

MINUTES OF THE CITY COUNCIL OF LAUREL

October 4, 2016

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 4, 2016.

COUNCIL MEMBERS PRESENT: Emelie Eaton Doug Poehls
 Bruce McGee (late) Richard Herr
 Chuck Dickerson
 Tom Nelson Bill Mountsier

COUNCIL MEMBERS ABSENT: Scot Stokes

OTHER STAFF PRESENT: Noel Eaton, 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 September 20, 2016, as presented, seconded by Council Member Poehls. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

CORRESPONDENCE.

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS.

PUBLIC HEARINGS:

- **Proposed Regal Community Park - Request for annexation**

Mayor Mace stated that this is the time and place set for the public hearing on the request for annexation by the proposed Regal Community Park.

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

City Planner Noel Eaton explained the request for annexation for the Regal Community Park. Regal Land Development and Dan Wells are requesting annexation of the property, which is 7.85 acres of vacant land currently zoned for Residential Manufactured Homes. The applicant identifies the future development as a 54-site development for rent or lease. The application conforms to the goals of the City of Laurel Growth Management Plan and the future land use map identifies this area as Residential Manufactured Homes. The application is in conjunction with the application for Preliminary Plan and meets the requirements of the City of Laurel's annexation policy.

Noel stated the three suggested conditions of approval:

1. In the event public improvements have not been completed at the time a building permit is applied for, the applicant shall provide a development agreement.
2. A Subdivision Improvements Agreement shall be executed with Final Plan approval.
3. A waiver of right to protest shall be executed and filed with the Clerk and Recorder at the time of annexation approval.

Noel stated that the Planning Board held a public hearing on September 1st and recommended approval of the application with a 5-0 vote.

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.

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Mayor Mace asked if there were any proponents.

Dan Wells, the developer proposing the development, hopes that the city council will consider the benefits of improving this piece of property and bringing in a quality community park, rather than voting against the development. He attended the Planning Board's meeting and the council workshop last week. It was disappointing to hear that, because the Planning Board did not specifically vote for the variance and there was not adequate determination on hardships, the Planner recommended not supporting it. He has worked with the Planning Board for almost a year on this design and a variance is required. The concept of accessing the residences off of Date Avenue was discussed with the Planning Board and there was never a question of whether they thought it was consistent or inconsistent. The Planning Board voted 5-0 in favor of it. Discussion at the Planning Board got sidetracked on whether or not a looped water system was better than the designed system and when the sidewalks would come in. It seemed like the Planning Board was in favor, but everything was not done that needed to be done at that time. When Dan talked with Noel after last week's council workshop, he said he would pull back and try to get on the same page. Noel told him that notices would have to be sent to the neighbors again and a different process would be needed. That would take him out of the timeframe to get this development underway this fall, which is his main goal.

Dan asked the council to consider these points for approval of the development. The Planning Board did not vote against the variance. It seemed logical at the time and after discussion, the Planning Board voted 5-0 in favor of it. Regarding the five points of hardship, it is an arbitrary process of defining points of hardship and he would rather focus on the benefits to the City of Laurel. Benefits include increasing the tax base and creating revenue that will help the water system and needs of the city. Another benefit is providing a quality area that will have covenants, maintenance requirements and standards that this development will bring. Dan has spent over \$30,000 in engineering costs over the last year working on this design. The design of the property layout is narrow enough that, without the option of backing a third of the residents onto Date, the property would have to be redesigned. Dan thinks this a good concept for the city. The win for the city is that, instead of just giving right-of-way up to Date, he will provide the right-of-way and improve the street. Dan has a great track record of creating nice communities in the county and would appreciate the council's support tonight so he can start this next improvement in the City of Laurel. He offered to answer any questions.

Mayor Mace stated that questions from the council need to be addressed under scheduled items.

Mace asked if there were any other proponents, supporting the item.

