

MINUTES OF THE CITY COUNCIL OF LAUREL

November 23, 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 Mayor Emelie Eaton at 6:31 p.m. on November 2021.

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

COUNCIL MEMBERS ABSENT: Don Nelson

OTHER STAFF PRESENT: Bethany Langve, Clerk/Treasurer
 Sam Painter, City Attorney
 Brent Peters, Fire Chief

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

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

MINUTES:

- **Approval of Minutes of November 9, 2021.**

Motion by Council Member McGee to approve the minutes of the regular meeting of November 9, 2021, as presented, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Approval of Minutes of November 10, 2021, Special Meeting.**

Motion by Council Member Stokes to approve the minutes of the special meeting of November 10, 2021, as presented, seconded by Council Member McGee. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

CORRESPONDENCE:

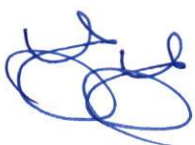
- Beartooth RC&D November 2021 Correspondence.
- Ambulance Monthly Report – October 2021.

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None.

PUBLIC HEARING:

- Public Hearing: 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.

Mayor Eaton stated before we advance to the next item on the agenda, I have been requested that for matters of moving this along. Please do not, whether you are a member of the public or a member of the Council. Please refrain from improper expressions of sentiment; courtesy is required at all times in our Council meetings. So whether you seriously agree or seriously disagree with something that has been said, please just nod quietly but do not hiss, hooray, agree verbally, let's just please just let the next person move on. Also, before we advance to the public hearing, I would like to clarify what has gone on since the Workshop last week. And that is that I announced that I am, as Mayor, capable of forming a special committee. That is true; however, in this instance, we were talking about a matter that there is already a committee formed for. We were talking about the issue for NorthWestern Energy zoning, and I said that I would be willing to form a committee. Which is within my power as Mayor; however, the Zoning Board already exists. And the Zoning Board would be the proper body to take that back to. So we will not be advancing with creating that Board.



However, it still remains a possibility that the Council can remand an issue back to the Zoning Committee to get more answers if they feel that they need that. And also, as we progress on this issue, I will remind the Council that that very matter, the resolution with regard to NorthWestern Energy Zoning has been tabled. So before we even discuss it, we are going to entertain a motion to take it off the table that has to be seconded. We discuss it, we vote on it. Then if it is approved to be removed from the table, then we make a motion on that item, and I don't remember what it's numbered, but we make our motion then. Should the Council wish at that time, if they feel that they don't have enough information and they wish to remand it to the Zoning Committee, then they can substitute another motion and should that one pass, the first motion with regard to whether or not to approve the resolution will automatically die with the substitute motion. So just to clarify that for everybody.

Mayor Eaton stated this is the time and place set for the public hearing on the City of Laurel's resolution approving a zone change for property owned by NorthWestern Corporation D/B/A NorthWestern Energy located near Lindy Lane within the City of Laurel's zoning Jurisdiction.

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

Please see attached Staff report from Planning Director Altonaga.

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

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

Mayor Eaton asked if there were any opponents.

Carol Blades, 1809 DeNittis Lane, read the attached statement into the record.

Steve Krum, 249 24th Avenue West, read the attached statement into the record.

Kasey Felder, 1434 McMullen Lane, I'm not going to take very much time. My dad, I thank my dad for going to bat for all of us who live south of the river. He is honestly my hero. I just wanted to read to you in case it's not fresh in your mind what questions were asked at City/County Planning Board meeting; see attached minutes. The fact that the plant could potentially put out 700,000 tons of greenhouse gases, I would say, is a very major environmental concern. And the City Planner may notify property owners within radius more than 300 feet if he determines that the proposed use of the property would have a substantial environmental impact on the surrounding land uses. I would say 700,000 tons is pretty significant. I just wanted to refresh your mind in case you hadn't read it in a while. Again, thank you for your time; happy Thanksgiving. Thank you for your consideration.

Greg Childs, Theil Road, I don't know how many of you had a chance to read the Gazette today. But on the front page was an article about methane. I am kind of pleased to announce or say that the Associated Press contributor, Mr. Matthew Daly agreed to put this on the paper today because of this meeting. Thank you, Matthew. Mr. Childs read a portion of the attached article. Methane is 86 times more damaging to the environment than carbon dioxide. That fee is going to be collected by NorthWestern Energy consumers.

Michael Cantrell, 1950 Saddleback Drive, I live approximately three miles from the refinery. On a clear night, winter or summer, when the refinery chooses to superflare their gases anywhere between 1:00-4:00 in the morning, sometimes it wakes me up, and I can hear it. I've gotten used to it. It doesn't happen all the time, but every so often, and it doesn't matter which way the wind is blowing, I can hear the refinery flare at night. I just realized that 65 decibels, this plant is going to create approximately the same amount of sound 24/7, and I think you all know what I mean because when I lived three other places in Laurel and I can hear the refinery from all the places I've lived. And I think that that would be a constant source of noise pollution and irritation to all of us all the time except perhaps in 40 mph winds going directly that way, which we have had more than our share lately. And I wanted to point that out. I agree with Mr. Childs; I was going to do the very same thing, methane is extremely dangerous. But I thought I would bring the noise pollution issue to the forefront. We all know what that sounds like when the refinery is doing that, and I think it would be a very difficult thing to deal with. Thank you.

Joan Marrin Smith, Billings, read the attached statement into the record.



Cara Ronan, 1721 Nicholas Lane, as many of you already know, I have spoken before this Council a few times. As you can see being the Council in front of us, each time we show up, we are coming more and more in force, and the reason behind that is the more and more that the word gets out about what is planned and what is happening without our knowledge beneath the City with this proposed site being put in is drawing more and more members of your community out to speak with you to beg with you to plead with you all the way from Billings Montana even. About putting a stop to the building of this plant. Kasey already went over what I was going to do, which was go over with you guys the questions that were asked to the actual Planning and Zoning Committee. Nine questions were all that was worth being asked for the environmental implications of building this plant, for the physical implications of building this plant. Nine questions. I want each of you to ask yourself nine questions. Many of you I know have raised teenagers at home; nine questions doesn't even get the truth out of a teenager's mouth. I would like to go over one specific question, the question on staffing levels. And Mayor if you could let me know if this is possible or not. Would you mind if I took a silent hand pole of the audience? Is that permissible?

Mayor Eaton stated I believe you can voice your questions, but I don't believe we need to poll the group.

Ms. Ronan stated, well, then I'll ask this then. Then silently of the group, if it does whatever it does, it will do it. So the question asked on staffing levels for the plant is that there will only be 15 to 20 staff members. By possible so of hands, without looking behind me, how many people in this room do not agree with putting this plant in Laurel, Montana. I don't even have to look behind me because I can already tell you that there is about 25 to 35 hands raised. As the Council, I ask you to please consider this. This is today, you know last week there were less of us here. And the week before that. Each week we will grow in numbers. And we will hold you accountable and call into account that nine questions is hardly worth making a decision moving forward for the City of Laurel. I myself, I have told you guys, am 4th generation here in Montana on my mom's side. I'm fifth generation on my father's side. My great grandmother Frank, Mary Frank, for those of you who may or may not know her who worked diligently with the Laurel Garden Club here, wrote in her memoirs to us about going down and harvesting ice on the Yellowstone River to keep their cold houses cold. What will be the implications for the next four generations of Montanans if you put this plant into place. If that's too big for you to consider, what will be the implications for the next three generations of the Montanan's. How about the next two. How about your grandchildren, your children. How about yourself. I thank you guys for what you have done up until this point in listening to us and taking time to consider these facts. And I ask you to continue to do so. Thank you.

Priscilla Bell, 1310 Wildhorse Drive, which is north of the golf course. I grew up in Billings, Montana, and went to West High. And while I was there, a gentleman came to our class, and I remember him talking about poor air quality in Billings at that time. That was many, many, many years ago, and as students, we just thought, well, this won't go on. People will not put up with this. How wrong I was. My mother died of emphysema in Billings, Montana. You cannot build this plant; I am begging you not to build it. I just couldn't believe when I heard about it. This is the first Council meeting I have ever been to in my life. But this matters to me. We are in the middle of a global crisis with our environment. We are, as American Citizens, pledged to try and make a difference to stop the pollution. To stop it now, not next year, not two years from now. Now. And when I heard you were going to build this plant, I was like, what? What are you thinking? Are you thinking? Please make a consideration; money is not everything.

Simon Cecil, 923 Yale Ave Billings Montana, I rise tonight to ask all of you to oppose the development of this plant. As my wife and I contemplate the possibility of having children of our own as we see our friends begin to raise young children of their own. We think a lot about the state of the world that we are giving those kids. The quality of the air and the water that the children will grow up breathing and drinking. It's no secret, and it's not controversial to say burning methane is a key driver in producing ozone. And that when we elevate ozone levels, that in turn causes more cases of respiratory distress, particularly asthma and COPD. You've already heard folks tonight rise to talk about how much that weighs on them. I don't think I need to tell anyone here after the last two years about how serious respiratory illnesses are. We've all seen it and experienced it with our own eyes and experienced living through just how terrible the weight of respiratory illnesses can fall on us. And the impact of methane doesn't stop there, right; methane also has a very serious impact on plants, particularly livestock forage. I spent this summer watching ranchers who I work with talk about how hard they are finding hay because of the drought. And what has survived the drought has been burned up in fires. Livestock ranch is a key part of the livelihood of our communities and of this valley. And pushing additional methane into the air will damage the ability of ranchers, people I consider close friends, to make ends meet. NorthWestern Energy tells us that this plant is not only



necessary but urgent. That it needs to be built right of way. But it wasn't so important that they were willing to go out and consult members of the community that's going to be most impacted by this plant. Heck, it wasn't so important that they even send a representative tonight, a night when you can see dozens of citizens who are not here because they are being paid, but simply because they care about the issue rise to speak. Our communities do not exist to serve NorthWestern Energy; it is the other way around. If this plant is built, all of us will bear the cost. Costs we will feel in terms of harms to people we love who will deal with respiratory distress. Ranchers, we know who will struggle to make ends meet. And we will feel that for years and then decades to come. All of you have the opportunity to prevent that. And I'm here tonight asking each of you and all of you to take a stand and do so. Because it's the right thing to do for Laurel, and it's the right thing to do for our valley. And I hope that you will take that into consideration. Thank you so much.

