

**MINUTES
COUNCIL WORKSHOP
OCTOBER 31, 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 October 31, 2017.

COUNCIL MEMBERS PRESENT:

<input checked="" type="checkbox"/> Emelie Eaton	<input checked="" type="checkbox"/> Doug Poehls
<input 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

Public Input

There were none.

General Items

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

The Mayor stated that Laurel, Billings and Broadview City Councils have to agree on this appointment. The appointment term ends in June of 2020.

Executive Review

- Board of Adjustment Public Hearing 11.7.2017 – Application of Land Use Contrary to Zoning from Laurel Municipal Code 17.42 to allow a pictographic changeable copy sign in Entryway Zoning District.

Heidi stated that the Laurel Municipal Code does not allow for this type of sign to be placed at the High School. When the High School originally applied to put this sign on their property they were denied by City staff. The school worked with Epcon Signs and found a code in Montana Code Annotated that allows them to place the sign on the property contrary to zoning. At next Tuesday's meeting the Council will act as the Board of Adjustment in compliance with the MCA code. However, the Council is not allowed to deny their request.

Noel Eaton, City Planner, stated the City was unaware of the MCA code that allowed Public agencies to hold a public hearing for a land use that's contrary to zoning. The Board of Adjustment holds a public hearing, but has no power to deny the request. The public hearing allows residents an opportunity to voice their concerns and the applicant an opportunity to listen. The Public agency does not have to take those concerns into consideration. The sign will be placed where the existing sign is located. It will be a pictographic changeable copy sign. The LMC 17.42 does not allow signs of this nature in the Entryway District as the images can be a distraction to drivers. The current sign is a computer controlled variable electronic sign.

Staff recommended that School District #7 apply for a building permit and that Epcon Signs purchase a City of Laurel business license. Staff recommends the applicant consider the following requirements for the proposed sign: size, low-key colors, built with durable materials, shall not depict motion of any kind, including blinking, and scrolling text or other special effects, the sign shall not change images sooner than every 60 seconds, etc. (see attached staff report). The first two staff recommendations can be enforced, the others cannot be enforced but staff asks that the applicant take those suggestions into consideration when operating the sign.

The Board of Adjustments consideration is that 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.

Emelie questioned if the staff recommendation was to have School District #7 obtain a business license or Epcon Signs.

Noel and Heidi both clarified that the School District will not need a City of Laurel Business License, but the company they choose to place the sign will need a City of Laurel Business License.

Emelie also questioned if since this is the second time an entity has been able to get a sign not allowed via LMC will others be able to as well.

Noel responded that this MCA code only applies to public agencies, such as the School District and the Municipality.

Doug stated he thought the Council had denied approval of the other sign in town and the sign was still allowed.

Noel clarified that the other instance is a different circumstance and that sign was permitted by the building department in error. The sign in question does adhere to the MCA code.

Tom questioned if we have more signs than just the two being discussed. It was clarified that those signs are not defined as pictograph changing signs and are grandfathered in.

Bill asked for clarification on why changing the sign after 60 seconds is less of a distraction to drivers than changing before 60 seconds.

Noel clarified that a static image for greater than 60 seconds, a driver is more apt to look at the image and return to focus on the road than continually looking at the sign if it were changing rapidly or blinking/flashing of any nature.

Bill also questioned if the sign would be in use while kids are come and going from school property.

Noel clarified that the City will not have control over when the sign will be in use that the School District will.

- Resolution to award Tax Increment Finance money to the Laurel School District for a new sign in the amount of \$12,500.

School District #7 applied in December of 2016 for TIF District to help pay for a new sign at the high school. LURA did vote to approve half the expense of the sign, \$12,500 up to a max of \$20,000, to

be sent to the City Council. LURA was advised that this was something the TIF District could not fund. The gift could not be awarded to the School District because it did not meet the requirements of what the TIF District can fund under State law. Both the staff report from Noel and email from the City Attorney, see attached documents, state that staff does not recommend gifting the School District \$12,500 as it does not comply with Montana State law.

Tom requested the LURA minutes be more detailed.

Heidi clarified that all the meetings are recorded and voted on at the next LURA meeting. She stated that she could share this request with the LURA secretary.

Bill questioned if this sign funding request is the same sign not allowed under LMC.

Heidi stated correct.

Noel clarified the timeline for the request of funds. The first request came to the LURA Board in December of 2016 with no indication of what type, size, or features of the sign. LURA voted to pay half the amount of sign not to exceed \$20,000. Fast forward nine months and Noel was contacted by Epcon Signs with the Land Use Contrary to Zoning application.

Doug questioned if the high school is located in the TIF District.

Noel clarified that no, but MCA does allow TIF money to be used outside the TIF District if it is used for connecting infrastructure, such as sidewalks, roads, sewer, and water.

