

# MINUTES OF THE CITY COUNCIL OF LAUREL

November 20, 2018

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 Tom Nelson at 6:32 p.m. on November 20, 2018.

COUNCIL MEMBERS PRESENT:      Emelie Eaton      Heidi Sparks  
   Bruce McGee      Richard Herr  
   Scot Stokes      Irv Wilke  
   Richard Klose      Bill Mountsier

COUNCIL MEMBERS ABSENT:      None

OTHER STAFF PRESENT:      Forrest Sanderson, Interim Planner

Mayor Nelson led the Pledge of Allegiance to the American flag.

Mayor Nelson asked the council to observe a moment of silence.

## MINUTES:

Motion by Council Member McGee to approve the minutes of the regular meeting of November 6, 2018, 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:

- Laurel Chamber of Commerce minutes of October 11, 2018; Laurel Chamber of Commerce Agenda of November 8, 2018.

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None.

PUBLIC HEARING: None.

## CONSENT ITEMS:

- **Claims for the month of November 2018 in the amount of \$286,619.68.**  
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Clerk/Treasurer Financial Statements for the month of October 2018.**
- **Approval of Payroll Register for PPE 11/4/2018 totaling \$209,224.15.**
- **Receiving the Committee/Board/Commission Reports into the Record.**
  - Budget/Finance Committee minutes of November 6, 2018, were presented.
  - Council Workshop minutes of August 14, 2018, were presented.
  - Council Workshop minutes of August 28, 2018, were presented.
  - Council Workshop minutes of September 24, 2018, were presented.
  - Council Workshop minutes of October 9, 2018, were presented.
  - Council Workshop minutes of October 30, 2018, were presented.
  - Library Board minutes of October 9, 2018 were presented.
  - City-County Planning Board minutes of November 1, 2018, were presented.

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--Public Works Committee minutes of October 15, 2018, 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 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.

**CEREMONIAL CALENDAR:** None.

**REPORTS OF BOARDS AND COMMISSIONS:** None.

**AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):** None.

**SCHEDULED MATTERS:**

- **Confirmation of Appointments.**
  - Appointment of Jaime Swecker to LVFD.

Motion by Council Member Stokes to approve the Mayor's appointment of Jaime Swecker to the Laurel Volunteer Fire Department, seconded by Council Member Sparks. 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.

- Re-Appointment of Tony Krumheuer to the Police Commission

Motion by Council Member Klose to approve the re-appointment of Toney Krumheuer to the Police Commission for a three-year term ending December 31, 2021, seconded by Council Member Mountsier. 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.

- Re-Appointment of Norma Cleveland to the Health Board

Motion by Council Member Mountsier to approve the re-appointment of Norma Cleveland to the Health Board for a three-year term ending December 31, 2021, seconded by Council Member Sparks. 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.

- Re-Appointment of Janice Lehman to the LURA Advisory Board

Motion by Council Member Wilke to approve the reappointment of Janice Lehman to the Laurel Urban Renewal Agency Advisory Board for a four-year term ending December 31, 2022, seconded by Council Member Mountsier. 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.

- Re-Appointment of Irv Wilke to the Park Board.

Motion by Council Member Herr to approve the re-appointment of Irv Wilk to Park Board for a four-year term ending December 31, 2022, seconded by Council Member Mountsier. 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. R18-80: A resolution of the City Council approving an application for special review for the Vue and Brew Theater located at 101 West First Street for the purpose of allowing on-site sales and consumption of alcohol.**

Motion by Council Member Sparks to approve Resolution No. R18-80, seconded by Council Member Eaton.

Chris Voge, 306 E. 4<sup>th</sup> Street, he is currently the Operating Manager (and part owner) at the Vue and Brew. Mr. Voge read the intent of use to the Council. Prior to applying for special review the Vue and Brew reached out to their followers on Facebook. Out of 473 responses only one was

opposed to the business serving alcohol. The City sent out 57 certified letters to all businesses and residences within a 300-foot radius; there were no complaints. This matter was brought before the City/County Planning Board on November 1, 2018, and was approved unanimously. Time is of the essence as Sonny O'Day's Inc. has their license in a non-use status since the Owl Café closed down earlier this year.

Mr. Vogele spoke regarding the three concerns Council Members had brought up at the November 13, 2018, Council Workshop. The first concern which was the transitory nature of Sonny O'Day's license and what would occur if Sonny O'Day's pulled out of the concession's agreement. Mr. Vogele stated that Sonny O'Day's has been in the Owl Café since the early 2000s. The license does not change names; Sonny O'Day's is responsible for their license and meeting the requirements of the State. The Vue and Brew does not make any money off a concession's agreement. If Sonny O'Day's pulled out of the concessions agreement, the customers would lose out on that opportunity. The next concern stated was that they would not take their grandchildren if someone was next to them drinking a beer. Mr. Vogele asked Council how many places they go that are family orientated and serve beer. The last concern was the proximity to churches. Mr. Vogele stated he has not had one church complain. He stated this may be because they do support the faith-based movement by bringing in faith-based films and opening their spaces for Youth Groups. At City/County Planning Board it was questioned why alcohol. Mr. Vogele spoke to a few reasons, one that customers want it, two soon to be three movie theaters in Billings serve alcohol. Another positive would be that Sonny O'Day's remains in Laurel. This would allow the Vue and Brew to bring in more offerings.

Forrest Sanderson, the Interim Planner, spoke to Council that Council is voting on zoning and land use. LMC spells out the standard review process; this process is listed in LMC 17.68.040. The condition for compliance is as follows: street and road capacity; ingress and egress to adjoining streets; off-street parking; fencing, screening, and landscaping; building bulk and location; usable open space; signs and lighting; and noise, vibration, air pollution, and similar environmental influences. When reviewing a Special Review, these are the criteria that are measured against. If the Council uses any other standard, it runs the risk of being arbitrary and capricious. If Council were to deny a request, they need to do so by the established regulations. The Zoning Commission has held a Public Hearing, reviewed the request, found the use consistent with Title 17, and have given a recommendation for the use to go forward. There are two conditions; both are outside the Councils purview. The first being that the license bouncing around town, the matter before Council is the land use. How often this license transfers is not the Council's authority. That authority is vested in the State of Montana's Department of Revenue. The second component that the Zoning Commission reviewed were the hours of operations, near houses of Worship. In LMC it states that within the Central Business District, in which the Vue and Brew is located, that separation is waived. Council cannot treat this Special Use request any differently than they would any other request, such as Red Neck Pizza or Pizza Hut. Zoning Commission has reviewed this application; he questioned why a Zoning Commission to do the in-depth review is Council does not want to trust their recommendation. He stressed that this decision is not about the Council Members personal preference or wants and desires. This business owner meets or exceeds the standards set by the City of Laurel. Zoning Commission has recommended approval with the two conditions. Council has three options: approve, approve with conditions, or deny with cause.

Linda Frickel, 1737 Groshelle Boulevard, purchased the Owl Café in 1996. She owned the Owl Café for approximately 18 ½ years. Sonny O'Day's housed their license at the Owl Café for approximately 15 of the years Linda owned the Owl. This was agreement was an addition to her business. She stated she felt like this would be a great addition to the Vue and Brew.

There was no council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R18-81: A resolution of the City Council approving properties to be included in the sidewalk replacement program.**

Motion by Council Member Eaton to approve Resolution No. R18-81, 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.

**ITEMS REMOVED FROM THE CONSENT AGENDA:** None.

**COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT):** None.

**COUNCIL DISCUSSION:**

It was questioned if Mayor Nelson had received clarification on if Council Members can serve on the Police Commission. Mayor Nelson stated this would be on next weeks Workshop.

A piece of the water tank that had come down was shown to Council.

It was questioned if an update on Pintler/Centron and the process of transitioning to these companies was available.

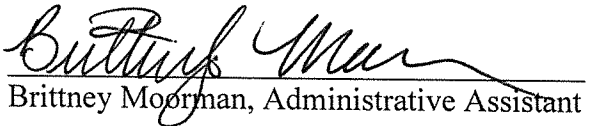
**MAYOR UPDATES:** None.

**UNSCHEDULED MATTERS:** None.

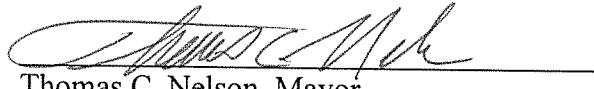
**ADJOURNMENT:**

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.

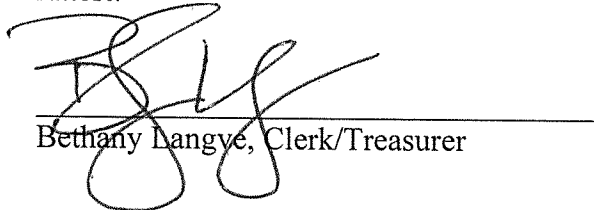
There being no further business to come before the council at this time, the meeting was adjourned at 7:09 p.m.

  
Brittney Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 4<sup>th</sup> day of December 2018.

  
Thomas C. Nelson, Mayor

Attest:

  
Bethany Langve, Clerk/Treasurer