

**MINUTES
COUNCIL WORKSHOP
APRIL 25, 2017 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 April 25, 2017.

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 checked="" type="checkbox"/> Bill Mountsier

OTHERS PRESENT:

Heidi Jensen, CAO
Bethany Keeler, Clerk/Treasurer
Noel Eaton, City Planner

Public Input

Irv Wilke, 1017 Seventh Avenue, stated that he sent a request for a trap shoot event for Doug Reed's son that is graduating from Joliet. He got a letter back from the Mayor stating that the Laurel Rod & Gun Club could not do this shoot because their lease only allowed four events per year. The council has allowed the club to do three shoots for the Locomotive Engineers. When he got this letter, he was burning because the council has let them do these three events outside of their normal four and all of a sudden he gets hit with this. It is too late for that young man to have the event that his parents wanted to have and they have made other arrangements. The bottom paragraph of the letter says that any of the Brotherhood of the Locomotive Engineers that the council has let them do in the last three years will not be allowed in 2017. Irv wants to know if there is a way they can make that happen if it is requested. The Club will have its membership appreciation party on May 13th, which will be the fourth shoot by the lease. He again asked if there is a chance that the Locomotive Engineers' shoot can happen if he gets a request from them. He stated that he is perplexed at this letter. If there is more information that needs to be given to them, it needs to be in the letter so he can explain to the club and to the person making a request.

General items

There were none.

Executive Review

- Laurel Rod and Gun Club's request for annual membership party on May 13, 2017
Heidi stated that the first item is the Laurel Rod and Gun Club's request for an annual membership party on May 13, 2017.
- Letter to MDT requesting Urban Route Funds be used on East and West Railroad Streets
Heidi stated that the council is aware that the TIF District would like to bond a project in order to extend the life of the TIF District. The 2015 Laurel Gateway Plan identified that the best use of the

bondable dollars would be to fix the intersections at First and Main, East and West Railroad, and then use the urban dollars on East and West Railroad to bring them up to an urban standard. The TIF District is approaching the sunset date in the next couple years, so Heidi contacted MDT to see how to proceed. The first step is to send a letter from the Mayor, with approval of the council, to use the \$3.3 million in Urban Route Funding for East and West Railroad Streets. The Public Works Committee and the council have previously identified that this is where to spend the money. The letter identifies the projects. The Transportation Plan and the Gateway Plan both identified the intersections and the streets as being in poor functioning condition and needing to be upgraded. The second paragraph states that the city contacted MDT and that MDT's best estimate for the total cost of the project would be \$5.7 million. MDT wanted to know if the project would be phased. Heidi stated that the project would not be phased. Since the city has so much money in Urban Route Funding and has the ability to bond in the TIF District, the project could be completed at one time. This letter serves as the formal request. Once the mayor signs it, with the council's permission, Heidi will be the contact person since she has been working with MDT to move this project forward.

There was discussion regarding the estimated total cost of \$5.7 million for the project, the city's \$3.3 million in Urban Route Funds, the city's need to obtain right-of-way by the grain silos, and the preliminary sketch for the intersection that Sanderson Stewart identified in the Gateway Plan. MDT has copies of the Gateway Plan and the Transportation Plan.

- Resolution - Preliminary Plan and Annexation of Regal Community Park, an addition to the City of Laurel (PH on 05/02/2017)

Heidi stated that Noel Eaton would present the Preliminary Plan and annexation of Regal Community Park, an addition to the City of Laurel.

Noel stated that the council saw the application for Regal Community Park last fall. The applicant, Regal Land Development, changed some things and came back with a plan that complies with city codes.

There are two staff reports, with one for the Preliminary Plan and one for the annexation, but there is one resolution. Noel explained that the request is for a 55-lot mobile home park that is currently zoned for Residential Manufactured Homes. It is approximately 7.85 acres and is located south of East Maryland, north of East 8th Street and east of Date Avenue. The developer is not requesting any variances.