Grey Ahrens, Billings, If I understand correctly, all the question that we are trying to answer here is just about the Zoning, not about water pollution, not about air pollution, not about noise, and not about aesthetics. None of those. And that, I guess as it may be. I think that you need to remember the history of air pollution in Yellowstone valley. Yellowstone valley is just like a hallway. The pollution that is created here in Laurel goes right down to Billings, past Billings into Huntley, and I don't know how much further it goes than that, but it's a corridor. I was one of the people my family has; we have two asthmatics in the family. We fought for years in the 80s and the 90s to try and get a control on specifically sulfur dioxide, SO₂. It was very difficult to do. We did; there was finally, if you remember, in the 90s... mid-90s, the problem was so bad that Yellowstone County, Montana, had the worst SO₂ pollution in the nation. Worst than Pittsburgh, worse than any other industrial center you can name. Right here in Yellowstone County. It was so bad that EPA finally stepped in after man folks pushed. And insisted that the valley and the pollution be studied. It was found that through computer models, yes indeed, there was an exceedance of SO₂ standards. And the EPA, through DEQ, forced the State to come up with a plan to control SO₂. That required, they came up with a total cumulative total of how many tons of SO₂ could be put into the atmosphere in Yellowstone County, and then each one of the seven, I think it was at the time, polluters were assigned a [inaudible] maximum of SO₂ that they could emit in any one year. I have the good luck, the good fortune; I'm retired from the federal government, but I still teach once and a while at Montana State University in Billings. And boy, the students up there, when you turn them loose on a project, they are wonderful. And they found something, even given my background in SO₂ emissions, I was surprised that they looked up on the EPA website, and they found that Laurel is still not and has never obtained the SO₂ limit that was dictated from that State implementation plan. There is, you look in the thing, here it is, you look in their EPA website Yellowstone County sulfur dioxide. And if you look at the nonattainment, you find out that Laurel, that means CHS over here has never obtained the limit in the for SO₂. I'm not sure why that is, I think when we had our visitor from DEQ come and talk to the class, he wouldn't specify, but it looks like DEQ is negotiating constantly with CHS. DEQ had rather not fine CHS; they'd rather CHS use the money that was going to the fines to build equipment that controls the emissions, which makes sense. But what is hard to believe is that DEQ is going to permit, under the Clean Air Act, another source of SO₂, and I'm just talking about SO₂, not the other contaminants that will come along with it. But permit another SO₂ source within spitting distance of CHS. I'm kind of surprised that there isn't a representative from CHS here. I wouldn't think that makes them too happy. But its... I can't imagine that that project would ever be approved just simply because Laurel and the area is currently in nonattainment for SO₂. And another source of SO₂ is certainly not going to help that. I thank you for listening to me. Thank you.

Aaron Felder, 1434 McMullen Lane, good evening Council, and good evening Mayor. And before I forget, I wish you all a Happy Thanksgiving at the end of this week, and hopefully, you have some great plans. Just real quick, you don't have... this evening or this week sometime, if you take a minute and Google the gas plant that was put in in Great Falls. It's being dismantled; it's being sold off because it couldn't meet the zoning regulations that were placed upon it. So before something gets built over here and becomes a big eyesore, or it's thrown down the big legal chains. Let's send it back to Planning if we can, please. Take that into consideration. There been a lot raised here about the nine questions, and I feel that there is a lot more questions to be had. So with that said, appreciate if you can push this on back over to Planning. And I'd like to say this too, thank you for your fidelity. I do appreciate that. Last week you showed us that, and I hope tonight you give us that again and that support. Thank you.

Melissa Nootz, Campaigns and Advocacy Director for the Montana Environmental Information Center of Helena, I wanted to ask first Mayor Eaton did you get the letter from our legal counsel, Earth Justice, and would we be able to read that into the record tonight.



Mayor Eaton stated, yes, I have quite a stack of items; I won't be reading them in, but they will be part of the record, and I will be acknowledging them.

Ms. Nootz stated, thank you so much, thank you. I first wanted to thank you all, Mayor Eaton, and your esteemed Council for the meeting last week, and I'm here on behalf of all of our members here in Laurel and the surrounding area as well. We appreciate your wanting to support your communities interest in wanting to get to the bottom of some of these questions that they've been bringing up—and learning the actual impacts of NorthWestern Energy's zoning request prior to voting on it. We also appreciate your attention to process as it's a critical part of a high functioning local government, which includes allowing and encouraging the public to engage. So thank you for that. I also want to respectfully request tonight that the information NorthWestern Energy has shared both verbally and in writing with the Mayor and the Council about the proposed methane gas plant and the impacts on air, noise, light, water, wildlife, nearby residents, Riverside Park, taxes, and any financial gifts offers be official submitted into the public record for the benefit of the public. Not only would we like to see that in the minutes, but we would like to see that on a landing page on your City website, so the public has access to that information as well. And if your not able to share that information with the public, could you please state your reasoning to keep that information off the records. Thank you.

Oli Tripp, 1519 McMullen Lane, I guess I just got a few things, maybe some questions and some statements. I'll just ask to people here so. You know, some of the things people keep saying are, it's going to bring tax dollars here. And that's awesome because Laurel could use some tax dollars. We do have bad streets. We have a refinery that I think pays taxes, but we still have bad streets. Is there an estimate of tax dollars that are coming from this power plant? Is it a dollar, is it a thousand dollars?

It was clarified the City will receive zero dollars.

Mr. Tripp stated that there is no tax dollars, so maybe there is not a tax benefit to having the power plant here. I just want to know. If I don't ask, I'll never know, and I don't know who to ask. So I'm asking your guys because I figure you guys are in the know because your up there, and I'm back here. But I don't know who knows that answer. So if it's zero dollars, great, if it's a million dollars great, but know body seems to know, and maybe it is just zero dollars. I'll just move on here to something I was just thinking of. I have a two-year-old granddaughter she just had surgery today. She got yesterday she got out of the hospital today. I'm looking forward on the parking and going down and walking down the river with her. To show her the Yellowstone River as she grows up. Someday I hope to do that with her soon. I mean that days coming, she walks she's a good little girl. I was just wondering here, has anybody here not walked along the riverbanks? I am guess everyone here has, at some time in their life, walked somewhere near the river, found out a way to get to the riverbank, and then started walking along the river. I guess my question to you is, did you ever do that? Did you ever do it with your grandkids or your children, or your wife? Or did you do it with your grandfather or your grandmother? I mean, I remember being little and walking around with my dad and my grandpa. Going down to the river, the cricks. I'm just trying to save another section of the river to not have a big industrial building put alongside of it and yet will if we are trying to walk down beside the river and enjoy it. That we get to maybe enjoy the noise it makes or just enjoy the site that it is. So I guess that's where I'm at here. Those of you who are thinking of moving forward with this maybe think back to if you ever got the chance to walk around with your grandpa and enjoy the river and the nature where you were at, and I am hoping to do that here. And that's what I hope to see this thing; if this thing gets built, it's not going anywhere. And we are going to see it for more than my generation. It's going to outlive me, you guys; it will probably be here for another 100 years, 200 years, who knows. And we will all get to sarcastically enjoy it if that's something that's out there. So anyway, that's all I have to say. Thank you.

Robert Lance, 316 Forrest Ave; my family has lived at the end of Lance Lane since my grandpa purchased the property in the 40s. I was recently told this was going to be built, and I had no idea this was coming. This was new news to me in regards to Laurel. I've always thought of Laurel as just the refinery, and I hope nothing else ever comes here besides just the refinery. The stink that it caused when I was growing up was enough to stay in my mind; I'll never forget it. I can't believe this is even a thought being consider to put here this property is in a floodplain. I remember seeing that area flooded. If it gets flooded while that factory's there, the pollution that that alone would create. I can't think about... please don't allow this.

Melanie Tripp, 1519 McMullen Lane, Sorgen Leischner, she lives with her aunt just down the road. Ava Tripp is my daughter. Council, thank you so much for your time. I know that this is mostly a volunteer position. I have friends on Billings City Council, and I know all the stress and heartache



they go through to provide that service to Billings, and I know that I that your job is not easy. So my job here tonight... Last meeting, I told you I am not a scientist. I don't have numbers or anything like that for you. My job is just to get you in the feels. And why is that important because? That's why we love to live in the City of Laurel. That's why people move here, that's why they stay here, that's why buy houses. Whether they spend more money or less money, which directly affects our tax dollars. So, my house is directly across from where the power plant will be. And I don't think there is any question to whether the power plant will affect its value. And I brought Sorgen and Ava here tonight, and I did not prompt them or tell them what to say. Did I tell you what to say?

Sorgen/Ava: No.

Melanie: No. Ok, so I'm just going to ask them a few questions. They came directly from their Laurel Locomotives basketball game in Shepard; this was their last game. And girls, come here, tell me which school do you go to?

Sorgen/Ava: Laurel Middle School

Melanie: And What Grade are you in?

Sorgen/Ava: 7th Grade.

Melanie: How old are you?

Sorgen/Ava: 12 almost 13

Melanie: 12 almost 13. Ok, you made a smoothie at my house last night. What did you put in the smoothie?

Sorgen/Ava: Fruit. We put an avocado in there, yogurt, milk.

Melanie: Did you put ice in it?

Sorgen/Ava: No.

Melanie: No ice in a smoothie. Do you normally put ice in a smoothie?

Sorgen/Ava: Yeah.

Melanie: How come you didn't put ice in it last night?

