

MINUTES
COUNCIL WORKSHOP
JANUARY 12, 2016 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 January 12, 2016.

COUNCIL MEMBERS PRESENT:

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| <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 checked="" type="checkbox"/> Tom Nelson | <input checked="" type="checkbox"/> Bill Mountsier |

OTHERS PRESENT:

Heidi Jensen, CAO
Kurt Markegard, PWD
Noel Eaton, City Planner
Monica Plecker, CTA
Kara Hergenrider, Acting Ambulance Director

Public Input (three-minute limit.)

Curtis Lord, 418 West 12th Street, reported on the Laurel Rod and Gun Club's recent trap shoot event and thanked the council for allowing the club to hold the event.

General items

There were none.

Executive Review:

- Resolution - Task Order No. 37 with Great West Engineering

Heidi explained that Task Order No. 37 is for replacement of about 300 feet of waterline on the west side of First Avenue from Mountain View Lane to 12th Street. The line has broken four times in recent years and there have been problems in the area. The public works director plans to budget for this project in the upcoming year.

- Ordinance - Changes to LMC 17.42 Sign Code

Noel Eaton stated that Monica and the Planning Board started an extensive review of the sign ordinance last June. The sign code was not up-to-date and did not comply with current standards. Noel asked Monica to present the changes to the council.

Monica Plecker explained that the Planning Board worked on an extensive rewrite of the sign code and the biggest change is how the sign code is going to function. In the past, the sign code was not part of the zoning ordinance, as it was in a different chapter. The Planning Board could not review or make decisions on variances, etc. The sign code is now in the zoning chapter in Laurel Municipal Code.

Monica stated that, instead of having a blanket ordinance or a "one size fits all" sign code, the Planning Board decided to break it up into a way that functions like zoning functions. Page 6 of the ordinance includes a table of "signs by zoning district", which is a table format that is already used in the zoning code. The initials at the top of the table stand for the different types of zoning districts in the city. The list also shows every sign that is defined in the sign code and in which zoning districts they are allowable, not allowable, or allowable by special review. Monica stated that is the most significant change. She gave the example of a wall sign, which may not be allowable in a residential professional zone, but would be allowable in a highway commercial zone. The things the city tries to protect and value related to residential professional properties are different than the way to advertise to highway vehicle travelers.

Monica stated that the elephant in the room in the sign code is digital signs. Proposed definitions are stated on page 2 of the ordinance, where 17.42.040 addresses an animated sign. The new definition says this is "a sign depicting action, motion, light or color change or that change the sign displayed through electrical or mechanical means. Animated also includes signs that use blinking, flashing or scrolling or other special effects to depict motion."

Since the industry is saying that pictographic changeable copy signs are needed, those signs are further defined on page 3 for changeable copy signs and on page 4 for pictographic changeable copy signs. The table shows where these types of signs are allowable and certain places where they should not be allowable. Page 7 shows that a Pictographic Changeable Copy Sign would only be allowable by Special Review in Highway Commercial, Light Industrial and Heavy Industrial zoning. It is not allowable in Entryway Zoning District or the Downtown or Southeast Overlay Districts. The Planning Board spent a lot of time on this particular topic throughout the months. The board decided that, by making these Special Review and because the city does not have a lot of them in town and does not know what the safety standards are, the city can at least have an opportunity to recommend and place conditions to make sure that these types of electronic signs develop in a way that fits the City of Laurel through Special Review.

Monica spoke regarding a second table on page 10 that addresses the sign requirements, the types of signs, requirements for permits, whether or not illumination is allowable, the biggest sign, etc. She explained that the last sign code created a lot of problems with permitting things consistently because one part of the code would allow a sign but a different section of the code would be contradictory. The table is meant to streamline that and put everything in one place so that issues cannot get convoluted as permits are issued for signs. Monica stated that the proposed structure puts staff in a better place to know what is being permitted and how it is being permitted. She encouraged the council to read through the ordinance and to review the Planning Board's minutes relating to the ordinance.

Chuck questioned why fines are not attached to the ordinance in case the sign code is not followed.

Monica stated that fines were not contemplated in this. The rest of the zoning code does not specifically call out fines for separate violations. Zoning violations are dealt with like all other code enforcement issues. Although the Planning Board would not necessarily be opposed to putting fines in the ordinance, Monica thinks that the city attorney would need to be involved in that since zoning does not have a structure set up for fines.