Mike Balsh has been the engineer for the project for the last year and also worked with the previous property owner. He recently left C&H Engineering, but Dan asked him to speak regarding the project. He asked if he could speak about the annexation, preliminary plan and variance request at one time.

Mayor Mace stated that this public hearing is just for the annexation request.

Mike stated that he would wait for the next public hearing.

Mayor Mace asked if there were any other proponents, supporting the item. There were none.

Mayor Mace asked if there were any opponents.

Irv Wilke, 1017 Seventh Avenue, stated his concerns that the council has not had time to absorb the information, as the manual was given to them last week. It is a red flag for him that the Planning Board did not sign off on this. He asked if anyone went to the police department to ask what kind of an effect this will have on them. He continued to state his concerns that the council would just rubber stamp the issue.

Mayor Mace asked if there were any other opponents.

Jean Kerr, 1128 Ninth Avenue, stated that there is more violence and discontent when people are in higher congested areas or a small amount of space. She stated that people who own their own places versus renting take better care of sites. This development has 54 sites that are also open for rentals. She stated concerns for total infrastructure, impacts for the schools and police, the need for an

impact study to look at issues, possible fees that would be assessed to the developer, and public safety. She stated the need to look at the whole picture before it is just allowed in with a blanket approval.

Mayor Mace asked if there were any other opponents, not supporting the item. There were none.

Mayor Mace asked staff to respond to any relevant questions or issues that require an explanation or response.

Noel stated that review of a new development is sent to the department heads for their review of the whole application. This application has been in review for a year, so the police, ambulance, schools, fire, building, and public works departments have all had a year to look at it. Planning does not typically receive any comments. The prior school superintendent submitted a comment that the school district would not be able to bus this community. The new superintendent is informed on any developments and has an opportunity to comment. Noel stated that a community impact report was completed. Noel stated that the findings of fact in the next presentation did not warrant any denial of the application.

Mayor Mace closed the public hearing.

- **Proposed Regal Community Park - Application for Preliminary Plan and Variance Request from Laurel Municipal Code**

Mayor Mace stated that this is the time and place set for the public hearing on the application for Preliminary Plan and variance request by the proposed Regal Community Park.”

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

City Planner Noel Eaton stated that this is the second half of this application. The first half is the annexation, and the second half is the preliminary plan with the variance included.

Noel stated that Regal Land Development applied for Preliminary Plan approval for the 54-site development of Regal Community Park on 7.88 acres of land. The subject property is east of Date Avenue, north of Eighth Street, south of East Maryland Lane, and west of the city park. The applicant is asking for one variance for site access to a public street. LMC 16.24.020.B.2 states that “Private streets shall be designed to provide access to all sites. No site shall have vehicular access to a public street.”

The applicant has provided responses to the five criteria set forth in a variance request to be approved. Noel stated that the Planning Board had no discussion. With a variance, whether it is with a development or a variance by itself, each criteria is reviewed to decide if it has been met. Since the review of the five criteria was missed at the Planning Board’s public hearing, staff made a recommendation for the variance itself, which was non-approval, meaning it did not fit all of the five criteria.

The applicant has provided the Preliminary Plan for Regal Community Park. Noel read the fifteen conditions of approval.

1. The property shall be annexed into the City of Laurel.
2. There shall be Right-of-Way of 24 feet surveyed and filed under MCA exemption 76-3-201(h) for the remainder ROW dedication for Date Avenue prior to final plan.
3. There shall be Right-of-Way of 40 feet surveyed and filed under MCA exemption 76-3-201(h) for the remainder ROW dedication for East Maryland Lane prior to final plan.
4. All public improvements shall be built to Montana Public Work Standards and to the specifications made in the Subdivision Improvements Agreement provided with the application for preliminary plan.
5. Water and sewer connections must be approved by the Public Works Director prior to final plan.
6. A stormwater management plan must be approved by MDEQ before final plan.
7. To minimize effects on local services, utility easements shall be provided on the final plan.
8. To minimize the effects on local services, a centralized mailbox unit shall be provided as coordinated by the U.S. Postal Service along the north side of East 8th Street. There shall also be a concrete pad.

9. To minimize the effects on local services, as requested from the Laurel Fire Department, no parking signs shall be provided by the developer and installed in front of all fire hydrants.
10. Minor changes may be made in the SIA and final documents, as requested by the Planning, Legal or Public Works Department to clarify the documents and bring them into the standard acceptable format.
11. To minimize the effects on the natural environment, a weed management plan and property inspection shall be approved by the County Weed Department, prior to final plan approval.
12. Cash in lieu of parkland shall be received with final plan approval.
13. If the City of Laurel solid waste services are used, a plan must be approved by the Public Works Director.
14. The final plan shall comply with all requirements of the Laurel-Yellowstone City-County Planning Area Subdivision Regulations, rules, policies and resolutions of the City of Laurel, and the law and Administrative Rules of the State of Montana.
15. Clarify the covenants so that it states it is the developer's responsibility to install sidewalks before final plan approval. Also clarify the covenants that there are no individual lot owners, but the development on lots 7 and 8 is owned by one individual.

Noel again stated that the variance request was missed at the Planning Board level, so she made a recommendation. Questions regarding a looped water system and sidewalks were brought up at the Planning Board meeting. The Public Works Director provided a letter to the council stating why a looped water system is not ideal for this development. The applicant has provided a waiver of right to protest the sidewalks along East 8th and Maryland.

Questions about lot size specifics were raised last week, and Noel had the council secretary forward the council some of the city codes for developments for rent or lease. The zoning requirements for Residential Manufactured Homes have specific requirements for double-wide and single-wide mobile homes. There are also setback and lot size coverage requirements for the sites and codes have to be followed within the zoning.

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

Mayor Mace asked if there were any proponents, supporting the item.

Mike Balsh, 180 Gallatin Drive, Bozeman, spoke about the history of the site, the proposed layout, and the variance criteria. The original project was owned by Ray Moore and was for a subdivision. The zoning on the property is Residential Manufactured Homes. Two things could be done to develop it. First, a site plan, where a person owns the entire property and there are individual sites for rent. Second, a subdivision, where a person owns the property, subdivides it, creates tracts and sells the tracts to buyers to put their home. The project did not work for Ray Moore. The project went out to bid, the bids came back in and the project died as it did not make financial sense at that time. Ray sold the property to Dan and now Dan is pursuing the site plan option, not the subdivision option.

Mike explained that the previous plan had 45 lots, this one has 54 lots, and the layout of the site is basically the exact same layout. The proposed plan is compatible with the neighborhood and works with the existing street network. The ground slopes slightly to the south, so the sewer mains work best if they are installed north-south to get the sewer to flow without a lift station. The sewer connection is really shallow, so it was difficult with the design to get enough cover on that. With the shape and width of the lot, there is not enough room for another internal street. If the variance is not approved and the homes cannot access Date, Mike is not sure what the layout would be and how it would work with the sewer. They are trying to blend with the neighborhood, tie the existing neighborhood to the park and fill in the unutilized land next to the park. There will be a trail corridor so the folks that live to the east can take a sidewalk and get to the park. They want to put a plan forth that complements the area, not just walls it off as its own separate park.

Mike stated that there are a lot of advantages for the project for the city. He looks at it as an infill project with city on three sides, or four sides with the city park. It will provide some pedestrian connection to the park and get rid of the underutilized field. Dan has proposed to provide cash in lieu of parkland. Not providing parkland on this site and contributing money to the city to help improve existing parks makes sense. An increase in tax base for the city is always a good thing.

Mike suggested that the fourth advantage is that the project provides critical right-of-way for the City of Laurel and surrounding streets. Date Avenue does not meet International Fire Code for

width right now, and this will widen the street to 34 feet. It will put the curb in and also put sidewalk north/south along Date to provide better pedestrian access. The developer will sign waivers of right to protest for future street improvements. If an SID was created to pave Date Avenue, the costs would be spread out amongst the property owners.

