

MINUTES OF THE CITY COUNCIL OF LAUREL

NOVEMBER 7, 2017

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 6:31 p.m. on November 7, 2017.

COUNCIL MEMBERS PRESENT: Emelie Eaton Doug Poehls
 Bruce McGee Richard Herr
 Chuck Dickerson Scot Stokes
 Tom Nelson Bill Mountsier

COUNCIL MEMBERS ABSENT: None

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 Poehls to approve the minutes of the regular meeting of October 17, 2017, as presented, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

CORRESPONDENCE: None

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None

PUBLIC HEARING:

- **City Council sitting as Board of Adjustment: Application of Land Use Contrary to Zoning from Laurel Municipal Code 17.42 to allow a pictographic changeable copy sign in Entryway Zoning District.**

Mayor Mace stated this is the time and place set for the public hearing on the City of Laurel's application of Land Use Contrary to Zoning from Laurel Municipal Code 17.42 to allow a pictographic changeable copy sign in Entryway Zoning District.

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

Noel Eaton, City Planner, presented the Land Use Contrary to Zoning application.

The application was submitted by School District #7. The applicant is asking for a review of a pictographic changeable copy sign in Community Entryway Zoning. The sign will be placed at the High School on a parcel approximately 9.96 acres. The proposed use would be the pictographic changeable copy sign. To the north there is public land zoned for residential and to the south there is the baseball fields and Thomson Park. To the east and west there is residential 7,500 zoning with residential land use. This applicant is requesting the review of the pictographic copy sign whose definition is a sign whose still framed pictographic or symbolic content can be changed or altered by manual or electric, electromechanical or electronic means. Still frame pictures may change but not sooner than every sixty seconds. No pictographic changeable copy sign can depict motion, flashing, blinking, or other special effects including scrolling text. The School District currently has a computer controlled variable message electronic sign whose definition is a sign whose alphabetic or numeric content can be changed or altered by means of computer-driven electronic impulses.

The Entryway Zoning District does not allow the type of sign they are proposing, but MCA 76-2-402 states that "Whenever an agency proposes to use public land contrary to local zoning regulations, a public hearing, as defined below, shall be held."



The Council has the duties and responsibilities of the Board of Adjustments as the Council dissolved the Board of Adjustments in 2005. By doing this the Council took on the duties and responsibilities of the Board of Adjustments. There are staff recommendations that can be imposed with this applications. The first being that the applicant shall apply for a building permit for the sign. And secondly the contractor shall obtain a City of Laurel Business license. Staff has further recommend for applicant consideration.

1. Use of subdued, low-key colors;
2. Location, size, and height do not obstruct views of the community, the river corridor, traditional open spaces, or the mountains;
3. Sign is built of permanent, durable materials;
4. Size and location avoids or minimizes the sense of clutter with nearby signs;
5. The sign is professionally prepared and finished on both sides;
6. The sign will not cover or blanket any prominent view of a structure or façade of historical or architectural significance;
7. The sign will not obstruct views of users of adjacent buildings to side yards, yards, or to nearby open space;
8. The sign will not negatively impact the visual quality of a public open space, such as a recreation facility, square, plaza, court yard and the like;
9. The sign cannot be seen from the Yellowstone River or any city, county, or state park or if it can be seen it must be located one thousand feet from the boundaries of such spaces.
10. The sign shall not depict motion of any kind, including blinking, and scrolling text or other special effect.
11. The sign shall not change images sooner than every sixty (60) seconds

MCA 76-2-402 states "The board shall have no power to deny the proposed use but shall act only to allow a public forum for comment on the proposed use."

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.

Mayor Mace asked three times if there were any proponents. There were none.

Mayor Mace asked three times if there were any opponents. There were none.

Mayor Mace closed public hearing.

CONSENT ITEMS:

- **Claims for the month of October 2017 in the amount of \$237,251.90.**
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Approval of Payroll Register for PPE 10/22/2017 totaling \$180,924.57.**
- **Receiving the Committee/Board/Commission Reports into the Record.**
 - Budget/Finance Committee minutes of October 17, 2017 were presented.
 - Council Workshop minutes of October 31, 2017 were presented.
 - Laurel Airport Authority minutes of July 25, 2017 were presented.
 - Laurel Airport Authority minutes of August 22, 2017 were presented.
 - Laurel Airport Authority minutes of September 26, 2017 were presented.
 - Laurel Urban Renewal Agency minutes of September 18, 2017 were presented.
 - Library Board minutes of September 12, 2017 were presented.
 - Public Works Committee minutes of September 11, 2017 were presented.

--Revised Park Board minutes of September 7, 2017 were presented.

--Park Board minutes of October 5, 2017 were presented.

--Tree Board minutes of October 19, 2017 were presented.

--Emergency Services Committee minutes of October 23, 2017 were presented.

--Cemetery Commission minutes of October 10, 2017 were presented.

