Shirley Ewan, Clerk/Treasurer