Noel read the 14 conditions of approval.

1. The property shall be annexed into the City of Laurel.
2. There shall be Right-of-Way of 27 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 Works 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 storm water 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 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.

Noel stated that the Planning Board held a public hearing on Thursday, April 6, 2017, and unanimously (5-0 vote) recommended to conditionally approve with the findings in the staff report. At that meeting, there was public comment in regards to traffic on East Maryland and on East 8th Street. East Maryland is an urban route. If the city wants to pursue improving East Maryland, it can request that through MDT. East 8th Street is hard because it is half city and half county road. The applicant has to sign a waiver of right to protest an SID for future improvements on East 8th Street.

The proposed Regal Community Park has 55 lots with an average size of 4,419 square feet. There is cash in lieu for parkland dedication. The findings are in the staff report and a public hearing is scheduled on May 2nd.

Noel stated that the annexation policy is in the staff report. She read the three conditions of approval for annexation:

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.

The SIA covers the development standards, and water and sewer connections must be approved by Public Works prior to final plan. Storm water has to be approved by DEQ. Noel stated that the developer is not asking for any variances.

There was discussion regarding the location of Eleanor Roosevelt Drive in relation to this project, the 54 lots that were being considered last fall, the 4,000 square foot minimum lot size for the development, the city's ability to enforce the "No Parking" signage in the development, whether the lots could occupy single-wide, double-wide, or triple-wide homes, and the developer's choice to use city garbage services or private garbage services, as per State law.

- Resolution - Annexation of the parcel located at 202 8th Avenue (PH on 05/02/2017)

Noel stated that the application and zone change from Mark Allen is for 202 8th Avenue, which is the last piece along 8th Avenue to be annexed into the city. The Planning Board held a public hearing on April 6th. There was one letter of opposition for the zoning classification. There was no public input. The Board voted unanimously to approve the annexation and zone request with conditions.

The property is located at 202 8th Avenue, is approximately 2.35 acres, and the lot is currently vacant with a vacant single family residence located in the SE corner of the parcel. The proposed use would be approximately 18 townhomes, duplex style homes, created by a master site plan and declaration of unit ownership. This project will not go through a subdivision review, as townhomes are different and just go through the declaration of ownership and a master plan.

The property is located along 8th Avenue, which is classified by MDT as an Urban Route. The zoning to the north is Residential 6000 (City), to the south is Residential Multi-Family (City), to the east is Residential 6000 (City) and to the west is Residential Tracts (County). Annexation of this final remaining parcel along 8th Avenue will bring the entire length of 8th Avenue into the city limits.

The staff report listed the annexation criteria and requirements. Residential densities within the area to be annexed must be rezoned at a minimum density of R-7500. Residential Multi-Family is denser than R-7500 and there is already that zoning to the south, so it would not be spot zoning.

Noel read the four conditions of approval:

1. In the event the 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. An exempt lot line adjustment survey must be submitted to the Planning Department to ensure ROW dedication on West 3rd Street, 8th Avenue and West 2nd Street.

Noel stated that, once the development agreement is done, West 3rd Street will be improved and the city will get ROW dedication. The city will get a little piece along 8th Avenue that juts out into the curb now and the ROW dedication for West 2nd, in the event that the city chooses to extend West 2nd to the west.

- Resolution - Special Review of LMC 17.20.020 for Town & Country Supply (PH on 05/02/2017)

Noel explained the Special Review application for Town & Country Supply for the sale of alcohol in an existing restaurant. The property is zoned Highway Commercial. Anything that requests the sale of alcohol in the city limits must go through Special Review in three zoning jurisdictions, one being Highway Commercial. The request is for Thomas Barton at 817 West Main Street. The parcel size is

75,054 square feet and the existing land use is a gas station, C-Store and Casino. The proposed land use is a casino with the sale of alcohol. The zoning to the north is Residential Multi-Family, to the south is Highway Commercial (Ace Electric), to the east is Central Business District/Residential and to the west is Highway Commercial/Residential.

