

**MINUTES  
CITY OF LAUREL  
CITY COUNCIL WORKSHOP  
TUESDAY, JULY 19, 2022**

A Council Workshop was held in Council Chambers and called to order by Mayor Dave Waggoner at 6:30 p.m. on July 19, 2022.

**COUNCIL MEMBERS PRESENT:**

<input checked="" type="checkbox"/> Emelie Eaton	<input checked="" type="checkbox"/> Heidi Sparks
<input checked="" type="checkbox"/> Michelle Mize	<input checked="" type="checkbox"/> Richard Herr
<input checked="" type="checkbox"/> Casey Wheeler	<input checked="" type="checkbox"/> Irv Wilke
<input checked="" type="checkbox"/> Richard Klose	<input checked="" type="checkbox"/> Bill Mountsier

**OTHERS PRESENT:**

Michele Braukmann, Civil Attorney  
Brittney Moorman, Administrative Assistant  
Kurt Markegard, Public Works Director  
Forrest Sanderson, Contract Planner  
Matt Smith, KLJ  
Nancy Schmidt, Library Director

**Public Input:**

Barb Emineth, 501 Alder Ave, read the attached letter into the record.

Percilla Bell, 1310 Wild Horse Drive, read the attached letter into the record.

**General Items**

1. Appointment of Richard Klose to Park Board for the remainder of a four-year term ending December 31, 2024.

There was no discussion on this item.

2. Appointment of Casey Wheeler to the Human Relations Committee and Health Insurance Committee.

There was no discussion on this item.

3. Motion to allow Council Member Klose to be absent from the City of Laurel for more than ten days. (LMC 2.12.060)

There was no discussion on this item.

## **Executive Review**

4. Resolution - A Resolution Of The City Council Authorizing The Mayor To Execute A Revised Memorandum Of Understanding By And Between The City Of Laurel And The City Of Laurel Library Board Of Trustees

Nancy Schmidt, Library Director, stated that this resolution accepts the new MOU.

The Civil City Attorney stated that MMIA had circulated an MOU, and the Library Board felt better about using their agreement instead of the one drawn up by the City. Coverage has been in place and will remain in place.

5. Resolution - Resolution Approving The Final Plat Of Cherry Hills Subdivision 3rd Filing, An Addition To The City Of Laurel, Montana

Forrest Sanderson, KLJ Contracted Planner, reviewed the attached Staff report. He briefly went over what it means to annex into the City.

6. Ordinance - An Ordinance Amending Certain Chapters Of Title 14 Of The Laurel Municipal Code Relating To The Adoption And Enforcement Of Building, Energy Conservation, And Swimming Pool And Spa Codes For The City Of Laurel As Required By The State Of Montana (PH 8.9.2022)

The Civil City Attorney stated that she has begun cleaning up outdated codes. Council will begin to see those changes periodically. This resolution does not change residential codes as those have not been adopted at the State level. When those are adopted, they will come back before Council.

7. Ordinance - An Ordinance Amending Section 1.28.040 Of The Laurel Municipal Code Relating To Technical Codes For The City Of Laurel (PH 8.9.2022)

There was no discussion.

## **Council Issues**

8. Parking Study Presentation

Matt Smith, KLJ, gave a brief overview of what is done with the parking study and what still needs to be done. They are working on adding in ADA compliance and identifying where the people who live above businesses will go. A final presentation will be brought forward in the coming weeks. There should be parking within 300ft, or one City block.

Kit Sherman, Uniquities, stated this study is not addressing the 2-hour parking. There are cars parked there all day long. He also stated that this study does not address parking for loading and unloading. He feels that the speeds are too fast through the area. He would like to see more parking and to have better parking for the residents.

Barb Emineth, 501 Alder Avenue, stated that 50 years ago, there were issues with parking downtown.

Mr. Sherman requested a loading zone.

It was clarified that enforcement of the 2-hour parking would be explored. The parking study will address concerns on that block. One option is to look into building a parking lot across the street.

#### 9. Rate Study

Matt Smith, KLJ, stated he spoke with a company called Raftelis, which is contracted to do a rate study for Lockwood and the Billings Heights Water District. They are very familiar with Montana and our laws. It would cost approximately \$100k to do a rate study for water, sewer, and garbage. This can be done through the MSA with KLJ. The last rate study was completed in 2010, and there is a discount for doing all three together.

It was questioned why the City would spend money on a rate study to charge more. It was clarified the only way to raise the rates is to have a rate study. Council noted they would like to have the most cost-effective option. This will come back to a future Workshop agenda.