Sorgen/Ava: Because we had frozen strawberries.

Melanie: Frozen strawberries. So if they were to put ice in that smoothie, it would come from our well. I think we have talked about the risk of pollution in the water. Because we do have a well and I think a lot of people in the audience do as well. And what's the river like where we live?

Sorgen/Ava: It's nice; we usually go down there. We like to hang out there in the summer. We like to swim, but if the power plant gets built, we won't be able to do that because the air will be so toxic and polluted. I think.

Melanie: So we're going to swim in the river. We do that quite often. What do we down there? We build a fire and do what?

Sorgen/Ava: And roast marshmallows.

Melanie: We roast marshmallows. Do you come to our house a lot?

Sorgen/Ava: Yeah.

Melanie: Do you like it down there?

Sorgen/Ava: Yes.

Melanie: What's cool about it?

Sorgen/Ava: The river is very fun to swim in. And it's just a beautiful place to be at.

Melanie: Beautiful place. Do you see animals?

Sorgen/Ava: Yeah.

Melanie: What kind of animals and birds and things do you see?

Sorgen/Ava: We have three horses.

Melanie: Well, our horses.

Sorgen/Ava: Yeah. Two, yeah, three. We have chickens and goats, and they go down there a lot because they need to get a drink or something.

Melanie: They do. That's where they get their water from too. And do you see like wildlife?

Sorgen/Ava: Yeah, there's a lot of deers, and there's wild turkeys out there.

Melanie: Wild turkeys, yep. How do you think a power plant on the other side of the river, so if you're sitting down at the river and you see it on the other side, how do you think that's going to affect where we live?

Sorgen/Ava: There's a beautiful view where we live, and it's just gonna cover it up.

Melanie: Do you know what that's going to look like?

Sorgen/Ava: It's not going to be relaxing. It's going to be stressful, and it's probably going to give me anxiety.

Melanie: Did anybody tell you what it would look like if there was a power plant on the river?

Sorgen/Ava: No.

Melanie: So, ok, I think we have already discussed this. There's going to be 18 77-foot towers on the other side of the river. Do you think it is a good idea to put a power plant on a river?

Sorgen/Ava: No. Because it can affect animals and other people, and young children.

Melanie: So again, I am not a scientist, and I'm not in 7th Grade. But even a 7th grader knows that may be a power plant on a river, not a good idea. Is there anything else you want to say about this?

Sorgen/Ava: My grandpa did build a house down there, where they live. He said he really loved it. My dad, he especially he does not want anything there, because he use to like swim down there and he had memories down there. And if there's a power plant down there, then it's just not going to be there anymore. Also, I have a niece and a nephew. It's just not going to be very healthy for them. My niece just turned two, and my nephew is eight months old, a year old. There's numerous places where you could put it that nobody lives.

Melanie: So Sorgen's grandfather built our house. Who knew, and Ava and Sorgen are friends. They just became friends. So it's a small world. But and also the City of Laurel is a small town. And that's how we want to keep it, right? We don't mind new people coming in. We love that. Montana's an open place, and we have a lot of room for everyone, but maybe the idea of having a beautiful landscape is what people think about when coming to Montana and moving here. And maybe Laurel is a place they want to be. Especially when we live on an amazing spot like the Yellowstone River like we do. So I guess what we are asking today, Council, and I know you've heard a lot tonight, and you're so patient. We, please ask that you send this back to the Zoning Board and have them discuss whether or not this going to affect those of us who live south of the river. And whether they've looked at that. Because as far as I know, nobody has asked me. And I'm so very thankful that we have had a chance and an opportunity to say something tonight. Thank you.

Terry Krum, 1310 E. Railroad, read the attached statement into the record.

Mayor Eaton asked two additional times if there were any more opponents. There were none.

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

Mayor Eaton closed the public hearing.

CONSENT ITEMS:

- **Claims entered through November 19, 2021.**
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Approval of Payroll Register for PPE 11/14/2021 totaling \$202,062.33.**
- **Council Workshop Minutes of October 5, 2021.**
- **Council Workshop Minutes of October 19, 2021.**
- **Council Workshop Minutes of November 2, 2021.**
- **Council Workshop Minutes of November 16, 2021.**

The Mayor 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 seven council members present voted aye. Motion carried 7-0.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS:

- Budget/Finance Committee Minutes of November 9, 2021.
- Public Works Committee Minutes of October 18, 2021.
- Tree Board Minutes of October 21, 2021.
- Park Board Minutes of November 4, 2021.
- Public Works Committee Minutes of November 15, 2021.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Appointment of Jacob Vannoy to the Laurel Volunteer Fire Department.**

Brent Peters, Fire Chief, briefly introduced Mr. Vannoy to Council.

Motion by Council Member Sparks to approve the Mayor's appointment of Jacob Vannoy to the Laurel Volunteer Fire Department, seconded by Council Member McGee. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R21-122: Resolution Of Intent To Annex Contiguous City-Owned Properties Into The City Of Laurel, Yellowstone County.**

Motion by Council Member Klose to approve Resolution No. R21-122, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R21-123: A Resolution Of The City Council To Adopt Criteria For Awarding And/Or Approving Grants For The Laurel Urban Renewal Agency (LURA) Board And City Council.**

Motion by Council Member Sparks to approve Resolution No. R21-123 seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Motion To Allow Council Member Klose To Be Absent From The City Of Laurel For More Than Ten Days (LMC 2.12.060)**

Motion by Council Member McGee to approve the motion to allow Council Member Klose to be absent from the City of Laurel for more than ten days (LMC 2.12.060), seconded by Council Member Wilke.

Kris Vogel, 306 E. 4th Street, I reside in Ward 4, and I wanted to speak to this. I think Councilmen Klose should be able to be absent from the Council when he needs to be, but there's two vacant seats of the Council, which is 25% of the Council. And I think the Council needs to fill those seats before they seriously think about allowing Council Members to be absent. Right now, one or two members of the Council can basically run the City or strong-arm any motions that are made. And I think the Council really needs to fill vacant seats. Ward 1 seat, which the Mayor vacated, should be filled by December 8th according to Montana Code or City rules. And Ward 4 has been vacant for 98 days. Technically not vacant, but on three months that Council should be meeting to fill that seat. I haven't seen anything through Council motions to fill that seat that has not been representing me for the last three months, 98 days to be exact. That's really it. I think Laurel would be in a much better position if they would have had a City Administrator, but that doesn't have to do with the vacancies. I don't have a problem with Council Member Klose's absence from the Council, but I really have a problem with vacant seats. That don't represent probably 2500 people in Laurel. Thanks.

Mayor Eaton stated I am going to break a little bit with tradition simply because this has been a confusing topic to me as well as to members of the public. So I am going to have our City Attorney address the issue of my Ward 1 seat.

Sam Painter, City Attorney, stated, thank you for the question. I think it's an interesting one. When we have the death of the Mayor occur, we had to obviously had a vacant position. The Council appointed the Councilperson from Ward 1 to perform the duties as Mayor until the next elected candidate took office, which is in January. You've got less than 30 some days left. You have a Council President who's now acting as the Mayor. She did not give up or vacate her seat. That seat was never declared vacant; it remains filled. The question is can she vote? The law is very clear. If a Councilperson is serving and performing the duties of the Mayor, she has not given up her seat. That hasn't been declared vacant. If she had to give up her seat to temporarily serve as the Mayor, who would have done that.

Mr. Vogel stated the elected Mayor, who was elected to the seat.

Sam Painter, City Attorney, stated nobody. Now the elected Mayor takes his position January 2nd. I believe. [January 3rd] The first Monday. So right now we have a Council, we have one vacancy, that is not a vacancy. We have one position that is in question for attendance. Ok. That question is ongoing. It will resolve itself. The Council may have to take some action to deal with that, but we don't know at this moment. In regards to who is serving as Mayor, who is serving the position that Emelie currently holds, if there's a vote by the Council. I've directed her to go ahead and vote as a Council Member. She still represents that district. Ok. What happens if there is a tie 4 to 4. I've also directed her to vote once as a Council Member and once as the Mayor to break the tie. It's a logical way to do business—you're going to have a new Mayor in less than 30 days...35 days. I don't believe it serves the public to declare Emelie's seat vacant, appoint someone for 35 days. Then kick them out when your new Mayor gets sworn in and put Emelie back. That makes no sense. I disagree with you. That's my legal position for the City. If the City disagrees or if the folks in the public disagree, my opinion can be challenged. But that's the way the City has been operating, and we are going to continue to operate that way. Thank you.

Council Member Klose clarified that the circumstance surrounding this request had changed, and he will no longer need permission to be absent from the City.

There was no council discussion. A vote was taken on the motion. All seven council members present voted nay. Motion failed 0-7.



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

Mayor Eaton reminded Council that this matter had been tabled, and a motion to untable the item would need to be made first.

Motion by Council Member Klose to untable Resolution No. R21-109, seconded by Council Member Wilke.

Forrest Sanderson, Contract Planner with KLJ, stated he is the Senior Land Use Planner with 32 years of experience certified by the American Institute of Certified Planners. I am also a certified floodplain manager. I have no affiliation with, no relationship to, or with the engineering firm Sanderson Stewart. By coincidence, of name Sanderson. My last name is Sanderson the engineering firm Sanderson Stewart. They are competition if we put the appropriate term on it. But I am not related to and I have no affiliation with that firm. I put that out so everyone is comfortable with the fact that I understand that that firm has submitted a portion of the application for NorthWestern Energy and their petition to change Zoning within the City of Laurel's jurisdiction. Next, I want to thank everyone who has taken the time to speak to this matter and issue tonight and at the several previous iterations of hearings and meetings conducted by the City of Laurel on this quite difficult topic. We have a substantial record. That record continues to grow. And unfortunately, it is my opinion as your Planner and as a certified Planner that your record City Council is incomplete. Montana law requires that an analysis as found in Title 76-2-304 be completed. Those documents, those findings, those conclusions are notably absent. My recommendation to the Council now that you are going to entertain taking it off the table. Is that you remand the matter back to the Planning Board and Zoning Commission. To complete that record. Specifically, that tasking is, if Bethany would hand this out for the Council, so you have it, see attached. As part of the hearing this evening, I heard several items that could potentially would warrant or rise to the level of findings and potentially as conclusions. But that is not my role this evening. That role rests with your Zoning Commission. Mr. Sanderson read the eleven questions listed in the attached handout. Montana law requires we address these questions. I implore to you; please remand to your Zoning Commission with the tasking in my recommendation. Thank you, Madam Mayor.

