

**MINUTES  
COUNCIL WORKSHOP  
OCTOBER 13, 2015 6:30 P.M.  
COUNCIL CHAMBERS**

A Council Workshop was held in the Council Chambers and called to order by Mayor Mark Mace at 6:30 p.m. on October 13, 2015.

**COUNCIL MEMBERS PRESENT:**

<input checked="" type="checkbox"/> Emelie Eaton	<input checked="" type="checkbox"/> Doug Poehls
<input checked="" type="checkbox"/> Bruce McGee	<input checked="" type="checkbox"/> Richard Herr
<input checked="" type="checkbox"/> Chuck Dickerson	<input type="checkbox"/> Scot Stokes
<input type="checkbox"/> Tom Nelson	<input type="checkbox"/> Bill Mountsier

**OTHERS PRESENT:**

Heidi Jensen, CAO  
Monica Plecker, Contracted City Planner  
Irv Wilke  
Nick Kisch

**Public Input**

There was no public input.

**Executive Review**

- Resolution – Olson variance request (PH on October 20, 2015)

Monica Plecker presented the resolution to grant a variance to Chris and Faith Olson for the property located at 208 East 11<sup>th</sup> Street. This should be a very familiar request, as Sam Robertus asked the Planning Board and the city council for the same variance in June 2012. Legal access would need to come from East 11<sup>th</sup> Street, which is not currently constructed. It would not be simple to construct East 11<sup>th</sup> Street because the Nutting Drain Ditch is an open ditch that runs through there and adjacent properties that would contribute to the cost of creating East 11<sup>th</sup> Street include County properties to the north. The city cannot push for development of East 11<sup>th</sup> Street at this time. The applicant asked for a variance stating that the 20-foot alley can provide legal access.

The Planning Board held a public hearing and a lot of people attended and spoke against this request. However, the Planning Board did a good job of looking at the situation and the fact that a previous variance had been granted. The Planning Board also looked at the seven criteria again and felt as though the request warranted a variance. At the public hearing, there were comments about the owners building a shop on the property. Monica explained that is a moot point because city code requires a dwelling before any accessory building can be built. There were also concerns about plans to move a mobile home onto the property. The property is zoned R-7500 so it is single-family homes, not a mobile home. Some of the concerns were laid to rest during the public hearing.

The Planning Board and city staff recommended the following conditions:

1. The variance shall be good for 3 years from approval on unimproved property;
2. The applicants shall apply for a building permit;

3. 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;

Monica stated that the utilities are all located either in the alley or adjacent to the property.

5. All storm water must be kept on site;
6. The house will face north toward E. 11<sup>th</sup> Street in a normal fashion;

Monica explained that this was actually conditioned three years ago. In their letter requesting the variance, the Olsons asked that this condition be removed. As staff, Monica left it in there because, just because East 11<sup>th</sup> Street does not exist now, it does not mean that houses should face the alley. The intent of granting a variance like this is that, as the city grows and as there is need, and since the city has a waiver of right to protest for the SID, the city could eventually construct East 11<sup>th</sup> Street and connect to the east. Monica stated that it is important to keep things in a normal fashion and not make the alley the true point of access. The Olsons were ok with that but had asked consideration to remove the condition. The Planning Board also wished to keep the condition.

7. The variance only be approved with the 30' easement adjacent to Colorado Avenue;

The easement, which runs on the east side of the property, did not get filed because the previous applicant never improved the property. The condition stays the same.

8. Make it known during the permitting process that the City intends to complete E. 11<sup>th</sup> Street in the future by creation of an SID which this lot will participate in; and

Monica stated that the city already has the waiver, which transfers with the land.

9. The variance shall apply to the property as currently legally described and not for any future or subsequent lots.

Monica stated that this might be the most important condition, which came as a result of concerns stated at the public hearing. This is a large lot, which by zoning regulations could probably have three homes on it based on lot size requirements. Since the alley would be used as the access, the Planning Board felt that it should be restricted to just the lot as is and not any future lots. Some comments at the public hearing were that the condos on Montana Avenue all have garages in the rear. People feel like they already utilize the alley to the max, so they wanted to keep traffic down. However, the residents can utilize the alley, the trash trucks can utilize the alley, and anybody can utilize the alleys. To be fair and to take the concerns into consideration, the Planning Board felt that the variance should not apply to any subsequent lots that might come from the property.

Bruce questioned what happens in another three years if the owners do not build on the property and it changes hands every three years. He would like to see a condition that does not allow another variance after the three years have passed.

Monica stated that he raised a great point. She knows that the Olsons are much further along in the process to build than the previous applicant ever was, but that is no guarantee. The council could add a condition of approval when voting on the resolution.

- Ordinance – Downtown Overlay District (PH November 3, 2015)

Monica mentioned that the council recently approved the Downtown Overlay District, which has a specific set of criteria for new design requirements. The Planning Board has recommended that a change is needed in 17.25.070 B. “If off-street parking is proposed it shall be located at the rear of the building. When parking cannot be located in the rear, the planning board shall make a recommendation.” The Planning Board identified some scenarios in the community where parking in the rear cannot work and realized that some flexibility is needed. The new dentist office is a perfect example where it worked best to have parking in front, as opposed to parking in the back.