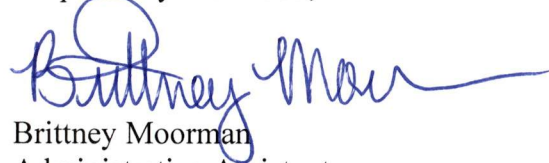
#### **Other Items**

#### **Attendance at Upcoming Council Meeting**

#### **Announcements**

The council workshop adjourned at 7:34 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.**

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copy

Barb Emineth

501 Alder - Laurel

I brought my latest painting with me tonight. It is titled Transition Time (the present condition of our world). I'll be the first to say, it is not a pretty site. If you cannot see the ugliness then you, like many others, are choosing to turn a blind eye! We have polluted the air and acid rain falls upon us. We have raped the land with mining, drilling, pumping, and fracking. Pipelines rupture and we contaminate our waterways and oceans. The burning of fossils fuels has been proven to be the major cause of climate change which has no doubt contributed to the temperature extremes which fuel fires that have burned down whole cities!

The two white lines coming down across the river are part of the dollar sign because unfortunately that is what the fight comes down to, the almighty dollar!

Hello, my name is Barb Emineth and I live at  
501 Alder here in Laurel

council  
copy -

Northwestern Energy has plans to build a methane power plant along the Yellowstone River just east of the Cenex refinery and just outside of Laurels' city limits. I understand that an e-mail was sent to all council members as well as our mayor and city attorney from Jenny Harbine at Earth Justice about zoning within 1 mile of city limits. I suspect the 1 mile radius was passed with an ordinance by the city to prevent Laurel from being surrounded by industry! I feel it was a smart action to take for that reason.

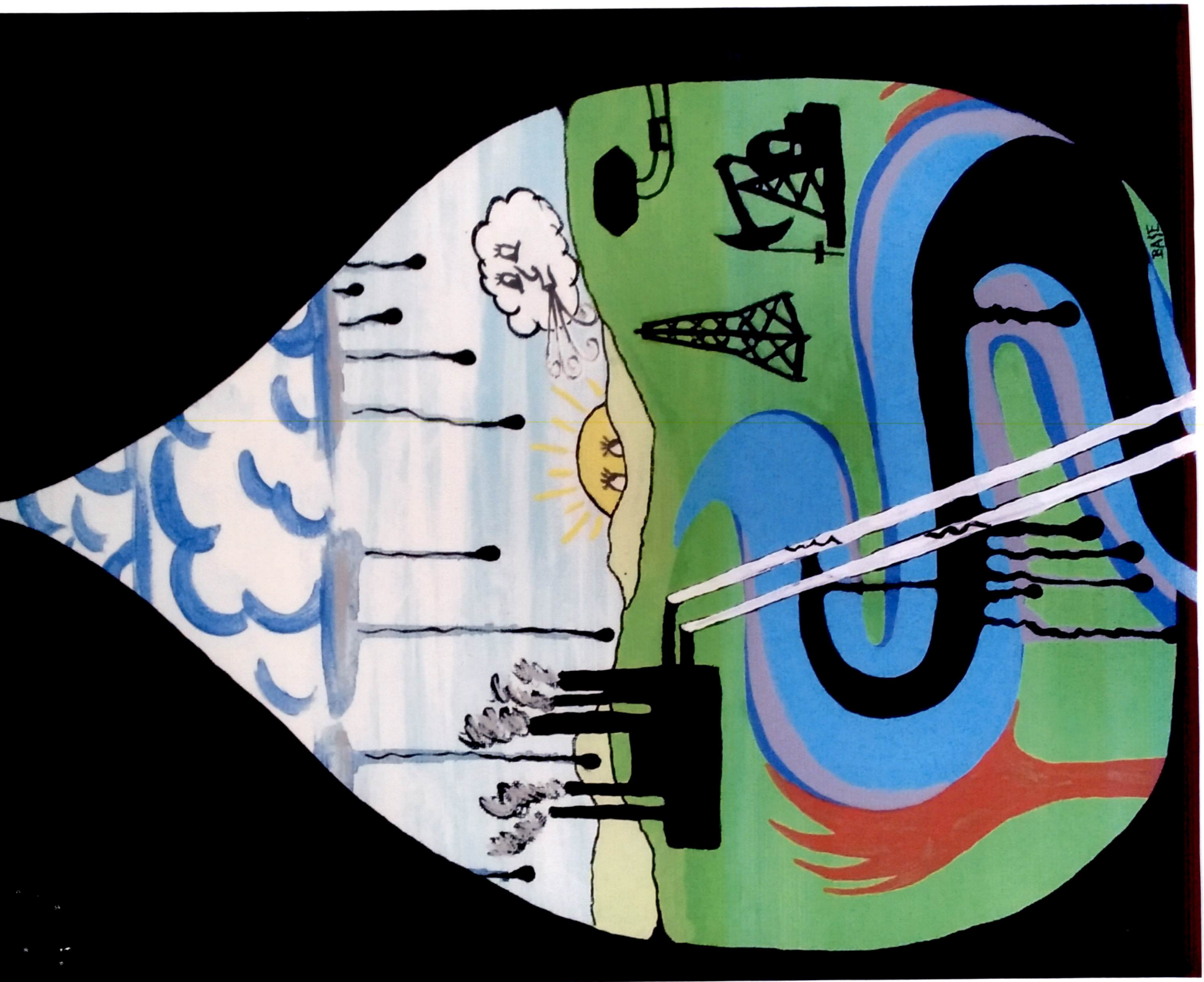
Northwestern Energy has nothing but options at this point. They could build around a less populated area, they could build solar or wind facilities, and they could invest in clean energy for our children's future. We have the technology to produce energy without polluting our earth and we've got to start doing just that because as Elliot Harris, chief economist at <sup>the United Nations</sup> ~~National Geographic~~ stated "UNLESS WE MANAGE THE NATURAL WORLD AROUND US BETTER, WE ARE DESTROYING THE VERY FOUNDATION OF OUR LIFE ON THIS PLANET!"

While it is true I have absolutely no legal training I don't understand how anyone can read the letter from Earth Justice and not acknowledge that the land where Northwestern Energy wants to build is in fact under the jurisdiction of the city of Laurel. What I do understand is how a monopoly company like Northwestern Energy can come into a city and do what they want, where they want, when they want, and how they want.

While the jurisdiction of this property is being debated through the legal system please keep in mind that our city attorneys legal opinion is just that, her opinion. I would expect that when Northwestern Energy comes to ask for a zoning variance on any of the 3 parcels in question they would receive a resounding NO from this council in order to protect the health and wellbeing of Laurels citizens, Thank-you.

who have a right to say  
whether or not they  
want this power plant  
built on their doorstep.

Barbara G.S. Emineth  
7/19/22



"Transition Time" / the present condition of our

**To:** Mayor Dave Waggoner, and Laurel City Council Members  
**From:** Priscilla Bell, Barb Emineth, Mike Cantrell,  
and Northern Plains Resource Council Members  
**Re:** NorthWestern Energy Methane Gas Plant  
**Date:** July 19, 2022

We are writing to you as Laurel residents concerned about the health and future of our community. We have serious concerns about the construction of NorthWestern Energy's methane plant just east of Riverside Park. We want to make you all aware of our concerns since some of you are new leaders.

We are immensely proud of our Laurel community. We would like to see Laurel continue to be a community that people are proud to call home. We believe the construction and operation of this plant in our community is not in the best interest of Laurel residents and is an attempt by a corporation to profit their shareholders at the expense of the health, safety, and integrity of our community.

**We ask that you hear our concerns and use your leadership to ensure the Laurel City Council has a say in the remaining decisions necessary to approve the construction of this plant.** Our concerns and questions regarding the construction of this methane plant are as follows:

- **Significant noise disruption-** It is anticipated that the noise resulting from the NorthWestern Energy methane plant noise would be the equivalent of having 54 train locomotive engines running 24 hours a day, year round, creating significant noise disruption in an otherwise peaceful neighborhood . The sound of one engine just passing through town would be nothing like listening to 54 engines day and night.
- **Degradation of Riverside Park-** Riverside Park was recently renovated and upgraded. Some of the buildings are likely to soon be on the National Historic Registrar. Won't the impact of substantial noise at the park degrade the quality of the park?
- **Increased air pollution-** Laurel air quality does not currently meet the national standards for clean air. Air quality will increase in sulfur dioxide levels and other toxins when the methane plant goes into operation. Yellowstone County has alarming rates of asthma and emphysema and this plant will only increase those health impacts. In addition, the air pollution will affect wildlife and people at Sundance Lodge Recreation Area, Riverside Park, as well as livestock in the immediate area and throughout the Yellowstone Valley.
- **False promises of economic development-** In their applications to build the Laurel Methane Plant, NorthWestern Energy indicates the plant will have eight full time jobs once operational. The application also states that Caterpillar will be operating the plant, calling into question whether these eight jobs will be occupied by people local to Laurel. Is the possibility of these eight jobs worth the aforementioned impacts?
- **Degradation of cultural landmarks-** The July Fourth Fun Run is named after Chief Joseph and Laurel is proud to honor the legacy of the Nez Perce in this area. The

construction of this methane plant will defile the crossing site of the Nez Perce Trail, spoiling the view and quiet along the river at Sundance Lodge.

- **Increased hardship on Thiel road residents-** In light of the recent flooding in Yellowstone County, the Thiel Road families have already suffered profound worry over the future of their properties and their livelihoods. The construction of this methane plant in their backyards adds to that worry, along with the likelihood of pipeline leaks resulting from future flood events.
- **Degradation of natural surrounds-** Laurel is blessed with incredibly beautiful natural surroundings. Experiencing the natural topography, bird watching, fishing, hiking, horseback riding, and camping are attractions Laurel can currently offer those attending sports events, visiting family, or passing through on their way to and from Yellowstone National Park. The Methane plant will permanently scar the beauty of the area and spoil Laurel's efforts to increase tourism and economic development in our community.

We feel these concerns have been gravely overlooked and the voices of Laurel residents and city leadership have been minimized throughout the process to permit this methane plant. Furthermore, NorthWestern Energy has not shown Laurel residents the respect of attending City Council meetings to answer our questions and alleviate our concerns. **Our community deserves better. Therefore we ask that:**

- **The Laurel City Council deny the zoning change for the proposed site of the plant.** This land is well within the jurisdiction of the Laurel City Council. We urge you to retain your right to make decisions on matters of importance to constituents in your jurisdiction.  
  
Currently, the land for the site of the methane plant has three designations: the West quarter section is zoned heavy industrial, the West middle quarter section is zoned agricultural, and East half section is zoned as open use. **We urge the Laurel City Council to use your authority to deny the zone change to the West middle quarter section from agricultural to heavy industrial.**
- The Laurel City Council hire a company to establish baseline noise and air quality levels to ensure that in the event the plant is constructed and becomes operational, NorthWestern Energy upholds the standards set forth in their application around noise control and air quality.

Thank you for your attention to and leadership on this important issue.

Priscilla Bell 1310 Wild Horse Drive, Laurel Montana pbell.12247@gmail.com

Barb Emineth 501 Alder, Laurel MT basecme@yahoo.com

Mike Cantrell 1950 Ranch Trail Road, Laurel Montana cantrellm46@gmail.com

**STAFF REPORT FP-22-01  
CHERRY HILLS 3<sup>RD</sup> FILING  
JULY 8, 2022**

Cherry Hills 3<sup>rd</sup> Filing is a 28-lot residential subdivision of 9.37 acres on the north-west side of Laurel between Cherry Hills Drive and West Maryland Lane.

**Owner:**

Western Holdings LLC  
PO Box 51330  
Billings MT 59105

**Agent:**

Morrison-Maierle Engineering  
Martin Gagnon PE  
2880 Technology BLVD  
Bozeman MT 59771

**Property Description:**

The project is in the N½ Section 8, Township 02 North, Range 24 East, P.M.M., Yellowstone County, Montana, COS 3034.

**Property Size:**

The total area involved in the subdivision is 9.37 acres.

**Zoning District:**

The subject property is zoned by the City of Laurel R-7500.

**Compliance with Conditions of Approval:**

**Condition #1:** Preliminary Plat shall be updated with the comments noted in the Sufficiency letter dated July 8, 2021, prior to recording.

**Status:** The condition is met.

**Comments:** The final plat submitted for final approval is consistent with the preliminary plat with the only modifications being in response to the conditions of approval.

**Condition #2:** Subdivision Improvement Agreement shall be updated with the notes from the Sufficiency letter dated July 8, 2021.

**Status:** The condition is met.

**Comments:** The Final Plat and supporting documents is consistent with the preliminary plat the only modifications being in response to these conditions of approval.

**Condition #3:** The Preliminary plat and supporting water and wastewater design will be approved by the Montana Department of Environmental Quality (MDEQ).

**Status:** The condition is met.

**Comments:** The subdivision has been approved for main extensions by MDEQ.

**Condition #4:** The Preliminary Plat, Subdivision Improvements Agreement, and City Council Resolution granting approval shall be filed with the Yellowstone County Clerk and Recorder within 90-days of preliminary plat approval.

**Status:** The condition is met.

**Comments:** The required documents have been recorded with the County of Yellowstone.

**Condition #5:** The Roadways and Right-of-Ways shall be constructed to the specifications presented the plat plan and supporting documentation.