Mayor Eaton stated I would like to take this time, I did not do this during the public hearing, and that was my bad, but since he is sitting next to me, I am also going to give all of the public comment that was received via email to that public record that he is building.

Forrest Sanderson, KLJ, we will read it into the record at the Zoning Commission. Sincerely I appreciate everyone who took the time to speak this evening and to submit their comments in writing. It matters. We cannot answer those questions without having the spirited public debate that went on here this evening. It's all about the process; I heard that several times as well. I guarantee you. You're going to get process.

Mayor Eaton asked if there was anyone else who would like to make public comment.

Sorgen Leischner and Ava Tripp, so we already spoke, but I think I have a lot more to say. What kind of really affecting me is that my grandpa, he passed away a couple of weeks ago. And he specifically said before he passed is that he does not want his house polluted by any type of air because he knew what was going to happen. And he just feels like there's going to be a lot of memories that are going to be like ruined and just like it's just not really healthy. Again, we have a well, and that flows through the river. Our water's going to be disgusting; I can tell you that. Also, it's not affecting kids, but it is affecting adults. Kids that live close near probably won't be able to go outside and play especially young children. They cant have really a childhood, which really doesn't seem fair to them. And it's not just affecting younger kids; it's affecting elders too because their immune systems are not as good as they were. But it's not going to be healthy to breathe in that air. And I have neighbors that I might not get along with all the time, but like we might be out of the City limits, but we still matter too. We are part of this community. Also, the airflow will also blow polluted air towards schools, and it can go through there, and it will affect sports like soccer, softball, football, and other things to where kids won't be able to play. And the airflow changes too, so it's not just affecting people on the south side of the river. It's also going to blow into the schools or the City, and it's just not going to be good. And I like my small town, and I like how it is, and I don't want anything to change. And I think that's all we have. Thank you.

Mayor Eaton asked if there was any more public comment.

Kasey Felder, I just want to say thank you for giving us the process. Thank you, Mr. Sanderson, for bringing those issues up and giving us this opportunity to really visit this correctly. That's all. Thank you.

Mayor Eaton asked if there was any additional public comment.

Aaron Felder, thank you, Forrest Sanderson, for bring that forward. I really appreciate that. Mr. Klose, I appreciate you too. About a month or so ago, you kind of spoke to us; you kind of reamed us good. And I appreciate that you really spoke to me. I think what we've heard tonight is a lot of people stand up for their quality and quality of life. And I appreciate that from all these people. Those neighbors and the neighbors to the east of us as well to the north of us. Very appreciative of that. And I thank you guys for your service. I thank you for your willingness to be here tonight; and I know it's late, and I know it's a holiday week, but I thank you again. I thank you, Sam, for being here tonight to look over things. It's important that you're here. I appreciate the Council being here as well. The Clerk, the City Clerk, for being here as well. And I know it's a lot of work putting things together, and I'm not a person to type things into the record, but I know it takes much, much hours, especially on a night like tonight. So much appreciated. Happy Thanksgiving to you all and to all a good night. Thank you.

Mayor Eaton asked if there was any additional public comment.

Kris Vogel, 306 E. 4th Steet, first, I appreciate your work, Mr. Sanderson. I think one thing that would be important for the Council to do and the City to do is to find out how this could happen. How could something move forward to you without all of the things that Mr. Sanderson brought forward that are required under State law? That would be important because right now, this has been a waste of your time. This shouldn't have gotten to you if the Council would have looked at all these things and found out if they actually followed what Montana law would provide. Maybe it does, and then it would it would come to you, but there's been a lot of time spent on this matter. That may be the Zoning Commission did not do their job. But there's a reason that somebody needs to bring those up to the citizens who serve on that committee or that Board. And I think that's something that the Council should look into.

There was no council discussion.

It was clarified that the item would need to be untabled prior to making a motion to send this matter back to the Zoning Commission.

A roll call vote was taken on the motion to untable Resolution No. R21-109. Council Members Sparks, Herr, Wilke, Klose, Stokes, and Eaton voted aye. Council Member McGee voted nay. Motion carried 6-1.

Motion by Council Member Klose to remand this matter back to the Zoning Commission, seconded by Council Member Sparks.

Forrest Sanderson, KLJ, asked for a clarification from the gentleman making the motion. Councilmen Klose did that instruction include the remand and the instructions per my recommendation.

Council Member Klose clarifies that yes, it did.

There was no public comment.

Council Member McGee questioned why, since the easement that Northwest Energy requested last time we had a special meeting did not pass, Council is bothering to waste time with a zoning request if they cannot get gas to the land. It was further questioned if the City of Laurel is the appropriate governing body to be making this decision. It was clarified that some of those questions would be answered through this process, such as whether the City of Laurel is the appropriate governing body to make the final decision. If that answer is yes, it comes back; if our answer is no, our record will be forwarded to the Board of County Commissioners, and they will then make the decision. It was further clarified that it is not the City of Laurel's problem how they intend to get gas to the proposed power plant. That is NorthWestern Energy's problem. The question before Council is only Zoning. The landowner has a due process right to land use.

A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Have a great Thanksgiving.

Council thanked both the City Attorney and Forrest Sanderson for attending tonight's meeting.

Next Tuesday is the 5th Tuesday of the month there will be no Council meeting.

December 7th is Pearl Harbor Day; there will be a ceremony at the City Cemetery at 10 a.m. and the National Cemetery at noon.

City Hall will be closed for Thanksgiving.

Mayor Eaton thanked Staff for their hard work.

MAYOR UPDATES:

There was a letter sent out in regards to Ward 4.

The issue with W. Railroad street is progressing thanks to Staff.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Council Member Klose to adjourn the council meeting, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

There being no further business to come before the Council at this time, the meeting was adjourned at 8:42 p.m.


Brittney Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 14th day of December 2021.


Emelie Eaton, Mayor

Attest:


Bethany Langve, Clerk/Treasurer





LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board
FROM: Nicholas Altonaga, Planning Director
RE: Zone Change Request – Northwestern Energy
DATE: September 29, 2021

DESCRIPTION OF REQUEST

A Zone Change application has been submitted by Sanderson-Stewart on behalf of their client, Northwestern Energy Corporation on August 16, 2021 for their two properties described as:

- Parcel 2, COS 1677, S15, T02S, R24E
- Parcel 1, COS 1239, S15, T02S, R24E

Parcel 1, COS 1239 currently has two zoning designations, half the parcel is Heavy Industrial (HI), and half is Agricultural Open (AO). Parcel 2, COS 1677 currently has two zoning designations, approximately a quarter of the parcel is zoned Heavy Industrial (HI), a quarter of the parcel is zoned Agricultural Open (AO), and half of the parcel lacks a zoning classification.

The Applicant seeks to amend the official Laurel Zoning Map to expand the zoning jurisdiction to include the entirety of the parcels and provide Heavy Industrial (HI) zoning to the entirety of the two parcels. Approval of this Zone Change request would amend the Laurel Zoning district to fully encompass the parcels in question, as well as apply Heavy Industrial (HI) zoning to the entirety of Parcel 2, COS 1677 and Parcel 1, COS 1239.

Owner: Northwestern Corporation
Legal Description: S15, T02 S, R24 E, C.O.S. 1677, PARCEL 2
Legal Description: S15, T2S, R24E, C.O.S. 1239, PARCEL 1 (CENTRALLY ASSESSED)
Address: Lindy lane (Approximate)
Parcel Size: 44.179 Acres (total)
Existing Land Use: Power Generation (Parcel 1), Agricultural (Parcel 2)
Existing Zoning: Heavy Industrial (HI), Agricultural Open (AO), unzoned
Proposed Land Use: Heavy Industrial (HI)

BACKGROUND AND PROCEDURAL HISTORY

- February 23, 2021 – Contractors for Northwestern Energy begin conversations with the Planning Department regarding amending the zoning of parcels.
- March 23, 2021 – City Staff provide data and details on the quality of water within the City water system as well as other utility data.
- May 17, 2021 – Sanderson Stewart staff contact City Planning Dept inquiring on the process for re-zoning the parcels in question.
- May 18, 2021 – City Staff provide all information on the Zone Change process to Sanderson Stewart and explain the process.
- August 16, 2021 – Zone Change Application packet submitted to the City Planning Department.
- September 15, 2021 – Public Hearing took place at the Laurel City-County Planning Board for review as per the criteria in the Laurel Municipal Code. The Planning Board voted to approve the Zone Change request with the conditions stated within this staff report.
- October 12, 2021 – Public Hearing scheduled in front of the Laurel City-Council.
- Subsequent governing Body Action to follow as necessary.

STAFF FINDINGS

1. August 16, 2021 - The Applicant submitted a physical and digital copy of the Zone Change application
2. The Application contains all necessary items to move forward in review process.
3. The applicant is requesting a zone change for the above identified parcels to Heavy Industrial (HI).
4. The applicant has stated their goal of installing a power generation station that will generate 175-megawatts from natural gas in order to reinforce current power system capacity.
5. The parcels in question are already partially zoned as Heavy Industrial (HI).
6. The surrounding area to the immediate west is zoned Heavy Industrial (HI) and is used for those purposes by CHS Inc. as a petroleum refinery and by the City of Laurel as a Sewer Treatment Facility.
7. The current use of Parcel 1 as a public utility service installation is allowable within the Heavy Industrial (HI) zoning classification.
8. The proposed use of Parcel 2 as a public utility service installation is allowable within the Heavy Industrial (HI) zoning classification.

PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

17.72.060 - Zoning commission action.

- A. The zoning commission shall review and take action upon each application in accordance with the provisions of this chapter, and after a public hearing at which the application shall

be presented to the zoning commission by the planning director together with his findings and conclusions on the matter. A report of the commission's recommendation and the planning director's findings and conclusions shall be submitted to the city council.

- B. The zoning commission shall make a recommendation to the city council to:
 - 1. Deny the application for amendment to the official map;
 - 2. Grant action on the application for a period not to exceed thirty days;
 - 3. Delay action on the application for a period not to exceed thirty days;
 - 4. Give reasons for the recommendation.
- C. The zoning commission shall adopt such rules and regulations for the conduct of public hearings and meetings, which shall be published and available to the public, as well as conflict of interest rules, to ensure that no member is entitled to vote on a matter in which he has an interest directly or indirectly.

RECOMMENDATIONS

The Planning Director recommends that the Planning Board and Zoning Commission approve the zone change request and grant action on the application not to exceed thirty days for:

- Parcel 2, COS 1677, S15, T02S, R24E
- Parcel 1, COS 1239, S15, T02S, R24E

The Zone Change approval specifically notes that:

- 1. The parcels in question shall be fully included within the Laurel Zoning Jurisdiction.
- 2. The parcels in question shall have their zoning classification changed to fully be within the Heavy Industrial (HI) zoning district.
- 3. The parcels in question shall have no use on them which are not deemed allowable within the Heavy Industrial (HI) zoning district.
- 4. Any future change of zoning for said parcels shall follow the same process as this approval.

ATTACHMENTS

- 1. Zone Change Request Letter and Justification
- 2. Zone Change Application Form
- 3. Aerial Parcel Maps for effected properties
- 4. Aerial Parcel Map with concept drawing of proposed use
- 5. Site Concept Plan for proposed use
- 6. Declaration of Covenants and Conditions
- 7. LMC 17.20 – Commercial-Industrial Use Regulations
- 8. LMC 17.72 – Amendments

*Coral Blades 1809 De Witt's Lane
Mayor & Council members*

I have questions for each of you to reflect on, and I will pause, offering you time for some quiet soul searching.

1. Are you willing to sacrifice a vibrant community on the south side of the Yellowstone, our quality of life, our property values simply to fatten your budget?
2. Are you willing to cluster a second heavy industrial polluter next to the refinery, that will increase the poor quality of air already documented in Laurel just to increase your budget?
3. Are you willing to put a significant polluter between two established historical sites, the WWII Prisoner of War Camp in Riverside Park and the Nez Perce National Historic trail?
4. Are you ready and willing to put the Yellowstone River and it's natural resources at risk in order to expand your budget?
5. Do you really believe, if a methane gas plant is necessary, that the only possible place in Montana to build it is on the Yellowstone River, or do you simply want to feed your budget?
6. Do you think it is possible that NWE is attempting to manipulate you to do their bidding?

Please do not pave the way for this proposed gas plant. You have tremendous power to do harm or to do good.

Steve Krum
249 24th Avenue West
Laurel, Montana 59044

Dear Mayor and Council Members;

First I would like to Wish You All a Happy Thanksgiving and a Merry Christmas and Happy New Year!

I am Opposed to passing of Resolution No. R21-109 for the many LMC codes I have spoken on in previous meeting and as I continue to read more documents, City of Laurel Growth Management Plan and the NWE application to PSC, I would like to continue to add to these as I keep finding more and more issues as to why this resolution should not pass period, or at be least put back into committee or to the Laurel City/County Planning board for an in depth review of all the information that has been brought before this council and the city/county planning board would indicate.

First, I would like to speak about the "City of Laurel Growth Management Plan". This is a document put together with input from all Laurel city departments and the city/county planning board. The Growth Plan is required to be followed by MCA, Montana Code Annotated, Montana Law, 76-2-203 and 76-2-304, Item #1 on both polices states "Zoning Regulations MUST be: (a) made in accordance with growth policy" and "(b) (ii)promote public health, public safety and the general welfare)".

The new City of Laurel Public Growth Management Plan pass passed in January of this year by the City Council, R21-01, passed 7-0 Jan 12, 2021. When you read this document and review the Existing Land Use map and the Proposed Land Use Map that was just pass you will hear about the details of proposed growth and where and where not to expand based on future growth plans. The Existing Map and the Proposed Map actually show a shrinking of industrial land North of the River rather then expanding the industrial use. Protecting the Yellowstone Eco-System and Southern Neighbors is a very important part of the City of Laurel Growth Management Plan and the LMC, Laurel Municipal Code. NONE of this was brought up in the September 15th Laurel City/County planning board meeting as all zone regulations MUST be made in accordance with the City of Laurel Growth Management Plan, no discussion , no consideration, it is Montana Law. I have copies of both maps and copies of both MCA codes attached to this letter.

A good example of why to follow the growth plan, is in a letter and photos submitted to the council by Travis Lance for this meeting. It is said "a picture is worth a 1000 words" so true, so I have made copies of the pictures Travis sent in to ensure you all can see them, and would like to compare these to what is being proposed by the installation of the Power Plant on the North Banks of the Yellowstone River. As has been documented previously, the water table in the neighborhood south of the river is very shallow at 15-20 feet, water is in 12-15 inch gravel layer on top of solid rock, the ground above it is very porous and water flows down through it to rock very quickly, which means contaminants could flow through it very easily. Look at the pictures Travis submitted of the business district variance approved by the county. Numbers on back: Pic 1-Tote with HazMat Label 1760 with and 8, means this is harmful to flesh and is very corrosive to metals, HazMat Label, dead tree and dead fish means this is "Environmentally Hazardous" kills vegetation and animals, **NO containment at all**, sitting on ground, in

the sun and if it leaks down into the soil and eventually into the water system. Pic 2,3,8,9,10-Garbage, Barrels both full and waste barrels, more Chemical Containers sitting above ground, no containment for any of the totes, barrels or buckets of materials, any leaks, into ground and water table. Pic 4-Crushed asphalt spread on the ground, fines soaking into and through the soil and eventually into the water table, again garbage all around. Didn't Colstrip foul the water table in their area from coal ash so they had to pipe water to generating plants from the Yellowstone? Pic 5,6&7- More asphalt and garbage on the ground, with pallets of something out in the weather. Pic-11, what an eye sore, not right for this neighborhood or any neighborhood. All this pollution you can easily be seen. This is a mistake that should be corrected by the city and county.

This mess is a great example of what can and I believe will happen if this power plant is built where proposed, but the power plant will be much more difficult to correct IF it is built. The building site, isn't this a flood plain, won't the vibrations disturb the soil under and around the plant disturbing is stability? Aren't there special rules that apply to flood plain zoning, were these considered, not at the CCPB meeting? The buildings and Generating Equipment will be sitting in the historical area of the Lewis and Clark trail and camp, the Chief Joseph/NezPierce Trail, nothing about the impact on the visual aspect of this location, not at the CCPB meeting The pollution will add to the greenhouse gases and SO2 which we are already out of compliance federally, not at the CCPB meeting. The VOC particulate matter will settle on the ground and be absorbed into the river water system, plant systems and eventually into the drinking water of the neighborhood across the river, not at the CCPB meeting. The Lighted plant at night, 99.9% change of the norm in this area and remember, not at the CCPB meeting. The NOISE, 24/7 365 days a year, never stops, misleading information given to the planning board by NW rep, the distance was shortened, the Sound was lessened and the direction of the sound was changed, definitely different than what was reported in the DEQ Report which even there it was reported as an estimate. Even in the DEQ report NW stated there would be a constant hum/drumming at Riverside Park, which is further from the plant than many in the neighborhood across the river. Definite impact on the Yellowstone Eco-system and the Neighborhood to the south.

Riverside Park, this Park is an important part of the City of Laurel Growth Management Plan. As stated in the Plan: "Historical Riverside Park has been a staple of the community for almost one hundred years. The Riverside Park Master Plan was developed in 2018 to provide a blueprint for improvements and the park's use. It will be essential to continue the ongoing improvement efforts and develop policies to attract visitors. Riverside Park should be maintained as a historical, recreational, and economic asset in the future. Goal 2: Promote Riverside Park as a vital historic, civic, and recreation resource for residents and visitors ∞ Adhere to the projects and strategies presented in the 2018 Riverside Park Master Plan ∞ Seek grant funding for structural and site improvements ∞ Develop historic markers for Riverside Park and its historic structures ∞ Study options for connecting Riverside Park to the city proper through infrastructure improvements, civic engagement, or other means ∞ Establish signage and marketing for the assets and resources of Riverside Park to area residents and visitors". Building a power plant in its proposed location will have a huge negative impact on Riverside Park because of the pollution it will create in the area, Air, Noise and Light. Again review the growth plan maps, this is not where the growth plan wants a plant to be built.

Growth Plan: Laurel is home to many parks of all shapes and sizes. The most important of these parks are Thompson Park and Riverside Park. Riverside Park is a historic park that has been used

by residents and travelers to the area since before the City of Laurel officially existed. This Plant will directly negatively impact this area.

Growth Plan: Growing the City of Laurel to the south is not a viable option because the CHS refinery makes up the bulk of the land between Interstate-90 and the Yellowstone River. The costs associated with the extension and construction of city services to those parcels adjacent to and south of the Yellowstone River would be prohibitive due to the distances needed to extend infrastructure and the fact that floodplain makes up much of the land adjacent to the Yellowstone River.

Growth Plan Page 59-Riverside Park has been a staple of the community for almost one hundred years. The Riverside Park Master Plan was developed in 2018 to provide a blueprint for improvements and the park's use. It will be essential to continue the ongoing improvement efforts detailed in that plan and develop policies to attract Yellowstone County and beyond. Riverside Park should be maintained as a historical, recreational, and economic asset in the future.