Chuck stated that he would like to have the city attorney involved before the ordinance goes forward.

Monica explained the process for zoning violations. If there is a zoning violation, people get a letter telling them exactly what their violation is and how much time they have to comply with the particular zoning ordinance. She gave the example of mobile homes on lots where it is not zoned for mobile homes. The owner would have a period of thirty days to remove the mobile home. The same applies for a sign. If someone puts up a sign that does not comply with their permit or their conditions, the city's recourse is to have them take it down, construction wise, which is in place with current zoning.

Chuck questioned how many times they get their hands slapped before they have to get some type of an issuance.

Monica stated that the process moves pretty quickly when it is a serious issue. The city has to give reasonable time, but it is very clear language. Although she has never dealt with it for a sign, the city has found success in the thirty days of having structures on lots that are not allowable. She would hope for a similar reaction with signs.

Chuck commented that the council has seen a back door approach to signs that are going up right now, and they were all surprised that it happened.

Monica addressed the issue of the sign that was recently placed by Rimrock Chevrolet. A permit was issued by the building official in December. Several conversations took place over the course of the summer between Monica, the city attorney, the building official, Rimrock Chevrolet and their attorneys and a scenario came up which was basically according to the existing code. The only reason Rimrock Chevrolet came to the council for a variance in the first place was because they had two freestanding pole signs and wanted to put up a third one, which has been constructed at this point. Rimrock Chevrolet needed a variance because they could not have more than one. Through the course of this, a plan was presented for them to take down the two freestanding pole signs that were there and to move one over to the Burger King property, which is a totally separate parcel. Then they would be left with one freestanding sign, which would be the one along the interstate. The conditions that the building official put on the permit for Rimrock Chevrolet said they could not illuminate and use the sign until the freestanding pole signs came down. The intent was to make sure that the freestanding pole signs came down. Technically, the sign, as long as it is still and does not meet the definition of our current animation definition, would be allowable if it were the only one freestanding sign on that property. Monica stated that conditions on that permit are in place to have the other freestanding pole signs come down, which means they will only have one. A permit amendment was issued last week that puts a 30-day timeframe on the removal of the two signs.

Chuck asked if the Burger King property is a separate entity property from Rimrock Chevrolet.

Monica explained that it is a totally separate parcel. She does not know how their structure works corporate wise or if they have a different division for used cars. The city has been told that they plan to use the Burger King property for their used car sales. The current sign ordinance talks about poles per parcel, not poles per business. So if it is the same business license covering both parcels, the city could not address that in the existing code or the proposed code. In those types of situations, the city encourages a "common signage plan", which is still in the proposed code. A common signage plan is what the ACE Hardware Plaza area has where the one main sign has several different individual signs within the monument. Walmart would be another example.

- Ordinance - Changes to LMC 17.26 Entryway Zoning

Noel stated that, with the updates to the Sign Code, the Entryway Zoning Ordinance excludes on premise signs, which is most common in entryway zoning. On premise signs need to be incorporated into the sign code so they work together.

Monica explained that, through the last few months, it was discovered that the Entryway Zoning District said that any of the sign requirements in the Entryway Zoning District only apply to off premise signs. Off premise signs are basically billboards. Any other kind of sign in the Entryway Zoning District was not being regulated by that ordinance. By striking number 1 in the current ordinance, it basically removes that and says that signage within the Entryway Zoning District has to comply with these regulations because the Entryway Zoning District is an overlay district. An overlay district means that it is in addition to the underlying zoning regulation. Now all signs, whether on premise or off premise, are going to be governed by Entryway and the Sign Code together.

- Resolution of Intent - Schedule of Fees and Charges

Heidi explained that the schedule of fees and charges is reviewed annually and updated to reflect the cost of doing business with the city. There are some substantial changes this year. She reviewed the proposed changes by the Fire Department and the Ambulance Service. The Ambulance Department added fees for the EMT Class and the Advanced EMT Class.

System development fees have been increased substantially, as they were very low when compared to Montana cities of similar size. Any meter larger than 4 inches must come to the city for a special review, as the city might be able to install it or hook it up, but might not be able to serve it. The system development fees are for commercial development.