Mike stated that letters were written to the school and the police and the responses regarding the subdivision application were in the binder. Mike stated that there would be less control if the project went forward as a subdivision, as there would be individual lots and owners. With this project with one owner owning all the sites, there is a lot more control through strong covenants and a well-maintained park. Concerns of violence or a rundown looking park would be easier to avoid with a single owner. The city will not be enforcing any kind of issues on the streets because the street is private, so it will be Dan's problem to enforce. In his opinion, it is a better way forward than the previous project.

Mike stated that, as far as the variance and the variance criteria, he strongly disagrees with staff. He feels they have met all of the criteria for the variance and spoke regarding the variance criteria.

1. The granting of the variance will not be detrimental to public health, safety, or general welfare or injurious to other adjoining properties.

Mike stated that granting the variance to access Date is going to improve safety, improve access, lower the cost to improve the road, provide improvements to the road, provide a sidewalk to pedestrians, and create a better neighborhood that is not walled off from the surrounding neighborhood.

2. Because of the particular physical, shape, or topographical condition of the specific property involved, an undue hardship to the owner would result if the strict letter of the regulation was enforced.

Mike stated that, with the width of the property, there is not enough room to create another street. The physical shape of the property creates an undue hardship if they cannot access the street. The depth of the sewer and the connections and the way the sewer has to be routed requires them to keep it running north as much as possible. That would be a topographic condition of the property.

3. The variance will not result in an increase in taxpayer burden.

Mike stated that it will result in a decrease in taxpayer burden. It will provide the right-of-way for free to the city. It provides improvements to the road for free to the city. It provides a waiver of right to protest to the city for future improvements that will lower everyone's costs. The overall project will increase the tax base of the city.

4. The variance will not in any manner place the development in nonconformance with any adopted zoning regulation or Growth Policy.

Mike stated that the Growth Policy encourages infill development in underutilized properties, which is exactly what this property does. It will also help meet the zoning regulation by providing enough setback between the buildings so that property can be developed at a reasonable density.

5. The subdivider must prove that the alternative design is equally effective and objectives of the improvements are satisfied.

Mike stated that the previous plan had the exact same layout, so it is just the distinction between a subdivision and a site plan. The alternative design is equally effective, in his opinion. It will help create a neighborhood, open the street up with sidewalk and create more of a neighborhood along Date Avenue. He offered to answer any questions.

Mayor Mace responded that questions will be asked under scheduled matters.

Mayor Mace asked if there were any other proponents.

Scott Worthington, 4118 Wood Creek Drive in Billings, spoke to the council. Mr. Worthington is a Montana Professional Engineer specializing in land development and has experience in the City of Billings and Yellowstone County. He spoke in favor of the variance request for the Regal Community Park project with the following four points.

1. While the position of the City of Laurel's legal counsel is to protect the city's policies and maybe this is reflected in Noel's position on the variance, a variance or deviation from policy can be granted when there is mutual benefit to all parties involved and does not compromise public safety.
2. The narrow shape of the parcel is a constraining factor that creates one of the hardships for the owner to lay out tracts in a way that yields an efficient development and the allowable number of units without creating double frontage lots. Granting the variance alleviates this hardship without compromising public safety. Regal Land Development and its engineer have given proper justification for the variance and have presented a plan that will in fact improve public safety and enhance the neighborhood.
3. If this were a standard subdivision, access to Date Avenue would not require a variance.
4. When this project was brought to the Planning Board, the city planner presented it as consisting of three parts: the annexation, the preliminary plan and the variance. Further details about the variance were also included in the findings of fact in the information packet given to the Planning Board members. The Planning Board voted unanimously 5-0 in favor of recommending approval of this project as a whole, including and without objection to the variance request.