Growth Plan Page 60-Riverside Park is an essential historic asset for the city, the region, and Montana. Many private and public groups are active in this park's historic preservation, including the Yellowstone Historic Preservation Board that helps to support preservation and improvement efforts in Riverside Park.

Growth Plan Page 61-Goal 2: Promote Riverside Park as a vital historic, civic, and recreation resource for residents and visitors

- ⊗ Adhere to the projects and strategies presented in the 2018 Riverside Park Master Plan
- ⊗ Seek grant funding for structural and site improvements
- ⊗ Develop historic markers for Riverside Park and its historic structures
- ⊗ Study options for connecting Riverside Park to the city proper through infrastructure improvements, civic engagement, or other means
- ⊗ Establish signage and marketing for the assets and resources of Riverside Park to area residents and visitors

Growth Plan Page 63-Wildlife Habitat Rivers, Streams, and Lakes: It is important to recognize the Yellowstone River as a critical asset to Laurel. The Yellowstone River provides a stable water source for the city and recreational opportunities and riverine wildlife habitat. Maintaining the Yellowstone River as a resource is a complex job that includes managing the river ecosystem, monitoring historic water rights, and considering the local community's needs for economic and residential uses

Goal 2: Incorporate sustainable development patterns in the Laurel subdivision and land use codes

- ⊗ Review and update existing zoning and subdivision regulations to ensure environmental preservation and conservation are addressed
- ⊗ Review and update landscaping ordinances as needed to best suit Laurel's natural environment
- ⊗ Manage rivers, floodplains, wetlands, and other water resources for multiple uses, including flood and erosion protection, wildlife habitat, recreational use, open space, and water supply

Goal 3: Connect with local, regional, and state agencies and stakeholders to improve the natural environment in and around Laurel

- ⊗ Sponsor environmental cleanup and rehabilitation programs that include the City, school district, community organizations, and residents
- ⊗ Participate in regional watershed studies to achieve adequate long-term flood protection
- ⊗ Explore the possibility of creating a conservation corridor along the Yellowstone River

Growth Plan Zoning Regulations Zoning regulations are a common regulatory tool to control land use. One of the primary purposes of zoning regulations is to minimize land use incompatibility.

Zoning regulations are supplements to a zoning map that establishes zoning districts in the jurisdiction. The zoning map provides the means to separate incompatible land uses and zoning regulations mitigate potential land use incompatibilities at the boundaries separating different zoning districts.

Growth Plan Page 74: Impact Assessments: Definitions and Evaluation Factors Local government subdivision regulations are required to review proposed subdivisions in accordance with the following criteria provided in 76-3-608(3)(a): ϖ The effect on agriculture ϖ The effect on agricultural water user's facilities ϖ The effect on local services ϖ The effect on the natural environment ϖ The effect on wildlife and wildlife habitat ϖ The effect on public health and safety,

When reviewing the Q&A part of the Sept 15, 2021 almost none of this was addressed or even brought up. I reviewed previous meetings and minutes and nowhere did I find any discussions on these issues with anyone in the city/county planning board. Please vote NO on Resolution R21-109, it does not belong in this location. Thank You.

Montana Code Annotated 2021

TITLE 76. LAND RESOURCES AND USE
CHAPTER 2. PLANNING AND ZONING

Part 3. Municipal Zoning

Criteria And Guidelines For Zoning Regulations

76-2-304. Criteria and guidelines for zoning regulations. (1) Zoning regulations must be:

- (a) made in accordance with a growth policy; and
- (b) designed to:
 - (i) secure safety from fire and other dangers;
 - (ii) promote public health, public safety, and the general welfare; and
 - (iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
- (2) In the adoption of zoning regulations, the municipal governing body shall consider:
 - (a) reasonable provision of adequate light and air;
 - (b) the effect on motorized and nonmotorized transportation systems;
 - (c) promotion of compatible urban growth;
 - (d) the character of the district and its peculiar suitability for particular uses; and
 - (e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

History: En. Sec. 3, Ch. 136, L. 1929; re-en. Sec. 5305.3, R.C.M. 1935; R.C.M. 1947, 11-2703; amd. Sec. 17, Ch. 582, L. 1999; amd. Sec. 6, Ch. 87, L. 2003; amd. Sec. 11, Ch. 446, L. 2009.

Montana Code Annotated 2021

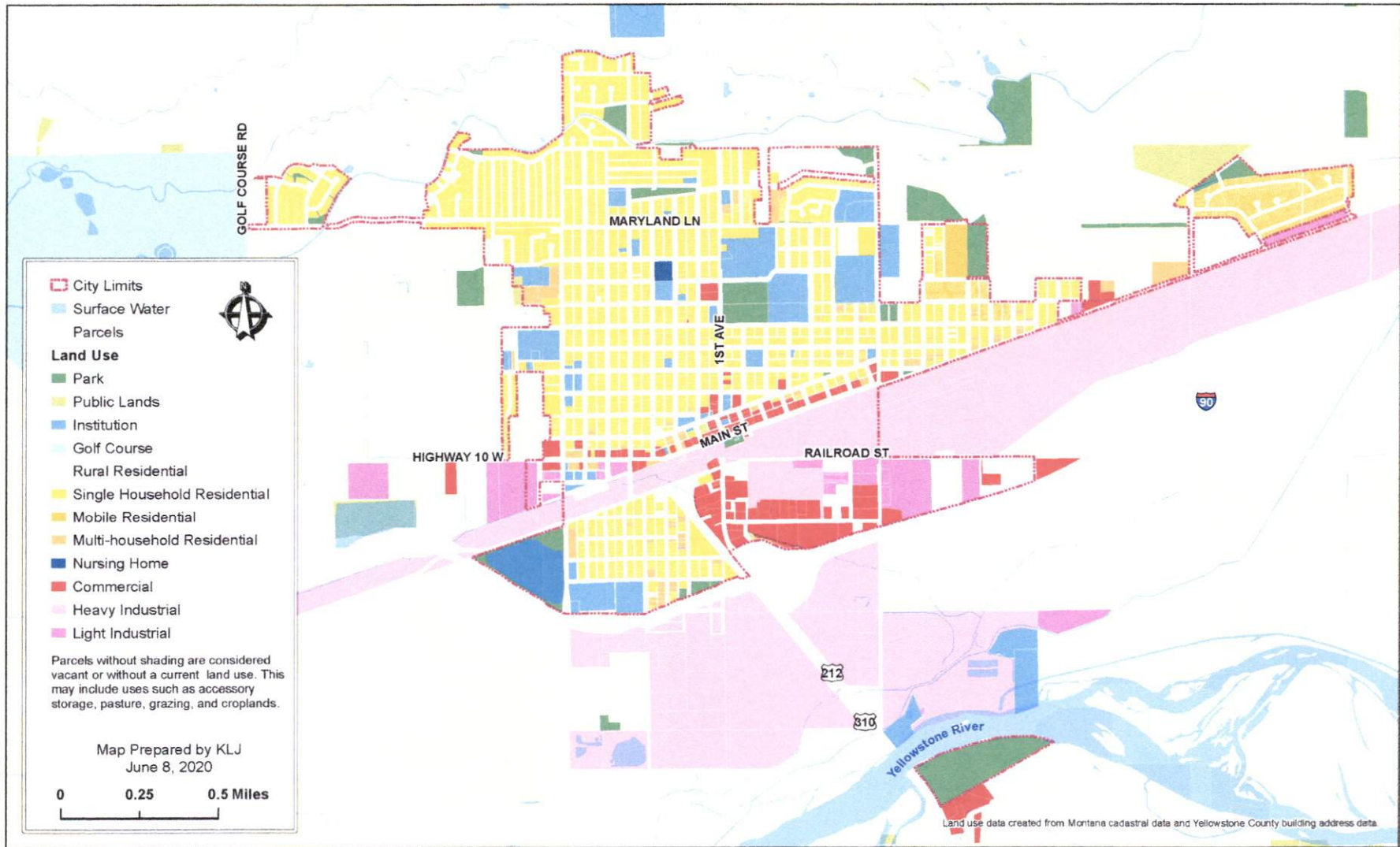
TITLE 76. LAND RESOURCES AND USE CHAPTER 2. PLANNING AND ZONING

Part 2. County Zoning

Criteria And Guidelines For Zoning Regulations

- 76-2-203. Criteria and guidelines for zoning regulations.** (1) Zoning regulations must be:
- (a) made in accordance with the growth policy; and
 - (b) designed to:
 - (i) secure safety from fire and other dangers;
 - (ii) promote public health, public safety, and general welfare; and
 - (iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
- (2) In the adoption of zoning regulations, the board of county commissioners shall consider:
- (a) reasonable provision of adequate light and air;
 - (b) the effect on motorized and nonmotorized transportation systems;
 - (c) compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities;
 - (d) the character of the district and its peculiar suitability for particular uses; and
 - (e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.
- (3) Zoning regulations must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities.
- (4) Zoning regulations may not include a requirement to:
- (a) pay a fee for the purpose of providing housing for specified income levels or at specified sale prices; or
 - (b) dedicate real property for the purpose of providing housing for specified income levels or at specified sale prices.
- (5) A dedication of real property as prohibited in subsection (4)(b) includes a payment or other contribution to a local housing authority or the reservation of real property for future development of housing for specified income levels or specified sale prices.

History: En. Sec. 4, Ch. 246, L. 1963; R.C.M. 1947, 16-4704; amd. Sec. 15, Ch. 582, L. 1999; amd. Sec. 3, Ch. 87, L. 2003; amd. Sec. 7, Ch. 446, L. 2009; amd. Sec. 4, Ch. 249, L. 2021.