The Planning Board did not want to totally get away from the idea of having buildings on Main Street instead of parking on Main Street. The Board wanted the option to make a recommendation to the council, as they are just an advisory board. The simple change recognizes the needs in a diverse zoning district where many different types of businesses are allowed in the Central Business District. Monica stated that not having that flexibility could potentially hinder good development, even though the intent is good.

- Council Issues:
  - Update on 2011 Yellowstone River flooding event

Heidi, the city attorney and Jeremiah Theys from Great West Engineering had a conference call last Friday to discuss some counter offers that the Howreys and the McCoys made to the city. Everyone was in favor of them, so Heidi will send out two letters this week to accept their offers and get the formal legal process going to obtain the easements. The Federal guidelines for negotiating with property owners are that, as long as it is a fair offer and the city could justify accepting the offer, it can be done. The only remaining easement needed is from CHS. CHS is not seeking any monetary amount for the easement, but they are just backed up with the workload. They hope to have their easement language to the city within the next four weeks.

Heidi explained that the groundwater along the Canyon Creek Ditch gets pretty high during the spring and summer when the ditch is in production. If some of the pipe could be laid while the ground is frozen, it would be much easier than having to dig in the marsh and bog. Even the property that is in the floodway that is not useable and the easements from the Howreys and McCoys would also be frozen and make it much better for construction. Construction of the intake would probably have to be done next fall.

There was a conference call with FEMA today, but Heidi was a presenter at the Montana Economic Development Association Conference this afternoon and did not participate in the call. According to the minutes, everything is moving along.

Heidi spoke regarding the council workshop on October 27<sup>th</sup>. Adam Schafer, one of the Governor’s Chief of Staff, and Anna Miller from DNRC will attend the meeting to speak regarding the funding package that the Governor’s Office is proposing for the \$2.7 million match. Heidi has pushed the Governor’s Office to come and justify the 25 percent that the State is not providing like the city feels it should do. Heidi hopes the council asks some well-thought-out questions on October 27<sup>th</sup>. The city has indicated that it has \$1 million to contribute to the \$2.7 million, which leaves a \$1.7 million gap. The city is asking for the \$1.7 million. The Governor’s Office wants the city to take \$1 million in SRF loans. Because the city does not have the bonding or loan capacity in the Water Department to take on that large loan now, the State would pay the interest on the loan for the next three years and

then the city could accept the debt service and everything would be transferred to the city. There is also some contingency money in the Department of Commerce, but the money seems to be dwindling, even though she thought it was specifically earmarked. The city applied for \$269,000 from the Coal Board and Heidi and Great West Engineering will go to the Coal Board in December. Heidi wants the council to voice their concerns to Adam and Anna at the next council workshop.

Mayor Mace asked if the council members would attend the next workshop.

Bruce might not be able to attend, but he will provide some questions for someone else to ask.

Richard might not be able to attend.

- Lease Agreements
  - Update on Chamber and Jaycees (Chuck Dickerson)

Heidi received an email from the Chamber today about their lease agreement. Heidi and the city attorney will respond to the questions and hopefully move forward soon.

Bruce stated his desire to set a date to finalize the leases, as it seems like this is a fundamental city responsibility and obligation of public property in which the city has been negligent and cannot seem to get control over it.

#### Other items

Chuck asked if Nick Kisch could speak regarding the horseshoe pits at Riverside Park, as discussed at last week's council meeting.

Nick Kisch represents the Laurel Horseshoe Club. The council previously received information regarding the project. Nick said that the main issue was concerning FEMA regulations, but there will be no elevation changes. They will take out 3½ inches of sod and replace it with 3½ inches of cement so the lanes will be level and can be mowed across. Each lane will be 18 inches wide and 35 feet long. The National Horseshoe Pitching Association recently adopted a 30-foot rule along with the 40-foot rule for pitching in order to encourage participation. The Laurel Horseshoe Club has received donations for the project, including help from some Eagle Scouts, Rotary Club members and Horseshoe Club members. It will take about two hours to put in the cement, which will be done by a member of the Horseshoe Club that has a construction business. Nick stated that the project will make the place look better and make the pitching easier because the ground is not level and this will make it nice and flat.

#### Review of draft council agenda for October 20, 2015

- Public Hearing: Olson variance request

#### Attendance at the October 20, 2015 council meeting

All council members present will attend.

#### Announcements

Doug stated that there will be a Town Hall meeting for the public immediately following the council meeting on Tuesday, October 20<sup>th</sup>, for public questions and discussion regarding the safety mill levy.

Doug asked the council secretary to send a notice to all Emergency Services Committee members asking them to attend, bring their notes and be ready to answer questions.

Recognition of Employees

- |                 |   |                  |
|-----------------|---|------------------|
| • Nancy Schmidt | 20 years of service on October 17 <sup>th</sup> | Library Director |
| • Joel Sauter   | 18 years of service on October 11 <sup>th</sup> | Police Officer   |
| • Fred Gregory  | 8 years of service on October 15 <sup>th</sup>  | Police Officer   |
| • Justin Baker  | 3 years of service on October 9 <sup>th</sup>   | City Shop        |
| • Fred Lyons    | 2 years of service on October 28 <sup>th</sup>  | Library          |

Mayor Mace recognized the employees for their years of service.

The council workshop adjourned at 6:55 p.m.

Respectfully submitted,



Cindy Allen  
Council Secretary

**NOTE: This meeting is open to the public. This meeting is for information and discussion of the Council for the listed workshop agenda items.**