For these reasons, he respectfully requested that the council approve the annexation, preliminary plan and variance for this project. Thank you.

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

Mayor Mace asked three times if there were any opponents, not supporting the item.

Irv Wilke, 1017 Seventh Avenue, stated that he has an issue with staff telling him that his concerns do not matter and have been addressed. She brought up a whole lot of stuff that has not been answered in his mind. He thinks it has to slow down to make sure the t's are crossed and the i's are dotted.

Mayor Mace asked if there were any other opponents, not supporting the item.

Jean Kerr, 1128 Ninth Avenue, addressed the comments as far as a single owner having more control to maintain. The big trailer park on the east end was developed as owner lots in the late 1970's. Some of those lots are still the original owners, but most of them were sold. The owner of most of the lots on that trailer court resides in Florida. In the past, when the city has tried to enforce ordinances, it was hard to enforce anything because the owner lives in Florida and is protected as a corporation. She thinks that needs to be considered with a single owner and a rental situation. The original plan was for 45 sites and then it went to 54 sites. She suggested having bigger lots and fewer lots, as congestion leads to issues with enforcement of laws. With less congestion, there is more room for landscaping. Jean stated that Laurel does not need to lower its standards but needs to have expectations that exude excellence.

Mayor Mace asked if there were any other opponents, not supporting the item. There were none.

Mayor Mace asked staff or the applicant to respond to any relevant questions or issues that require an explanation or response.

Dan Wells stated that, in regards to the single owner, he is not a large corporation and is not living in Florida. He was born and raised in Billings, his dad was a builder in this valley, and his oldest son is working with him. They will be here for a long time to come. This is something that they plan to develop, take care of, and be proud to say it is one of their neighborhoods. He thinks the other issues, as far as densities, are defined and addressed in the current zoning for the property. The yard sizes will not require too much water for irrigation. A sidewalk that runs through the center of the project will provide access to the city park. He thinks it will be a great place for a lot of people to call home. He offered to answer any questions.

Mayor Mace asked if there were any questions from the council.

Council Member McGee asked whether the CC&R's match the current plan.

Dan explained that they are more in line with the project as a subdivision and will be adjusted for this project.

Council Member McGee asked regarding fencing, if someone will buy their own trailer and move it on a lot or if Dan will own all of the trailers, if 54 lots is too many, the size of the lots, and why there will not be a park within the court.

Dan does not have a fencing plan right now. If he can maintain the property properly without a fence, it creates one less feedlot looking environment. He would like to do this without fencing. Second question was who was going to own the trailer on the properties.

Dan explained that Regal Land Development is the landowner. A man in Bozeman wants to bring in eighteen new units that he had in Williston. He would be a partner in the respect that those would be his homes. Dan's other primary source for units is J&J Homes, who had an operation in Williston. They sold single and double-wides there for \$50,000 to \$80,000 and are buying them back for \$15,000. They would recondition the units and resell them for \$30,000 to \$40,000. Those people would be buying the homes and renting the property from Dan.

As far as having a park in the middle of the development, Dan explained that is why there is a sidewalk in the middle. They discussed having a community park, but it was not possible with the codes that are already in place. He would be glad to help with inkind services to continue to make the city park better.

Council Member Dickerson asked regarding the required sizes of the manufactured homes.

Dan explained that the covenants will include requirements for the homes by year, model numbers, style, square footage and other minimum standards.

Council Member Dickerson asked if the streets would be sufficient enough to back in large mobile and double-wides.

Dan stated that they will be. They have the full requirement for fire protection for the streets. They are providing three paved parking spaces at each lot. There will be additional areas for parking in the front so that there will not be the congestion that has been associated with trailer courts.

Council Member Dickerson asked if each lot would have individual garbage cans, if the cans would be placed in the street or if there would be on container for a certain amount of homes. He stated that there does not appear to be any alley.