EXISTING LAND USE

Laurel Area Existing Land Use Zoning, 2020



**AGENDA
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
WEDNESDAY, SEPTEMBER 15, 2021
5:35 PM
CITY COUNCIL CHAMBERS**

Public Input: *Citizens may address the committee regarding any item of business that is not on the agenda. The duration for an individual speaking under Public Input is limited to three minutes. While all comments are welcome, the committee will not take action on any item not on the agenda.*

1. Roll Call

The Chair called the meeting to order at 5:35pm.

Jon Klasna
Ron Benner
Gavin Williams
Evan Bruce
Roger Giese
Dan Koch
Judy Goldsby
Nick Altonaga (City of Laurel)

General Items

2. Approve Meeting Minutes: August 18, 2021

Minutes to be pushed to the October Meeting.

3. Public Hearing: NorthWestern Energy Zone Change

The Planning Director summarized the Zone Change request and presented his staff report and suggested conditions of approval.

The Chair called for Opponents.
The Chair called for Opponents.
The Chair called for Opponents.

The Chair called for Proponents.
The Chair called for Proponents.
The Chair Called for Proponents.

Roy Ishkanian, Manager of Lands and Permitting, NW Energy.
3524 Glenfinnan Rd, Billings, MT

We are going through this process. The ultimate approval will be at the MT Public Service Commission. We feel good about this project. The Gas Line is just about wrapped up for this site. Purchased the line from Phillips and rehabbed it to serve the station.

See this as important to keep the price of energy level, instead of having extreme variable prices like we've seen across the country.

Ron Benner: What will the noise level be?

Roy: The noise level will actually be low. The noise will be aimed towards the other industrial uses (CHS and Utility Plants) and not the river or other areas. At approximately 400ft it will be 63 decibels.

Question on staffing levels.

- 15-20 full time.

Ron: accesses to the site?

- Roy: Lindy Lane, Strow Rd, and Sewer Plant Rd. Utilize Lindy as the current primary access for the station that is there right now.

Power generation, supply, and location are all important for this facility.

Judy: Where does Lindy Lane come out to?

- Roy: It comes up to the Frontage Rd.

Nick: Any consideration of annexation?

- Roy: Still being discussed by Project Mangers, but you will be the first call.

Roger: Timeline of development?

- Roy: Expect a 3 year timeline, to be done in 2025.

Ron: One concern seeing this was the access to the site through Sewer Plant Rd. and what the costs might be to improve the roadway?

- Roy: Not planned to improve the roadway at this time. Primary access will be through Lindy Lane.

Judy: If someone were to stand on Sewer Plant road looking towards the site, what would we see?

- Main hall building, stacks, Small administrative building (low rise single story like city hall), as well as parking area.

Ron: Height of the smokestacks?

- Roy: I don't actually know the answer but can get back to Nick with that answer.
- (Roy provided the information via email on 9/16/2021 – smokestacks will be 77ft tall).

Gavin Motioned to approve the zone change application for Parcel 1, COS 139 and Parcel 2, COS 1677 with the stated staff conditions

Evan Seconded.

Motion Carried.

4. Public Hearing: 810 W. 7th Street Annexation and Zone Change

Nick presented the findings contained in the Staff report including the stated conditions of approval.

The Chair called for Opponents.

The Chair called for Opponents.
The Chair called for Opponents.

The Chair called for Proponents.

Scott Slothower, 314 1st St. Park City, MT: Nick laid out the situation pretty well. The leech field is extremely small, with the house set back. Not sure how it was initially approved. Worked with Cotter's Sewer to fix it but it was found that the roots from the surrounding trees were choking the leech field making it unusable.

The Chair called for Proponents.
The Chair called for Proponents.

Ron: clarification on addresses?

- We were preparing to sell it last year when the issues with the septic system were found. We ran out of funds last year to continue the process last year. And we are in a better position this year to finalize it.
- The building will go to the Slothowers.

Ron: On the receipt from Cotter's, what if the cost exceeds the \$\$ amount? Will the city have to make up the difference?

- Scott: the not to exceed amount is the Cotter's sewer guarantee that it will NOT exceed that amount.
- From my experience in Steel business, we sometimes give not to exceed amounts as contractors. IF it exceeds that amount, the contractor will eat the amount, That is the assumed intent. This is a BID not to exceed that stated amount.

Ron: Hate to bash the city but the maps are not accurate. The maps on some projects have been COMPLETELY WRONG.

- Scott: Cotter's has located at least part of the water main system.

Members discussed the implications or reasoning behind Not asking adjacent properties to the west to annex as well?

- Nick provided info on his decision not to reach out to adjacent property owners: the adjacent right of way is not punched through fully, it would not be sensible to do a large scale annexation of those houses at this time.

The Chair closed the public hearing.

Ron Motioned to approve the annexation and zoning request for 810 W 7th Street with the conditions stated in the staff report.

Evan Seconded.

Motion Carried.

New Business

5. Sign Review: On the Run (Conomart)

Nick presented the Façade and signage changes for the Conoco, (Now, On The Run).

Gain Motioned to approve the proposed changes to the signage and façade of the On The Run building.
Evan Seconded.
Motion Carried.

Old Business

Other Items

6. Project Update
 - Cherry Hills 3rd Filing Approved last night
 - Bitterroot Grove Approved. Will be brought to council and Planning Board again
 - Golf Course Annexation
 - Lucky Louie's Relocation
 - Regal Community Park? – Fencing along the property? Enforcement concerns.
 - Soda Station site concerns
 - Zoning and Nuisance Code violations.
 - Nuisance properties within the city limits.

Announcements

7. Adjourn

Meeting Adjourned at 6:54pm.

8. Next Meeting: October 20, 2021

The City makes reasonable accommodations for any known disability that may interfere with a person's ability to participate in this meeting. Persons needing accommodation must notify the City Clerk's Office to make needed arrangements. To make your request known, please call 406-628-7431, Ext. 2, or write to City Clerk, PO Box 10, Laurel, MT 59044, or present your request at City Hall, 115 West First Street, Laurel, Montana.

DATES TO REMEMBER

<https://apnews.com/96e33656808adf3cdc42acc942dc0f9c>

EDITOR'S PICK

Dems confident on methane fee as budget bill moves to Senate

By MATTHEW DALY Associated Press

Nov 22, 2021



A flare to burn methane from oil production is seen on a well pad near Watford City, North Dakota, Aug. 26. A huge social and environmental policy bill passed by House Democrats includes a plan to impose a fee on emissions of methane, a powerful pollutant that leaks from oil and gas wells and contributes to global warming.

Matthew Brown, Associated Press

By MATTHEW DALY Associated Press

WASHINGTON — A Democratic plan to impose a fee on **methane emissions** from oil and gas wells has cleared a key hurdle, but it faces strong opposition from the oil and gas industry and criticism by centrist **Sen. Joe Manchin**.

The proposed fee on methane — a powerful pollutant that contributes to **global warming** — was included in a huge social and environmental policy bill passed by House Democrats last Friday.

As the bill moves to the Senate, attention again will focus on Manchin, a West Virginia moderate who has already forced fellow Democrats to abandon one of their biggest climate proposals: a clean-electricity program that would boost wind and solar power while phasing out coal- and gas-fired power plants.

Manchin, whose state is a leading producer of coal and natural gas, has said he worries a methane tax could be used to drive energy companies out of business. He said before the House vote that he wants to make sure the fee is structured to incentivize innovation and not just “punish” energy companies “for the sake of punishing” them.

A spokeswoman for Manchin declined to comment after the House vote, but Democrats in the House and Senate said they are confident the fee will remain in the Senate bill, despite a 50-50 split in the chamber that gives every Democrat veto power. Republicans unanimously oppose the bill.

Language approved by the House represents a compromise that would slap a rising fee on excess emissions at oil and gas facilities, reaching \$1,500 per ton in 2025, along with \$775 million in subsidies for companies that take steps to reduce emissions.

Rep. Frank Pallone, D-N.J., who chairs the House Energy and Commerce Committee, said he and other Democrats have been working with senators on the methane fee, including Manchin, who chairs the Senate Energy and Natural Resources Committee.

“We have this very important provision with regard to methane emissions that was worked on with the senators and was also worked on with House members over the last few weeks,” Pallone said at a news conference Friday. “So I believe this is pretty much it. I mean, there may be some additional changes, but ... in terms of paying for it and in terms of the actual substantive authorizing language, I think we’re pretty solid at this point.”

While the Senate may make minor revisions over the next few weeks, "nothing major, in my opinion," will be changed or taken out, Pallone said.

Delaware Sen. Tom Carper, a Democrat who chairs the Senate Environment and Public Works Committee, also is optimistic that the methane fee — formally known as the Methane Emissions Reduction Program — will be included in the final bill.

"Instead of punishing industry, our program incentivizes good behavior, phases in over time, and ramps up (fees) over time as well," Carper said in a statement. "It's good for the planet and good for job creation — a win-win in my book."

The proposed methane tax comes as President Joe Biden launches a wide-ranging plan to reduce methane emissions, which pack a stronger short-term punch on climate than even carbon dioxide.

Biden pledged at a **U.N. climate summit** in Glasgow, Scotland, earlier this month to work with the European Union and dozens of other nations to reduce global methane emissions by 30% by 2030.

The centerpiece of U.S. actions is a long-awaited rule by the Environmental Protection Agency to tighten methane regulations for the oil and gas sector. The proposed rule would for the first time target reductions from existing oil and gas wells nationwide, rather than focus only on new wells as previous regulations have done.

The new U.S. rule, along with the global pledge, should "make a huge difference," not only in fighting climate change, but in improving health and reducing asthma and other respiratory problems, Biden said in Glasgow.

Once finalized, the proposed requirements should reduce methane emissions from U.S. drilling operations and equipment by approximately 75% by 2030, compared with 2005 levels, the White House said.

The oil and natural gas industry, the nation's largest industrial source of methane emissions, supports methane regulation but opposes the congressional fee as an unnecessary tax that could drive up energy costs and result in the loss of thousands of jobs.