A zoning map was attached to the staff report. The sale of alcohol will occur at the casino.

LMC 17.48.090 states that "No building, structure or premises shall be used for retail alcoholic beverage sales unless:

1. The lot or parcel of land to be used has a street frontage of at least 100 feet and an average depth of at least 100 feet;
2. A distance of 600 feet between property lines measured in a straight line from any building that is primarily used as a church or school, or from a public park that contains a children's playground or playfield.

Noel stated that this property fits both of those requirements with at least 100 feet of street frontage and at least 100 feet of depth and is not within 600 feet of a school, church or public park, playground or playfield. The advertising requirements of LMC 17.68.030 C-E have been met.

The Zoning Commission held a public hearing on April 6th and unanimously approved the Special Review with the conditions by a 5-0 vote. One standard condition of approval is that the property shall be kept free of noxious weeds.

- Ordinance - Combine the Park Board and the Cemetery Commission

Heidi stated that the city attorney had some questions for the council regarding combining the Park Board and the Cemetery Commission. First, he needs to know if the council wants to include the Tree Board, even though the Tree Board is not particularly interested in being combined with this board. Second, he is under the impression that this would be a citizen advisory board and that no council members would sit on the board. If not, he needs to know how many council members should sit on the board. If it is a citizen advisory board, the positions would be appointed by the Mayor. At this time, he has written down that there would be seven people on the board, but he needs to know what the council wants. Once the boards are combined, the current members could throw their names in a hat and the Mayor could appoint whoever he felt appropriate. Heidi stated that the attorney needs more guidance before she can place it on a future agenda.

There was a discussion regarding the Tree Board, the Tree Board's desire not to be combined with the Cemetery Commission and the Park Board, and the staff support that the Tree Board receives because it meets during daytime hours.

There was further discussion regarding the Tree Board, whether or not the newly-combined board should have jurisdiction over the Tree Board, and the new board's reaction to being a citizen advisory board without any council members on the board. The new board would be an advisory board that will present recommendations to the council for approval.

Heidi asked for a general consensus of how the council wanted to combine the boards.

Doug suggested that the Park Board/Cemetery Commission should have a small subcommittee that would be the Tree Board, so all three entities would become one board.

Chuck stated that the Tree Board has been adamant that they do not want to be combined with the Park Board/Cemetery Commission.

Heidi stated that current members could volunteer to be on the combined board or they could attend the meetings as a citizen.

Chuck suggested combining the Cemetery Commission and the Park Board into an advisory committee and then looking at the Tree Board.

Heidi stated that the city attorney only wants to prepare this big change to the ordinance once, so it is best to combine all three of them now, if the council so chooses.

There was further discussion regarding including the Tree Board with the combined board.

Chuck stated that the possibility of becoming a subcommittee of the combined board would have to be presented to the Tree Board and included in the rewrite of the ordinance.

Emelie stated that it would be best to leave the Tree Board alone. No council members serve on the Tree Board at the present time. She thinks it would be best to combine the Park Board and the Cemetery Commission as a citizen advisory board.

Heidi asked there should be seven members on the new board.

Chuck agreed that seven members is the right number, as it is a tie-breaking number if needed.

Discussion continued regarding the members of the Tree Board, the two vacancies on the Tree Board, the fact that LuAnne Engh serves on the Tree Board and the Park Board, and the Arbor Day grant for which the City of Laurel applies each year.

Heidi stated that Council Members Dickerson and Eaton would like to see the two boards combined. She asked the other council members for an indication of what they would like done.

Bill cannot see any reason not to consolidate these three boards into one board. If the Tree Board is a subcommittee or its own committee, they are still an advisory committee and have no ability to force anything on the city. The council or the administration has to approve.

Chuck has been on the council almost twenty years and cannot remember the Tree Board ever asking the council for permission for the placement of a tree. Whether they are a subcommittee or not, he thinks that the Tree Board does what they want to do.

Bruce stated that it is a good idea to combine the Cemetery Commission and Park Board as a citizen advisory board and leave the Tree Board alone, as it is functioning.

Doug likes the subcommittee idea, but if the Tree Board is working, it does not necessarily need to be changed. He agrees with combining the Park Board and the Cemetery Commission.

Richard agreed and asked if there would be council members on the combined Park Board/Cemetery Commission.

There would be no council members on the newly-combined board, as it would be made up of seven citizen advisory members. This is similar to the City-County Planning Board and the Tree Board.

There was further discussion regarding a possible disagreement about tree placement between the Tree Board and the new Park Board/Cemetery Commission.

Bruce spoke regarding the question of needing to solve a possible problem that does not exist today but that might exist in the future. He stated that, if the problem actually existed today, there would be something to question, but it has functioned well and there has not been a problem. He questioned why an issue is being created if one does not exist.

Emelie stated that, as a former member of the Tree Board, she knows that the staff advisor attends the meetings to assist the Tree Board, attends the Park Board meetings, and makes recommendations to solve any conflicts.

Mayor Mace stated that the Public Works Director would be involved in decisions, and they would be advisory only.

Heidi will ask the city attorney to continue working on combining the Park Board/Cemetery Commission into a citizen advisory board with seven members. It will be placed on the agenda as he continues to work on it.

- Council Issues:

- Update on 2011 Yellowstone River flooding event

Heidi stated that the new intake is under water and the construction crew is out of the river. The intake has been air tested and they are finishing the rest of the connection and making sure everything is working. The contractor would like to do a substantial completion walkthrough in the upcoming weeks. Hopefully, everything will be online within the next two weeks. Once substantial completion has been met, there will be thirty days for completion of the restoration of the project. The contractor has already started that on some of the project to the east where the city has the largest easement on CHS property.

Heidi explained that the City of Laurel's legislative bill, House Bill 586, got stuck in Senate Finance and Claims for a very long time. It moved out of Senate Finance and Claims yesterday with an amendment. The amendment was proposed by the Governor's Office because the city's bill is now tied to the education infrastructure bonding bill. The city's other bill, Senate Bill 367, is also a bonding bill. Senate Bill 367 includes the City's grant application to lower the current intake and for the sed basin project.

Heidi has talked with former Commissioner Bill Kennedy, Representative Vince Ricci, and the Republican delegation of Yellowstone County. She stated that another biennium cannot go by without an infrastructure bill from the legislature. If some sort of infrastructure bill would pass, the legislature could go home, so there is some urgency to get it passed.

The Governor's Office feels that the \$2.55 million that has been requested in Laurel's bill is too much and he would like it amended to a lower amount. Heidi encouraged people to contact the legislators.

There was further discussion regarding the possible lower amount, the frustration that it would set a precedent for the State not to provide the match for future projects as required by Federal law, and suggestions regarding the city's recourse.

Other items

Heidi asked if anyone would be interested in sitting on the Riverside Park Advisory Committee. The grant kickoff meeting was held last Tuesday. Discussion will include a broad spectrum of different things that could be done at Riverside Park to determine the best use for it.

Bruce McGee stated his interest in sitting on the committee.

Review of draft council agenda for May 2, 2017

- Public Hearings:
 - Preliminary Plan and Annexation of Regal Community Park
 - Annexation of the parcel located at 202 8th Avenue
 - Special Review of LMC 17.20.020 for Town & Country Supply

There was discussion regarding the need to list the public hearings on the council agenda, as they were inadvertently left off the draft agenda.

Attendance at the May 2, 2017 council meeting

All council members present will attend.

Announcements

There were no announcements.

The council workshop adjourned at 7:32 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.