Dan agreed that there is no alley. In his experience, if a person is responsible for their individual trash, it is better maintained. With dumpsters, people dump stuff in the area and it becomes a bigger maintenance issue. If they use the city, they will talk to the Public Works Director about providing the city service and realize some stipulations have to be met, or if it is private, it would be like anywhere else in the city. There would be a day that their garbage goes out front and it gets picked up.

Mayor Mace asked if staff wished to address anything.

Noel addressed Council Member Dickerson's concern. LMC 16.24.020(6) of Developments Providing Multiple Spaces for Rent or Lease for Recreational Vehicles and Mobile Homes states that "the size of the manufactured home pad must be suitable for the general market to be served and must fit the dimensions of manufactured homes anticipated. At a minimum the pad should measure fourteen feet wide and seventy feet long. All pads shall be constructed of at least six inches of gravel over a stabilized sub-base." These are the minimum requirements for the Development for Rent or Lease. E. Additional Provisions. (2), says "Manufactured home parks located adjacent to industrial, commercial, or lower-density residential land uses shall provide screening such as fences or natural growth along the property boundary lines separating the community from such adjacent uses." It is surrounded by high density development at this time. The requirement for surrounding fencing or screening would not be required.

Council Member McGee stated that he is in favor of the annexation. He asked whether the annexation, preliminary plan and variance need approval tonight.

Noel explained that it was combined into one resolution because this development is dependent on one of the three components of it, being the annexation, the preliminary plan or the variance. If the council approved just the annexation and not the variance or the preliminary plan, a piece of land would be annexed in without the development for the public improvements. If the council approved

the annexation and preliminary plan but not the variance, as the variance is one-third of the entire development, the final plan could not be identical to the preliminary plan, which is required. If the variance was not approved, the preliminary plan would change altogether. They would have to rework their site plan, their density, and whatever needed to comply with the codes that the council has adopted. It is all combined into one resolution because one issue is dependent on the other two, whatever that one is.

Council Member Dickerson thinks it is confusing because there was a public hearing on the annexation and a public hearing on the variance request, but there is one resolution for everything. He has no objection to the annexation to let the developer know that the possibility of a different plan that did not require a variance could go forward.

Noel explained that two public hearings are typically held when a development requests annexation. One public hearing is for the annexation and one for preliminary plat approval. This scenario was followed from the previous type of public hearings with the annexation in one and the preliminary plan in another. The Planning Board held the same type of public hearings. The annexation and preliminary plan approval and variance request for Moore Subdivision was all in one resolution, so this basically encompassed nearly the same issues in one resolution for the Regal Community Park.

Council Member Dickerson would like to see this annexed and have Dan build the kind of homes he builds in Billings to the density that is available instead of overcrowding the density that is there.

Noel stated that the Moore Subdivision has preliminary annexation approval. Regal Community Park is different from Moore Subdivision. Preliminary annexation and preliminary plan approval is good for three years. If the developer cannot present a final plan in three years, then it dies. This development had preliminary annexation and preliminary plan approval, but decided that it would not be an ideal development for this lot. Dan or anyone else will have to apply for annexation with this development because it is within 500 feet of city services and is surrounded on the east, west and south. Any plan that would come forward would have to apply for annexation. The council has already preliminary approved Moore Subdivision annexation, so the annexation would not be a problem for future developments.

Mayor Mace closed the public hearing.

CONSENT ITEMS:

- **Claims for the month of September 2016 in the amount of \$1,656,220.67.**
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 09/25/2016 totaling \$144,065.66.**
- **Receiving the Committee/Board/Commission Reports into the Record.**
 - City-County Planning Board minutes of September 1, 2016 were presented.
 - Tree Board minutes of September 15, 2016 were presented.
 - Budget/Finance Committee minutes of September 20, 2016 were presented.
 - Council Workshop minutes of September 27, 2016 were presented.
 - Laurel Renewal Agency minutes of August 22, 2016 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 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.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS: None.