"This is a tax on American natural gas that makes us less competitive," said Frank Macchiarola, senior vice president of the American Petroleum Institute, the industry's top lobbying group.

"At a time of rising energy costs, it's a flawed policy to raise costs on energy producers," he said, adding that he is hopeful the Senate will eliminate the proposal. Independent analysts say the methane fee would likely cost producers at least \$1 billion a year once it is fully implemented.

Environmental groups call methane reduction the fastest and most cost-effective action to slow the rate of global warming. Current rules for methane emissions from U.S. oil and gas wells only apply to sources that were built or modified after 2015, leaving more than 90% of the nation's nearly 900,000 well sites unregulated. Many of those sites are smaller, low-producing wells.

A group of Texas Democrats in the House initially opposed the methane fee, but ended up supporting the compromise. Only one Democrat, Maine Rep. Jared Golden, opposed the House legislation.

"No bill is perfect," said Rep. Henry Cuellar, D-Texas, who voted for the measure despite misgivings over methane. The House bill would improve access to affordable child care and pre-kindergarten, boost Medicaid coverage and provide billions of dollars to combat the climate crisis, he said.

Even so, Cuellar said he would continue lobbying the Senate to strip the methane fee from the legislation.

Mayor and members of the Laurel City Council:

As a resident of your neighboring town, I appreciate the opportunity to speak with you. You are faced with a decision that will directly impact not only Laurel citizens but also everyone who is downwind and down river from you. I am your immediate neighbor to the east, and I am here tonight to plead with you not to pave the way for building the gas plant and the pipeline under the Yellowstone River. This river is a lifeline for me and for all of us in eastern Montana. The thought of another leaking pipe that could contaminate my drinking water is intolerable for me. As far as health issues, I live with asthma, which creates daily challenges for me. To entertain the thought of water problems on top of air problems is more than I can handle. Air and water are our most essential needs, so when I heard of this potential threat, I simply had to come speak with you. Though I am sure we would all prefer to be home preparing for Thanksgiving, I am here to plead with you to stop the zoning change before this plan takes root.

Adding insult to injury, the financial burdens of this proposed new business venture ultimately fall onto our shoulders. Yes, in addition to the increased health problems, I would also find myself actually paying higher energy bills out of my pocket. I do not want to be a helpless victim of a project that costs me in multiple ways, leaving me with poorer air, undrinkable water, and a poorer pocketbook as a member of the paying public. Yes, we are the ratepayers, and we have no control over the costs that are yet to be determined. This is a bad deal, for you, for me, and for all of us in eastern Montana. Thank you for your careful consideration.

Joan Marrin Smith, Billings, Montana

My name is Terry Krum, I live at 1311 East Railroad Street. I do not claim any expertise on any of the following but only my personal observations and experiences, and would ask for your consideration on these following comments.

I would hope you have already asked yourself many of these questions with respect to the possibility or probability that the effects of this vote are long lasting, life changing for some. Future problems could be very contentious and expensive to fix if the end result is not what we expected or understood. I believe that the faster this proceeds forward, with limited consideration by more local residents of the short and long term effects to all involved, control of outcomes will be in the hands of others, possibly legal council, and not the Laurel City Council or the people that live here.

Over time the reduction of some pollution, federally driven I believe, in the local airshed seemed to be a step in the right direction. But things change and there are new and different chemicals in our local environment and when reading the DEQ reports regarding this proposed gas plant, and comments about how emissions may combine with other toxins. The DEQ report seems to treat the 500 to 700 tons of new emissions as safe for us to live with for the next 30 years with no health effects. How many people want to breathe in the fine particulates in their home or yard, or in the children's bedroom. What about people with breathing problems or illnesses? Where are the 120 semi loads a year of Ammonia going to wind up, after they go out the stacks? Your lungs, your house, your soil, your kids, and possibly in the Yellowstone River. What about downstream, knowing that there

are chemicals and natural minerals already in the water. Will there be any of the combining or reactions to the other toxins and chemicals the DEQ referred to as already being in our area. Reading and understanding reports like the DEQ issued for the proposed gas plant is difficult at best for the layman, so I don't envy the job the City/County Zoning Board and the Laurel City Council has going over this particular report. I myself, after going through it many times, have questions. One Big Item-the Periods of Transitions of which there can be up to 66,000 of various types, per rolling calendar year, and times may vary from 5 to 30 minutes. The DEQ report states BACT and SCR will be effective at these times. The Union of Concerned Scientists, a nonprofit group founded 50 years ago by MIT scientists and students, stated in their article that during these periods of transition, the emissions can be 3 to 7 times greater than when the engine is running normally. Also findings in study by California Energy Commission researching a new gas plant showed that the 1 hour background of No₂ would nearly Double. How much more emissions are we going to receive during these periods above the already projected tons of emissions? Our people will be affected by these emissions, varying because of the wind, or the lack thereof, weather permitting air ventilation, or changes in barometric pressure. Residents won't have any control no matter how bad the smell, or taste, or how bad their discomfort. I, as well as my family, have experienced many of these types of situations, some over long periods, and you do feel helpless, distressed, and mad.

Another Question - the way the level of sound that will be emitted from this proposed plant is being measured. Using the

A-Weighted decibel scale ONLY may not show all the actual effects that sound has on residents. The C-Weighted decibel scale may expose sound energy we may not hear, but may feel. Do continuous Low level frequencies have long term health effects? I have had occasions to work near large diesel engines with low frequency sound, and two or three of these engines running powered up can shake you to the core, and can vibrate the ground and items around you. For this reason I have questions about the sound levels, considering the amount of air volume movement with 18- 13,000 horsepower engines running at high rpms simultaneously. Air movement at the Intakes and Exhausts of these engines, generators, compressor, and heaters will be tremendous. Also I have read that there may be health effects from continuous long term exposure of sound, even at lower decibel levels. There is a question that continuous long term exposures may be even more detrimental to children. I would ask everyone to turn on an engine or motor of some sort, one not all that noisy and let it run near your house for a week, let alone for 30 years, and see how you would like it. Remember sitting outside in your backyard on a quiet summer evening, listening to an owl or cricket while looking at the stars with family. Now go turn on a vacuum motor setting it off in the far corner of the yard for the rest of evening, not quite as pleasant, is it. And also hope the evening breeze doesn't bring a surprise visitor.

The process of reporting a condition or event you had a problem with could possibly get you an explanation about things they can't do, because there is no ability to test a given situation, either because of lack of personnel or test equipment. If it is anything like it was for me, it will seem like you are accomplishing nothing,

answers seem to take weeks, months, and in our case years for the improvements. Now this proposal seems to me like taking a big step backwards in air quality.

I would point out, in my opinion, that there are locations on the route of the gas pipeline and electric transmission corridor that would not have such detrimental effects as on a populated area. As an example I bring up the Wind Farm near Bridger. I believe NWE should be looking long term on this expenditure, for the good of their customers, stockholders and neighbors. An area with room for growth, suitable for wind, solar, High/Low Water Storage Generation Facility, and yes maybe this gas plant as the first step. I believe Laurel was picked out of convenience, and that of little resistance, with the time factor being more important than the short and long term effects on the local and surrounding residents. This appears to be an attempted short term solution aimed at a long term problem, and I personally think this would be a very poor location to spend 250 to 300 million dollars. Will this be corporate expense, or costs added to customer bills after future costs increase ie. I'm thinking of the local headlines today. How would the PSC look at this situation? Please NWE, in my opinion, and maybe many others, Laurel is Not the Right place Nor is it the Best place. To our Laurel Leaders, your decision should be about the quality of Life of our local residents, short and long term effects, socially, economically, and most importantly healthwise. You do have the authority and right to Want or Not Want a power generation plant this close to where we live, and your action on this piece of land next to the Yellowstone River and bordered on the north and east by agriculture land will probably

have a lasting affect. For this reason I ask the Laurel City Council to vote no on the Zone change (R21-109) . Thank you for your time, work, and consideration.



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INSTRUCTIONS TO ZONING COMMISSION

Background:

The power and processes for the City to establish zoning regulations are found in §76-2-301 et. seq. M.C.A. and the Laurel Municipal Code.

In the State of Montana, all jurisdictions proposing to zone or rezone property or to adopt or revise their zoning regulations must consider the rational nexus/legal basis for the adoption of or amendments to a zoning district or zoning regulations as enumerated in 76-2-304 M.C.A.

Specific Tasking:

The Governing Body of the City of Laurel, Directs the Planning Board and Zoning Commission to consider the following review criteria as they relate to the requested Zoning Change submitted by North Western Energy.

NOTE:

Merely restating the question as your conclusion/answer unsupported by findings to the City Council is unacceptable and may result in the matter being returned for further consideration by the Planning Board and Zoning Commission.

I. Is the zoning in accordance with the growth policy?

Findings:

-
-
-

Conclusion:

II. Is the zoning designed to secure safety from fire and other dangers?

Findings:

-
-
-

Conclusion:

III. Is the zoning designed to promote public health, public safety, and the general welfare?

Findings:

-
-
- .

Conclusion:

IV. Is the zoning designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?

Findings:

-
-
- .

Conclusion:

V. Does the zoning consider the reasonable provision of light and air?

Findings:

-
-
- .

Conclusion:

VI. Does the zoning consider the effect on motorized and non-motorized transportation systems?

Findings:

-
-
- .

Conclusion:

VII. Is the zoning designed to promote compatible urban growth?

Findings:

-
-
- .

Conclusion:

VIII. Does the zoning give reasonable consideration to the character of the district and its peculiar suitability for particular uses?

Findings:

-
-
- .

Conclusion:

IX. Does the zoning give reasonable consideration to the peculiar suitability of the property for its particular uses?

Findings:

-
-
- .

Conclusion:

X. Will the zoning conserve the value of buildings?

Findings:

-
-
- .

Conclusion:

XI. Will the zoning encourage the most appropriate use of land throughout the jurisdiction?

Findings:

-
-
- .

Conclusion: