

**MINUTES
COUNCIL WORKSHOP
DECEMBER 27, 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 December 27, 2016.

COUNCIL MEMBERS PRESENT:

<input checked="" type="checkbox"/> Emelie Eaton	<input checked="" type="checkbox"/> Doug Poehls
<input checked="" type="checkbox"/> Bruce McGee	<input 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
Noel Eaton, City Planner
Rick Musson, Police Chief
Kurt Markegard, Public Works Director

Public Input

There was no public input.

General items

- Appointments - Police Reserves

Police Chief Rick Musson introduced Gregory Contreraz, Joshua Rachunok and Kyle Krenik. The appointments will be on the January 3rd council agenda.

- Leif Welhaven, Breakfast Exchange Club of Billings

Leif Welhaven is part of the Breakfast Exchange Club, which is part of the National Exchange Club. There are three clubs in Billings and they want to plant another club in Laurel. The Exchange Club has been termed "America's Service Club" and has been around since 1911, with 600 clubs and approximately 20,000 members across the country. Their basic mission and values serve four areas: Americanism and honoring veterans, prevention of child abuse, community service and youth programs. The club wants to complement the other clubs in Laurel. Leif has contacted the Lions Club, the Rotary Club, the Laurel Jaycees and the American Legion in Laurel. Everybody has been positive, and the Lions Club and the Rotary Club have asked to partner on different projects. Leif will speak at the Chamber's Board meeting in January and has offered to speak at the other groups. The goal is to start a club that will be a Laurel club, not a Billings club.

Leif stated some possible fundraising ideas, but the final ideas would be generated by the club. Leif also stated some project ideas, including Dress a Child, pool fundraising, Wreaths Across America, FFA and other community groups that need assistance, helping police, fire and emergency responders, Volunteer Fire Department, and Backpacks for Kids.

Further information can be obtained at the following websites:

<http://www.nationalexchangeclub.org/>
<https://www.breakfastexchangeclub.org/>
<https://www.facebook.com/breakfastexchangeclubbillings/>

Executive Review

- Resolution - Annexation and Zone Change of Nutting Bros 3rd Filing, Lots 19-25 an addition to the City of Laurel (Public hearing - January 3, 2017)

Noel Eaton gave the staff report for the annexation and zone change request via a PowerPoint presentation. The information will be presented again at the public hearing on January 3rd.

In August 2016, Propriedad, LLC submitted a petition for the annexation of Lots 19-25, Nutting Bros 3rd Filing. The subject property is located north of Eleanor Roosevelt Drive and west of Yard Office Road. The property is adjacent to the City of Laurel.

On April 7, 2016, Rob Morehead and Propriedad LLC went before the Planning Board for approval of a zone change from Residential Tracts to Residential Manufactured Homes. The Planning Board recommended approval to the County Commissioners with a 3-1 vote, with one abstention. The intent was that the development would be annexed into the city, as it is within 500 feet of the city limits. The developer does not own the property yet, but wants to get the proper zoning and annexation approved before purchase. The developer will then go through a subdivision application. At this time, the council is only considering the annexation and the zone change request.

On May 17, 2016, the Yellowstone County Commissioners held a public hearing and voted to deny the application based on the fact that the concerns that the public raised are in the Laurel City Council's jurisdiction. The County felt that the best plan was for the Laurel City Council to consider the request. On December 1, 2016, Rob Morehead and Propriedad LLC applied for annexation and a zone change request for Residential Manufactured Homes. The Planning Board held a public hearing and voted to approve the application and zone request conditionally by a vote of 3-0 vote, with two abstentions.

Noel reviewed the staff findings, the annexation criteria and requirements, the suggested conditions of approval and the Planning Board recommendation and staff update. The information is included in the staff report attached to the minutes.

The suggested conditions of approval include:

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. If the public improvements are not constructed at the time of annexation, the property owner shall provide the city a bond or letter of credit that equals 125 percent of the estimated engineering costs for the construction of improvements. If the property owner fails to construct the improvements or to obtain the agreed upon engineering, the city shall utilize the bond or letter of credit to pay for the construction, including engineering; In accordance with GASB-34, the Developer or Landowner shall provide the city the total cost and/or value of the improvements including, but not limited to, parks, sidewalks, curb and gutter, lift stations, and sewer and water lines, that are conveyed to the city.
3. A waiver of right to protest shall be executed and filed with the Clerk and Recorder at the time of annexation approval.

4. A major preliminary plat application shall be submitted.
5. A Subdivision Improvements Agreement shall be executed with Preliminary and Final Plat approval.

Rob Morehead distributed copies of the proposed Rules & Regulations of the Quiet Meadow Village Estates. Rob is a member of Propriedad LLC, the developer for the project. He stated that they went in front of the Planning Board earlier this year and again in December, and this has been a learning process for them. They have always known what they were trying to accomplish with this project, but they brought on an engineer and an architect to help convey what they hope to accomplish. Rob stated that, during the initial Planning Board meeting and the meeting with the County Commissioners, a lot of issues and concerns were brought up by the neighbors. They listened to those concerns and tried to address them with this presentation.

Rob started the PowerPoint presentation regarding the proposed development of Quiet Meadow Village Estates.

Nick Pancheau, of Collaborative Design Architects in Billings, continued the PowerPoint presentation to help convey the intent for the project in a visual manner. A copy of the PowerPoint presentation is attached.