--City-County Planning Board minutes of October 5, 2017 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 eight council members present voted aye. Motion carried 8-0.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Confirmation of Appointment of Barbara Wagner to the Yellowstone Conservation District Board for a three year term ending June 30, 2020.**

Motion by Council Member Nelson to approve Barbara Wagner to the Yellowstone Conservation Board for a three year term ending June 30, 2020, seconded by Council Member McGee. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R17-67: A resolution of the City Council authorizing a pictographic changeable copy sign for School District #7 to be located on property located in the Community Entry Zoning District.**

Motion by Council Member Dickerson to approve Resolution No. R17-67, seconded by Council Member Nelson. There was no public comment.

Council Member Poehls questioned when voting on this resolution if the City Council is acting as the Board of Adjustments or acting as the City Council.

Noel Eaton, City Planner, clarified that they are acting as the City Council with the duties and powers of the Board of Adjustments. MCA 76-2-321 allows for municipalities to have a Board of Adjustments or to not have a Board of Adjustments. The Council chose to dissolve the Board of adjustments in 2005 because they did not meet regularly or have quorums. Therefore, the Council defaults to have the powers and duties of the Board of Adjustments.

Council Member Poehls clarified that as the City Council they have the right to vote yay or nay. According to what was stated in the staff report the Board of Adjustments does not have the right to vote because they cannot deny it.

Ms. Eaton stated that they still have the power to vote just not deny this request.

Council Member Poehls questioned why this resolution was presented to the Council since the Council makes yay or nay decisions. He stated this should be taken off the table because the Council has no power. The Council is here to make yay or nay decisions and have those decisions implemented.

Ms. Eaton stated that the purpose of this meeting is to provide a public forum. The applicant could take into consideration what the public has said. The Board is here to hold the public forum, which has been done.



Council Member Nelson stated he spent a good portion of the weekend researching this and had a meeting with the Mayor and Ms. Eaton to discuss his concerns. He stated that since the Board of Adjustment has been dissolved one of the duties the Council took on was to allow for public forum in instances such as these. He explained that the School District found a state statute that allows government agencies the ability to build outside the municipal zoning code, such as a foster home building a parking lot. The Board cannot deny this request. What the Council is voting on are the two stipulations the City can require of the School District. The City Attorney clarified for Council Member Nelson that the Council would not be acting as but had assumed the duties of. The resolution has been updated due to this conversation. He stated while he is not happy about this request he did feel after his conversation that the process is correct.

Ms. Eaton gave the example of the Planning Board acting as the Zoning Commission. Variances were a duty of the Board of Adjustment, however, that duty was given to the Zoning Commission.

Council Member Eaton questioned if the only duty is to hold the public forum why does the Council need to vote on this resolution.

Ms. Eaton clarified that there are two conditions the City can impose, that the school obtain a building permit and the contractor obtain a city business license. These conditions are what the Council is voting on.

Council Member Dickerson questioned after these two items are complete the City has no further say on the matter.

Ms. Eaton stated that no, the City will not have further say.

Council Member Dickerson then questioned if the school can request TIF District money.

Ms. Eaton stated that issue is separate from the one on the table. The applicant has been notified that the Council will not proceed with their request as it is not within state regulations of what a TIF District can do. LURA does have the ability to spend up to \$5,000, however, invoices have to go through staff and staff will not sign off on the request.

Council Member Dickerson questioned why the School District has not fixed the current sign. The response he had received in the past was there were no funds to fix it. He questioned what happens when this proposed sign breaks down the road.

Ms. Eaton clarified that when the previous High School Principal came to LURA in December of 2016 it was stated that the electronics in the sign could not be replaced as they were out of date. The school is moving forward with a more current sign.

Council Member Dickerson questioned what will happen a few years down the road when the proposed sign is not fixable.

Council Member Nelson stated the Council can vote against the proposed resolution but the City loses its ability to impose the two recommended staff conditions that the City can impose. The school can still build the sign. He reminded the Council that LURA meets the following Monday November 20th at 11 a.m. in the Library.

Council Member Poehls stated he understood Council Member Nelson's position, but questioned if the City has an ordinance requiring a building permit and business license.

Ms. Eaton stated that yes the City does have ordinances requiring those two staff recommendations. This is also an opportunity for future planners to see what the Council had done in this instance.

Council Member McGee stated that the Council did do their duty as the Board of Adjustment by holding the public forum.

A vote was taken on the motion. Council Members Nelson and Herr voted aye. Council Members Dickerson, McGee, Eaton, Poehls, Stokes, and Mountsier voted nay. Motion failed 2-6.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.



COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Council Member Nelson stated Code Enforcement should watch for the two items the City can impose for the sign at the High School.

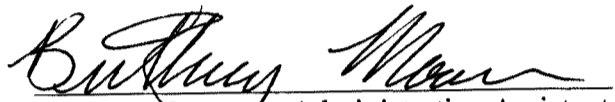
Council Member Eaton reminded Council there will be a Public Works Committee meeting on November 13, 2017 at 6 p.m. in Council Chambers.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Council Member McGee 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 eight council members present voted aye. Motion carried 8-0.

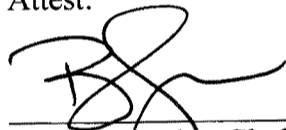
There being no further business to come before the council at this time, the meeting was adjourned at 7:00 p.m.


Brittney Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 21st day of November, 2017.


Mark A. Mace, Mayor

Attest:


Bethany Keeler, Clerk/Treasurer