MAM

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):

Mike Yakowich, 206 South 32nd Street in Billings, thanked the council for their service and dedication to the community. Mr. Yakowich, who is the Director of the Global Peace Foundation, is doing a leadership forum on Saturday, October 8th, at the Double Tree in Billings. He invited the council and mayor to the event. There will be no charge to attend and lunch will be provided. Several local leaders will be speaking about conflict resolution and various topics. He is also reaching out to the mayors and councils in Roundup, Red Lodge and Hardin.

SCHEDULED MATTERS:

• **Confirmation of Appointments.**

- **Cemetery Commission: David Gauslow to fill a term ending June 30, 2017**

Mayor Mace appointed David Gauslow to the Cemetery Commission to fill a term ending June 30, 2017.

Motion by Council Member Poehls to approve the Mayor's appointment of David Gauslow to the Cemetery Commission to fill a term ending June 30, 2017, seconded by Council Member Nelson. 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.

- **Tree Board: Dale Ahrens to fill a term ending June 30, 2019**

Motion by Council Member McGee to approve the Mayor's appointment of Dale Ahrens to the Tree Board to fill a term ending June 30, 2019, 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.

• **Motion to allow Council Member Stokes to be absent from the City of Laurel for more than ten days (LMC 2.12.060)**

Motion by Council Member Mountsier to allow Council Member Stokes to be absent from the City of Laurel for more than ten days, 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. R16-103: A resolution approving the annexation of Regal Community Park, legally described as Nutting Bros 2nd Filing, S10, T02S, R24 E. Lots 7 and 8, an addition to the City of Laurel, Montana, and granting variances from the City's Subdivision Regulations.**

Motion by Council Member McGee to approve Resolution No. R16-103, seconded by Council Member Herr. There was no public comment.

Council Member Nelson stated that this development is in his ward and two blocks from his home. He is very familiar with the first time this came to the council and the council preliminarily approved the annexation proposal, which did not come with a variance. He knows this property is zoned properly for what the developer wants to do with it. He believes the City of Laurel needs affordable housing and an increase in its tax rolls. What concerns him is not the annexation, but it is the variance. He is puzzled when it comes to variances and thinks the council should look at the issue instead of allowing something to happen within that particular zone. A variance opens the council up for future variances that come under the same pretenses already offered and sets a precedence. He suggested reviewing the code and deciding as a body whether or not the code needs to be changed. He would like to see something go forward on that property within the current zoning and Laurel Municipal Code.

Council Member McGee wanted to go on the record that he is not really excited about this, but it deserves to come to the floor of the council tonight for approval or not. He is upset that the annexation, preliminary plan and variance are combined into one resolution, as he sees them as three separate items. He wishes that the council was not put in a decision making process of one week to decide such a heavy scope of project, as it is too short of a period of time to do all the research that needs to be done. Citizens and other council members have brought up some very legitimate

concerns that were addressed, but possibly not to the depth needed. He continued to speak regarding the need for housing, issues with children playing in the streets, the need to explore the possibilities to help landlords and tenants through more restrictive legislation in the municipal code, and his feeling that this is as good as a project like this can be.

There was no further council discussion.

A roll call vote was taken on the motion. Council Members Herr and McGee voted aye. Council Members Poehls, Mountsier, Nelson, Dickerson and Eaton voted nay. Motion failed 2-5.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Council Member Nelson will try to schedule a Cemetery Commission meeting for next week.

Council Member Eaton stated that the Public Works Committee will meet on Monday, October 17th, since October 10th is Columbus Day.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Council Member Herr 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.

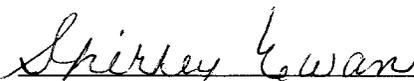
There being no further business to come before the council at this time, the meeting was adjourned at 7:51 p.m.


Cindy Allen, Council Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 18th day of October, 2016.


Mark A. Mace, Mayor

Attest:


Shirley Ewan, Clerk/Treasurer