The presentation included: Zoning Review Presentation; Project History; Community Consensus; Zoning Gradient; City Services; Utilities & Phasing; Alternate Studies R-7500 vs. RMH; Density Concerns; Property Value Impact; Codes, Covenants & Restrictions (CC&R's); Results of Strict CC&R's; Water & Pathways Landscaping & Amenities; Landscape Buffer; Landscaped Entry; Traffic Control & View Corridors Vehicular Control; and Community Center.

After the presentation, there was discussion regarding lot size, covenants, annexation requirements, residential densities, and sewer issues.

Heidi reminded the council that the current request is for annexation and a zone change. All other issues will be addressed later in the subdivision application process.

- Resolution - Fence height variance from LMC 17.48.050 for 13 Washington Avenue (Public hearing - January 3, 2017)

Noel stated that the public hearing is scheduled on January 3, 2016. She explained that Jason Balzer submitted an application for a fence height variance. Jason lives at 13 Washington Avenue, which is directly behind High Plains Brewery. The property is currently zoned in the Central Business District. The applicant has a six-foot fence from the side of his house to the rear of his property along the alleyway. The applicant is proposing a six-foot solid fence from the front of the dwelling to the sidewalk along the south side of the property adjacent to the alley, a four-foot picket fence along the front property line and a four-foot picket fence along the north property line. The fence would be a solid fence, specifically a privacy fence. The applicant submitted the request due to the increase in traffic and nightly noise from the High Plains Brewery. When the applicant bought the property, it was an automobile repair shop that did not create much foot or vehicle traffic. The applicant has definitely seen an increase in traffic and noise since High Plains Brewery opened in the last couple years. The applicant does not have a problem with the Brewery except for the nightly noise and

people parking in the alley. The map in the staff report showed the locations of the current and proposed fences.

The Zoning Commission reviewed the seven criteria for a variance, specifically relating to the fact that this hardship was not created by the applicant. This hardship is special and peculiar to the applicant. The variance request appears to be within the spirit, intent and purpose of the zoning regulations. Granting the variance will not injure or result in an injustice to others.

Noel stated the two staff suggested conditions: the property owner must apply and pay for a fence permit from the Building Department; and the clear vision setbacks must be approved for the clear vision of the alleyway with the fence permit.

There was a brief discussion regarding the need to review the fence codes for properties located adjacent to businesses.

Heidi stated that a variance is the proper way to address these issues.

- Council Issues:

- Sunset clause in the Laurel Rod and Gun Club's lease (Emelie Eaton)

Emelie thanked staff for being thorough in providing a copy of the 2013 resolution for the lease agreement, which answered her questions.

- Crosswalk/parking issues at East 8th Street and First Avenue (Bill Mountsier)

Bill stated his concern at the crosswalk on 8th Street and First Avenue. When the high school students are out and there are cars parked on First Avenue, it is difficult to see the vehicles coming southbound and necessary to pull across the crosswalk to actually see traffic. If kids are walking in the crosswalks, it creates a real problem. Bill suggested that eliminating one or two of the parking spaces would give a clearer view of the oncoming traffic at this intersection.

Heidi stated that a typical parking space marking diagram was included in the council's packet. She said that this reviewed in the spring, as the curb could not be painted during the winter.

Kurt explained that he reviewed the Manual on Uniform Traffic Control regarding parking within 20 feet of a crosswalk. There are crosswalks at two locations on First Avenue and there should be no parking within 20 feet of those crosswalks. Kurt stated that the city could measure and check this out now and then paint if needed in the spring.

Bill offered to go with Kurt to check it out.

- Update on Tom Nelson's visit to the Governor's Office

Tom stated that the mayor is going to direct the city attorney to ask the Attorney General of the State of Montana for an opinion on the State's responsibility to pay the 25 percent cost share that the State is required to pay for the intake, as they have on the other projects that fell under the FEMA declaration disaster relief number throughout the State. Tom is also working with the State legislators. A section in the 1988 Stafford Act that governs FEMA states that the states have to disperse those funds in accordance with FEMA regulations because it is grant money. If the city has not received any funds by spring, Tom will personally push some options.

- Update on 2011 Yellowstone River flooding event

Heidi stated that there is no good news to report. The contractor cannot get in the river because it flooded and the ice jam is still impeding work at the intake site. The drifts became too deep to continue to dig pipe and the weather was extremely cold, so the project has been at a standstill for about two weeks. There was not a construction meeting last week or this week. The ice jam goes all the way to Park City. The ice jam is causing a problem for the project but is good for the current intake.

Doug asked if the ice jam has taken out the coffer dam.

Heidi answered that it is filled in but nobody really knows what actually happened.

Doug asked regarding the timeline.

Heidi stated that there are no extensions on this project, which is to be done by April 1st. The city will see what the contractor comes up with when the jam breaks and they can get back to work.

Other items

There were none.

Review of draft council agenda for January 3, 2017

- Public hearings:
 - Fence height variance from LMC 17.48.050
 - Annexation and Zone Change of Nutting Bros 3rd Filing Lots 19-25, an addition to the City of Laurel

Attendance at the January 3, 2017 council meeting

All council members present will attend.

Announcements

Chuck thanked the city staff and crew for their diligent work on snow removal.

The council workshop adjourned at 8:03 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.