Doug stated he wanted the Council to vote down a resolution to award the money to the high school.

Heidi stated that in the email from the City Attorney it states the money cannot be awarded to the school as it is unlawful. She expanded that if the Council does not approve this request LURA still has the ability to award up to \$5,000, at which point staff would deny the request.

Emelie was appreciative of how the City Attorney wrote the reasons why the Council cannot move forward with this request.

Heidi stated that the TIF District does take tax dollars away from the schools and LURA was trying to give back to the schools.

Tom requested when the next LURA meeting is.

Heidi stated the next LURA meeting will be held on November 20th.

- Council Issues:
 - Update on Yellowstone River flooding event

Heidi stated that grass was planted on October 16th of this year. Staff are working to make sure it takes and the land owners are satisfied with the punch list to move forward with closing this item out.

There was a conference call last week with FEMA and the DES Coordinator in Helena. Once they issue the draws it will be an extended wait to close out. The current estimate is 18 months before the close out can be completed and the City will receive the final check.

○ Discussion on consolidation of Cemetery Commission and Park Board – Tom Nelson
Tom stated Cemetery Commission had a discussion at their last meeting and discussed the consolidation of Park Board and the Cemetery Commission. He stated he felt the meetings could be lengthy. Currently would like to keep the meetings separate but keep the dialogue open for the future.

Heidi stated she will ask the City Attorney to not work on this further.

Other Items

Emelie was contacted by a resident regarding the ability to build a fence. The resident was unsure of where to send their letter and sent it to their City Council representative. She thought this information would need to go to someone in the planning department.

Noel stated that she has been in contact with this resident. A portion of the land the resident would like to place the fence is right of way. The resident is not able to place a fence on property they do not own. There are also plans to widen Railroad Street in the near future which would require the resident to remove the fence if it was placed outside of their property lines.

Emelie asked if there is a way for this resident to find a proper location to put their fence.

Noel stated she could try to find a pin on the property and measure out the property lines from the subdivision plat. However, the property owner is recommended to hire a surveyor to find their property lines.

Review of draft City Council and Adjustment Board Agendas for November 7, 2017

Heidi clarified that there doesn't need to be two separate agendas that when the Council gets to the Public Hearing they will open it as the Board of Adjustment.

Attendance at the November 7, 2017 Council meeting

All those in attendance will be present at the November 7th Council Meeting.

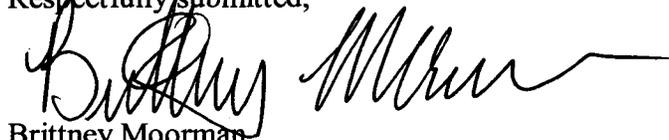
Announcements

Tom reminded those present to watch for kids as it is Halloween and they may be hard to see.

Chuck asked the status of garage sale signs to be placed on the next Workshop agenda.

The council workshop adjourned at 7:00 p.m.

Respectfully submitted,



Brittney Moorman
Administrative Assistant

NOTE: This meeting is open to the public. This meeting is for information and discussion of the Council for the listed workshop agenda items.

To: Laurel City Council

From: Noel Eaton, City Planner

Re: LURA-High School's new sign

Date: November 7th



LAUREL/CITY COUNTY PLANNING DEPARTMENT

The Laurel Urban Renewal Agency recommends TIF funding to Laurel Public Schools for the new sign at the High School. The board recommended an amount of \$12,500 for the new sign.

LURA held their regular meeting on December 19th, 2016 and Laurel High School Principal, Ed Norman, requested half the amount of the proposed sign. The board recommended up to \$20,000 or half of the total cost of the sign. Stockman's bank would contribute the other half of the funds.

In September 2017 Epcon Sign Group contacted the City Planner for assistance permitting the new sign totaling \$25,000. After further research of MCA and the powers of the TIF District, Noel presented the attached letter to the LURA board. The board wanted to forward their recommendation of the \$12,500 to the Laurel City Council.

Staff does not recommend spending these funds.



CITY/COUNTY PLANNING DEPARTMENT

To: Heidi Jensen
From: Noel Eaton
Date: 10/16/2017
Re: School Request for LURA funding

The Laurel High School recently requested up to \$20,000 of tax increment funds for the construction of a new reader board sign at the High School. The sign will also be funded by Yellowstone Bank. The members of LURA voted to recommend funding this request. It is my understanding that this issue will be placed on an upcoming Council agenda. While I recognize the importance of this project as it relates to public involvement in the community, I have concerns that this is not a suitable project for tax increment finance funding.

