

MINUTES OF THE CITY COUNCIL OF LAUREL

OCTOBER 12, 2021

A regular meeting of the City Council of the City of Laurel, Montana, was held in the Council Chambers and called to order by Council President Eaton at 6:30 p.m. on October 12, 2021.

COUNCIL MEMBERS PRESENT: Emelie Eaton Heidi Sparks
 Bruce McGee Richard Herr
 Irv Wilke
 Richard Klose

COUNCIL MEMBERS ABSENT: Scot Stokes Don Nelson

OTHER STAFF PRESENT: Bethany Langve, Clerk/Treasurer
 Karen Courtney, Building Official

Council President Eaton led the Pledge of Allegiance to the American flag.

Council President Eaton asked the Council to observe a moment of silence.

MINUTES:

Motion by Council Member McGee to approve the minutes of the regular meeting of September 28, 2021, as presented, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All six Council Members present voted aye. Motion carried 6-0.

CORRESPONDENCE:

- Building Department Monthly Report – September 2021.
- Fire Monthly Report – September 2021.
- Police Monthly Report – September 2021.

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None.

PUBLIC HEARING:

- Public Hearing - An Ordinance Amending Certain Chapters Of Title 8 Of The Laurel Municipal Code Relating To Health And Safety Matters, Including Nuisances For The City Of Laurel.

Council President Eaton stated this is the time and place set for the public hearing on the City of An Ordinance Amending Certain Chapters Of Title 8 Of The Laurel Municipal Code Relating To Health And Safety Matters, Including Nuisances For The City Of Laurel.

Council President Eaton opened the public hearing and asked Staff to present the item.

Karen Courtney, Building Official, stated this is Title 8. Items have been removed from this title and moved to other titles as Council passed ordinances earlier this year. Title 8 includes nuisances, garbage, and rubbish. They updated the language, penalties, and references.

Council President Eaton opened the floor for public comment and stated that copies of the rules governing the public hearing were posted in the council chambers.

Council President Eaton asked three (3) times if there were any proponents. There were none.

Council President Eaton asked three (3) times if there were any opponents. There were none.

Council President Eaton stated that he would not have Staff respond to questions as there were none.

Council President Eaton closed the public hearing.



CONSENT ITEMS:

- **Claims entered through October 8, 2021.**
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 January 2021.**
- **Clerk/Treasurer Financial Statements for the month of February 2021.**
- **Approval of Payroll Register for PPE 10/3/2021 totaling \$215,092.68.**

Council President Eaton asked if there was any separation of consent items. There was none.

Motion by Council Member McGee to approve the consent items as presented, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All six Council Members present voted aye. Motion carried 6-0.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS:

- Cemetery Commission Minutes of May 18, 2021.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Resolution No. R21-108: A Resolution Of The City Council Authorizing The Mayor And City Clerk To Execute An Underground Gas Pipeline Easement For Northwestern Corporation D/B/A Northwest Energy For The Purpose Of Constructing, Operating, And Maintaining An Underground Pipeline To Be Installed And Located Under The City's Riverside Park.**

Motion by Council Member Sparks to approve Resolution No. R21-108, seconded by Council Member Wilke.

Bethany Langve, Clerk/Treasurer, requested that Resolution No. R21-108 be tabled by Council. She stated that she wants an annexation agreement passed before a zoning change being done. After the zoning is changed to industrial, the City can no longer ask or force annexation into the City; MCA 7-2-4608 prevents the City from forcing annexation of industrial. I would like to see annexation with City services and, once that is passed, can bring back the zoning change.

Roy Ishkaian, Manager of Lands for NorthWestern Energy, stated there is a lot to go into analysis over annexation. The first thing is to have the necessary ability to conduct this project; otherwise, it would be a moot point. He has mentioned to this group in the past that they are seriously considering that possibility. We need to, at least from their standpoint, need to tackle this one step at a time. In order for this project to be built, they need to know that they have the zoning. Forcing someone to do something is not in the spirit of public negotiations discourse. He respectfully asked that we get past these issues and then come back and talk about the pros and cons of zoning and the right format.

Bethany Langve, Clerk/Treasurer, stated that she is the financial person for the City. She is going to respectfully tell you that the Citizens' financial interests are what she thinks about. Right now, we have CHS who pays 12.6 million dollars in taxes that the citizens don't see a penny of. That is what she is thinking about, and that is all she is thinking about is her citizens and the tax revenue. It is nothing disrespectful to you; she is telling her Council something they need to know. That if they change that zoning, they will not have any power to force you to annex. That is something they need to know. They need to know everything about what they are doing. She stated she is sorry if you don't like it, but they need to know that.

Motion by Council Member McGee to table Resolution No. R21-108, seconded by Council Member Klose. There was no public comment or council discussion. A vote was taken on the

motion. Council Members Sparks, Wilke, Klose, McGee, and Eaton voted aye. Council Member Herr voted nay. Motion carried 5-1.

- **Resolution No. R21-109: A Resolution Approving Zone Changes For Property Owned By Northwestern Corporation D/B/A Northwestern Energy Located Near Lindy Lane Within The City Of Laurel's Zoning Jurisdiction.**

Motion by Council Member Herr to approve Resolution No. R21-109, seconded by Council Member Sparks.

Bethany Langve, Clerk/Treasurer, read the attached memo from the Planning Director.

Roy Ishkaian, NorthWestern Energy, asked for clarification. Resolution No. R21-108 was for a pipeline easement, Resolution No. R21-109 was for the zoning change. He stated that he thought these were mixed up. To his knowledge, the City had not talked about the pipeline easement they needed in the park.