The Park Board recommend increasing fees for shelter reservations and special events in parks. Other changes include changes to the cemetery schedule, the addition of fees in the Planning Department for subdivisions for rent or lease, and the fees for mobile home blocking and water meter inspections.

Emelie stated that the Public Works Committee heard the information about the increases for the public works department. The committee was in favor of the increases and was impressed with the amount of effort that went into coming up with the new rates.

Chuck spoke regarding the Park Board's recommendations to increase the shelter reservation fee from \$25 to \$40/day, the one-day special event in the park fee from \$30 to \$50, and the two-day park fee from \$50 to \$75.

Heidi stated that the recommended fees were already listed in the schedule of fees and charges.

Bruce stated that, although it might be too late for this schedule of fees and charges, he would like to have the council consider adding a \$50 fee for landlords to have the police department run background checks on possible tenants. Programs like this have worked in communities like Moorcroft, ND, so he suggested that the council consider it for next year or in the future.

Kurt distributed handouts of information he received regarding fees from Billings, Lewistown, Belgrade, Livingston, and Dillon. The City of Laurel went to an EDU (equivalent dwelling unit)

system about four years ago for the water rates based on the water service line. He stated that the fee increases are long overdue, as the city has big expenditures at the water and sewer plants. The fees go towards development of new and larger size of waterlines for new homes, new businesses and new development. The fees will not raise the rates for any citizen.

- Resolution - Easement with the Howreys (Special CC meeting following workshop)

Heidi explained that the resolution with the Howreys is for the easement for the underground utilities and the .2 acre for placement of the control building on their property for a total price of \$76,500. Heidi received verbal confirmation today from the city attorney, who received email confirmation that the city is allowed on the property to survey this week. Great West started surveying on the CHS property today. Once the surveying is done, the city can submit all final documents and plans to DEQ and the Army Corps to receive those final permits. The resolution authorizes the Mayor to sign the final easement document as soon as it is received from the Howreys. The document will then be filed with Yellowstone County immediately.

- Resolution - Easement with CHS Refinery (Special CC meeting following workshop)

Heidi stated that there is no cost to the city for the easement with the CHS Refinery for the underground pipeline. The original documents are on Pat Kimmet's desk waiting for signature, as they are waiting for Exhibit 1 for from the city's engineers. The document should be ready for signatures by tomorrow. Like any other bidding document, as soon as the originals are here and the mayor can sign them, they will be filed with the County. The city has all of the easements needed to construct the new intake and the waterline from the new intake to the water treatment plant.

Bruce asked regarding the easement document with CHS Refinery, which starts with "for a valuable consideration". He asked if the city did not have to pay anything for the easement.

Heidi stated that the city did not have to pay.

Bruce stated that the valuable consideration is that the city helped them have water.

Richard asked regarding creating a dead head line in order to put water out to the west end of town.

Heidi said that the final plans are not available yet.

- Council Issues:

- Update on Chevrolet dealership sign (Richard Herr)

There was no further discussion.

- Lease Task Force update

Heidi mentioned that the Laurel Jaycees have not signed their lease yet, as they are having a hard time getting someone to city hall during normal business hours. Hopefully, the lease will be signed soon.

- Update on 2011 Yellowstone River flooding event

Heidi stated that the resolutions are on the special council agendas tonight. Once the easements and the surveys are complete, Great West can get the final plans done within thirty days. With the final plans submitted, the project is on track for the bidding phase this spring or early summer to start construction.

Richard asked if the weir is working, as there is a lot of ice in the river.

Heidi stated that the weir is working.

Other items

- Resolution - Agreement with St. Vincent Healthcare Occupational Health Services

Heidi explained the yearly agreement with St. Vincent's to provide services for the city's random drug screenings.

Review of draft council agenda for January 19, 2016

There was no discussion.

Attendance at the January 19, 2016 council meeting

All council members present will attend.

Announcements

There were none.

Recognition of Employees

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| • Stan Langve | 16 years of service on January 5 th | Police Officer |
| • Gary Colley | 13 years of service on January 6 th | Code Enforcement |
| • Kurt Markegard | 11 years of service on January 3 rd | Public Works Director |

Mayor Mace stated recognition for the employees' years of service.

The council workshop adjourned at 7:10 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.