**Status:** The condition is met.

**Comments:** The required roads and rights-of-way are platted and the construction is covered by a performance bond to guarantee their completion.

**Condition #6:** This Preliminary Approval shall be valid for 3 calendar years.

**Status:** The condition is met.

**Comments:** The final plat has been presented for consideration and filing well in advance of the expiration of the preliminary plat approval timeline.

**Condition #7:** Hydrant flow tests must be approved by the City and its contracted engineer.

**Status:** The condition is met.

**Comments:** The hydrant flow tests have been approved by the City and contracted engineer.

**Condition #8:** Verification must be provided to the City for the water modeling noted by the engineer in the field.

**Status:** The condition is met.

**Comments:** The required verification has been submitted.

**Condition #9:** Water model exhibits must be provided to and approved by the City showing the system characteristics and modeled properties compared to measured properties.

**Status:** The condition is met.

**Comments:** The required exhibits have been supplied to the city.

**Condition #10:** Wastewater/Sewer analysis must be provided to and approved by the City.

**Status:** The condition is met.

**Comments:** The wastewater/sewer analysis has been provided to and approved by the city.

**Condition #11:** A map of pre-development stormwater conditions including the boundary, routing, and calculations must be provided to and approved by the City.

**Status:** The condition is met.

**Comments:** The required map have been supplied to and approved by the city.

**Condition #12:** Water quality storm volumes and calculation sheets shall be provided to the City.

**Status:** The condition is met.

**Comments:** The storm water volumes and calculations have been provided to the city.

**Condition #13:** Confirmation is provided that the developer is willing to take on the liability of the recommendations of the Geotechnical Report dated 2006.

**Status:** The condition is met.

**Comments:** The developer has supplied a revised geotechnical report and in accordance with the Laurel Subdivision Regulations placed a disclaimer on the final plat putting future lot owners on notices of the limitations on construction.

**Condition #14:** The conditions of the Geotechnical report shall be followed during the construction of the public infrastructure.

**Status:** The condition is met.

**Comments:** The public infrastructure has been certified by the project engineer as meeting the requirements of the geotechnical report. Further, the developer has proposed a one (1) year warranty for the work. It is suggested that the warranty period be extended for an additional year post completion.

**Condition #15:** A weed Management Plan shall be prepared for the project and approved by the Yellowstone County Weed District.

**Status:** The condition is met.

**Comments:** A weed management plan has been approved by the Yellowstone County Weed District for the subdivision.

In addition to the 15 conditions, the Subdivision and Platting Act contains several provisions that must be satisfied as a prerequisite to final plat filing, including:

*1. Park dedication requirement.*

The developer and the City have agreed to cash-in-lieu of parkland in the amount of Ten Thousand Dollars (\$10,000). A check in this amount has been presented to the city to comply with this requirement.

*2. Certificate of title abstracter.*

**State Subdivision Law requires that a certificate of a title abstracter, less than 30-days old, showing the names of the owners of record and any lien holders.**

The Title Report lists Western Holdings Company LLC. as the fee simple owner and there are not any liens on the property. The Plat is signed by an officer of the Incorporation.

*3. County Treasurer Certification.*

A proper certification for the County Treasurer to execute prior to recordation of the Plat has been provided on the final plat.

*4. Conformity with Subdivision Regulations.*

The final plat is consistent with the preliminary plat approved by the City Council. The only modifications are to comply with conditions of approval imposed by the Council and the balance of the final plat application and supporting materials appear to be consistent with the Laurel – Yellowstone Subdivision Regulations as well as the Uniform Standards for Final Subdivision Plats.

*5. Performance Bonding*

The final plat is accompanied by a Letter of Credit and an Engineers Opinion of Probable Costs to complete the necessary public improvements. The sum of the outstanding work is \$1,025,642.60 and the subdivision bond is in the amount of \$1,28,803.25 which is 125% of the outstanding work as required by the Laurel – Yellowstone Subdivision Regulations.

**CONCLUSION:**

Based upon the final plat application and the additional documentation submitted as a part thereof, it is recommended that the City Council APPROVE the final plat application for the Cherry Hills 3<sup>rd</sup> Filing in the N½ Section 8, Township 02 North, Range 24 East, P.M.M., Yellowstone County, Montana, COS 3034

**SUGGESTED FORM OF MOTION:**

I move the adoption of Staff Report FP-22-01 as findings of fact and that the Final Plat for Cherry Hills 3<sup>rd</sup> Filing Subdivision be APPROVED.