Montana Code Annotated (MCA 7-15-4288) provides specific guidelines for what costs may be paid by tax increment financing. Removing blight, including signage is an acceptable use of funds however, the language is very clear that these funds are to be used for projects located in the TIFD boundary. The only case in which this funding can be used outside of the district is if the project connects the TIFD to existing infrastructure outside of the district (MCA 7-15-4288(10)). This project does not include public infrastructure.

Lastly, this project has an alternative source of funding, Stockman's Bank.

I find it positive that Laurel Schools are looking for creative ways to partner with the City. I believe it is a relationship that should be fostered, however, with the findings above I believe this is not the appropriate avenue to fund this project.

MINUTES
Laurel Urban Renewal Agency (LURA)
DECEMBER 19TH, 2016, LAUREL LIBRARY CONFERENCE ROOM

Meeting was called to order by Judy Goldsby. Roll call/Attendance: Quorum of voting members present: Mardie Spallinger and Dean Rankin. Advisory board members: Janice Lehman and Steve Solberg. City Council: Rick Herr. City Staff: Noel Eaton, Heidi Jensen and Bethany Keeler.

Introductions: Ed Norton. The principal of Laurel High School.

Approval of Minutes from Previous Meeting: Dean made the motion and Judy seconded.

Old Business:

- a. It was discussed that Don Smarsh may be interested in the open voting board member position.
- b. Nothing to report from Flock Hawking
- c. Noel spoke with Mike Rawl from the Railroad. Letters will be going out to the property owners regarding the crosswalks on So. Wash. A motion was made to have LURA pay for the mill on So.Wash totaling \$15,400.00. Mardie made the motion to tentatively approve the amount paid the same way SE 4th was paid. Dean seconded the motion.

New Business:

- a. LHS Reader Board: Ed Norton has asked LURA to pay for half of the new sign not to exceed \$20,000.00 with Stockmans Bank paying the other half. Mardie made the motion and Dean seconded.

Reports:

- a. City Administration: Water Intake update.
- b. City Planner: Rimrock Fencing update.
- c. City Treasurer: Bethany passed out the financial report. Lights on SE 4th update.
- d. Big Sky EDA: None.

Public Comment on Non Agenda Topics: None

Next Meeting: January 23rd, 2017 at 11:00 at the Laurel Library.

Adjournment: Judy made the motion and Mardie seconded.

Brittney Moorman

From: Sam Painter - Thompson Painter Law <sam@thompsonpainterlaw.com>
Sent: Tuesday, October 31, 2017 1:45 PM
To: City Mayor; Heidi Jensen
Cc: Brittney Moorman
Subject: TIFD Proposed Funding for School District #7 Sign

Dear Mayor Mace and CAO Jensen:

I have reviewed the recommendation made by the TIFD District Board to provide School District #7 up to \$20,000 in Tax Increment Funds to assist them with the purchase of a new sign to replace its existing sign. I additionally reviewed the minutes of the TIFD Board Meeting and Staff's recommendation against using TIFD funds to fund the request. I reviewed Montana law, and must advise you and the City Council that the proposed expenditure is contrary to Montana law for a number of reasons including the location of the proposed expenditure (out of District) and the fact the proposed use does not constitute an out of district infrastructure improvement that would improve conditions within the district.

As a consequence, I have not prepared a resolution for the City Council's Consideration since such Resolution would be contrary to law and the resulting expenditure unlawful. Therefore, I recommend no action be taken on this matter by the City Council.

Sincerely,

Sam S. Painter

Sam S. Painter
Thompson Painter Law P.C.
Professional Center @ 32nd
176 South 32nd Street West, Suite 4
Billings, MT 59102-6867
Telephone: (406) 294-4230
Facsimile: (406) 294-4235

202 West Avenue
Laurel, MT 59044

October 26, 2017

Laurel City Council
PO Box 10
Laurel, MT 59044

Dear City Council;

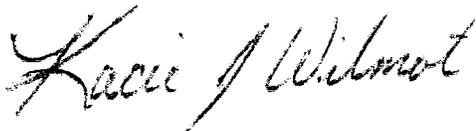
My husband and I live at 202 West Avenue in Ward 1. We are writing to the council today to ask for permission to fence some ground next to our property. Our properties geographical description is "Lots 1 and 2 of Block 5 of the Yellowstone Subdivision". The ground we are asking permission to fence is just north of Lot 1.

This particular parcel of ground is on the south side of Railroad Street. My husband and I understand there is a chance Railroad Street may be improved upon at some point. With that being said, if given permission to fence this ground, we understand there is also a chance we may be asked to take down said fence.

My husband and I maintain this parcel of ground trying to improve the look and appeal of our part in Yellowstone Subdivision.

Thank you for taking the time to read and taking into consideration our inquiry.

Sincerely;

A handwritten signature in cursive script that reads "Kacie J Wilmot". The signature is written in black ink and is positioned above the printed name.

Kacie J Wilmot