Bethany Langve, Clerk/Treasurer, stated she is requesting that both resolutions be tabled.

Motion by Council Member McGee to table Resolution No. R21-109, seconded by Council Member Klose. There was no public comment or council discussion. A vote was taken on the motion. Council Members Sparks, Wilke, Klose, McGee, and Eaton voted aye. Council Member Herr voted nay. Motion carried 5-1.

- **Resolution No. R21-110: A Resolution Authorizing The Mayor To Execute A Contract With "In Control, Inc." To Prepare A Pre-Engineering Survey For The City's Water Treatment Plant.**

Motion by Council Member Wilke to approve Resolution No. R21-110, seconded by Council Member Sparks. There was no public comment or council discussion. A vote was taken on the motion. All six Council Members present voted aye. Motion carried 6-0.

- **Resolution No. R21-111: A Resolution Authorizing The Mayor To Execute A Contract With Groshelle Construction For Construction Of A Roof Addition To The City Water Plant Roof.**

Motion by Council Member Klose to approve Resolution No. R21-111, seconded by Council Member Sparks. There was no public comment or council discussion. A vote was taken on the motion. All six Council Members present voted aye. Motion carried 6-0.

- **Resolution No. R21-112: A Resolution Authorizing The Mayor To Execute A Contract With SR Landscaping, Inc. For Installation Of An Automatic Water Sprinkler System At The City Water Plant.**

Motion by Council Member McGee to approve Resolution No. R21-112, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All six Council Members present voted aye. Motion carried 6-0.

- **Resolution No. R21-113: Resolution Of Annexation And Zoning For Property Located At 810 West 7th Street, As An Addition To The City Of Laurel, Yellowstone County, Montana.**

Motion by Council Member McGee to approve Resolution No. R21-113, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All six Council Members present voted aye. Motion carried 6-0.

- **Ordinance No. O21-04: An Ordinance Amending Certain Chapters Of Title 8 Of The Laurel Municipal Code Relating To Health And Safety Matters, Including Nuisances For The City Of Laurel. (Second Reading)**

Motion by Council Member McGee to adopt Ordinance No. O21-04, seconded by Council Member Wilke. There was no public comment or council discussion. A roll call vote was taken on the motion. Council Members Sparks, Herr, Wilke, Klose, Eaton, and McGee voted aye. Motion carried 6-0.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Public Works Committee's next scheduled meeting is October 18, 2021, at 6:00 p.m. in Council Chambers.

Council asked for an update on W. Railroad Street with an updated cost estimate from the State.

Council asked for an update on the streets in people's yards on S. 4th Street.

Council asked for an update on the Lions Park Improvements.

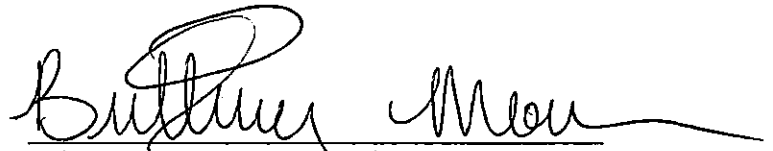
MAYOR UPDATES: None.

UNSCHEDULED MATTERS: None.


ADJOURNMENT:

Motion by Council Member Klose to adjourn the council meeting, seconded by Council Member McGee. There was no public comment or council discussion. A vote was taken on the motion. All six Council Members present voted aye. Motion carried 6-0.

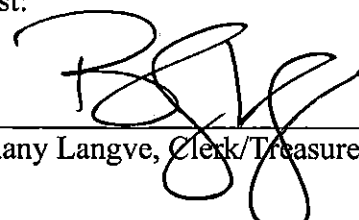
There being no further business to come before the Council at this time, the meeting was adjourned at 6:57 p.m.


Brittney Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 26th day of October 2021.


Thomas C. Nelson, Mayor

Attest:


Bethany Langve, Clerk/Treasurer

CITY HALL
115 W. 1ST ST.
PLANNING: 628-4796
WATER OFC.: 628-7431
COURT: 628-1964
FAX 628-2241

City Of Laurel

P.O. Box 10
Laurel, Montana 59044



Office of the City Planner

October 12, 2021

Regarding the Northwestern Energy Zone Change Application

Mr. Mayor and City Council,

I have worked with Northwestern Energy staff the past few months guiding the zone change application for their parcels adjacent to the Yellowstone River through the municipal public process. Northwestern Energy staff have been amenable to work with and the process has gone smoothly. Planning Department staff have recommended this zone change as a necessity prior to the construction of the proposed power plant facility on the parcels.

The Clerk-Treasurer has recommended tabling the current zone change resolution until such time as annexation has been applied for. Annexation would allow the proposed Northwestern Energy plant to immediately access municipal water and sewer services. An application for annexation would include a change in zoning and specific development requirements.

The Planning Department supports the decision to table the discussion of the zone change by the Clerk-Treasurer. While this decision is late in coming, it is important for the city. As per MCA 7-2-4303, Towns and Cities cannot annex industrial, railroad, or manufacturing purposes without the specific written consent of the land. The city would be unable to compel Northwestern Energy to annex even if they requested water and sewer services in the future.

As stated above, the Northwestern Energy staff have been great to work with and the Planning Department is happy to work through an annexation application and public process and any questions or concerns they might have. Thank you for your consideration.

Regards,

Nicholas Altonaga, CFM

Planning Director