

**MINUTES
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, JULY 16, 2024**

A Council Workshop was held in Council Chambers and called to order by Mayor Dave Waggoner at 6:31 p.m. on July 16, 2024.

COUNCIL MEMBERS PRESENT:

<input checked="" type="checkbox"/> Tom Canape	<input checked="" type="checkbox"/> Heidi Sparks
<input checked="" type="checkbox"/> Michelle Mize	<input checked="" type="checkbox"/> Jessica Banks
<input checked="" type="checkbox"/> Casey Wheeler	<input checked="" type="checkbox"/> Irv Wilke
<input checked="" type="checkbox"/> Richard Klose	<input checked="" type="checkbox"/> Jodi Mackay

OTHERS PRESENT:

Brittney Harakal, Council Administrative Assistant
Kurt Markegard, Planning Director
Kelly Strecker, Clerk/Treasurer
Matt Wheeler, Public Works Director
Nancy Schmidt, Library Director

Public Input:

There were none.

General Items

1. Library Board Appointment

The Library Director introduced Ms. Farmer to the Council.

Ms. Farmer stated she looks forward to getting involved with her community.

Executive Review

2. Resolution - A Resolution Of The City Council Authorizing The Mayor To Execute An Independent Contractor Service Contract With Ace Electric, Inc.

The Public Works Director stated this is for the repair of a crosswalk that was run over in a recent car accident. The gentleman's insurance covered the repairs.

3. Resolution - A Resolution Of The City Council Authorizing The Mayor To Execute The Retail Sales Agreement With AVI Systems

The Clerk/Treasurer stated that this agreement is to install microphones and For The Record for Court.

It was questioned if this project was budgeted. It was clarified that it is included in this year's General Fund budget.

It was questioned if this system would work if the City moved to a Municipal Court. It was clarified that it will work if the City moves to a Municipal Court.

It was questioned if this software would give a written transcript. The Clerk/Treasurer was unsure of all the features included in the For The Record software.

4. Resolution - Intent to Vacate

The Planning Director stated that part of S. Montana Avenue had been vacated in 1976. The landowner has done a reciprocal easement agreement for the lot that would not have access to the public right of way. There are public utilities under the right of way so nothing can be built on it.

It was questioned if Albertson's was aware of this vacation request. It was further questioned if this would shut off access for them to receive their deliveries. It was clarified that this is a resolution of intent that notifies people of the intent and sets a public hearing.

It was questioned what the benefit is of not having this public right of way anymore. It was clarified that public right of way is to allow public access to all lots. The two property owners in the area are Fox Lumber and McDonald Land Holdings. All lots already have public access, and this road is not needed.

It was questioned if this street would be a through street again. It was clarified that the only way to get it back would be eminent domain.

It was questioned if this would be barricaded or if people would still be allowed to go through to the Albertson's parking lot. It was clarified that Albertson's has not had legal access since the original vacation in 1976.

Representation for the landowner stated that they would like to market the property or build on that property. The best access is off of E. Railroad for those lots.

Council noted that E. Railroad is very difficult to get on and off of. It was clarified that the Planning Director had spoken with the land owner about needing an additional 10 feet of right of way to create a right-turn lane. However, that is not part of this vacation request. That would require work with the State as well.

5. Resolution - A Resolution Of The City Council Authorizing The Mayor To Execute An Independent Contractor Service Agreement For Pro Tem Judge Services.

This contract is for the Judge who steps in when Judge Kerr cannot.

6. Resolution - A Resolution Of The City Council Authorizing The Mayor To Sign A Contract With Dr. Jedediah Walker For The Medical Director Position For The Laurel Ambulance Service.

A medical director is required by law for the Emergency Medical Service to function. The medical director writes all the protocols for the department, and he takes on the liability associated with those protocols. A raise to his stipend was included in the mill levy.

Council Issues

7. Street Maintenance Cap Discussion

The Planning Director gave a brief overview of how Street Maintenance works. In 2018 the City doubled the cap from \$800 to \$1600. The City also doubled the cost per square foot from .02 to .04 cents. Historically the City would save for a few years to do a big project. Right now, the City collects approximately \$900k annually. These funds will help fund the W. Railroad project.

Right now Walmart pays \$1600 annually when they have a large traffic volume. The Planning Director spoke with Billings on how they evaluate for Street Maintenance, see attached handout.

Council noted that they would like to move forward with changing how Street Maintenance is assessed but may not be able to get it done this year. They noted that they would like to see the cap removed as a starting point. Council noted that if a removal of the cap is not feasible at this time, than an increase to the cap at least.

The Planning Director will get a better understanding of what Billings did and work on putting together something to come before the Council down the road.

Other Items

It was questioned if the sprinkler system could be put in now instead of in September. It was clarified that the project can move forward as that project is in this year's budget.

Attendance at Upcoming Council Meeting

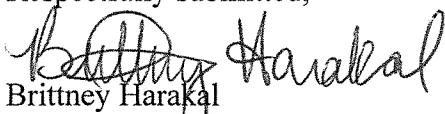
Council Member Klose stated he would be gone at next week's meeting.

Announcements

Emergency Services Committee will meet Monday at 6 p.m. in Council Chambers.

The council workshop adjourned at 7:54 p.m.

Respectfully submitted,


Brittney Harakal
Administrative Assistant

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

RESOLUTION NO. 1569

RESOLUTION GIVING NOTICE OF INTENTION TO VACATE
CERTAIN LANDS IN THE CITY OF LAUREL

WHEREAS, certain property owners have requested that lands in Hageman Subdivision on South Montana Avenue from a point 75 feet northerly of the center line of 2nd Street South to a point in alignment with the northerly margin of 4th Street South and 2nd and 3rd Streets South from 1st Avenue South to the easterly margin of South Montana Avenue, Laurel, Montana, be vacated, and

WHEREAS, said property owners will waive in writing all legal protest they may have to vacating, and,

WHEREAS, it has been determined by the City Council of the City of Laurel that it is in the best interests of the City and the inhabitants thereof that said land be vacated,

NOW THEREFORE, BE IT RESOLVED:

1. That the following lands be vacated:

Hageman Subdivision on South Montana Avenue from a point 75 feet northerly of the center line of 2nd Street South to a point in alignment with the northerly margin of 4th Street South and 2nd and 3rd Streets South from 1st Avenue South to the easterly margin of South Montana Avenue, Laurel, Montana,

2. That the Clerk cause to be published, according to law, a notice to the effect that a Resolution of Intention to Vacate has been duly and regularly passed, said notice to state that after the expiration of 20 days from the first publication the City Council shall pass a Resolution Vacating the above-described lands.

Dated this 5th day of October, 1976.

CITY OF LAUREL

A large, handwritten signature in black ink, appearing to be "L. R. Smith", is written over the printed text "CITY OF LAUREL".


OFFICIAL NOTICE

OFFICIAL NOTICE IS HEREBY GIVEN that the City Council of the City of Laurel, Montana, at its regular meeting, held on October 5, 1976, passed Resolution No. 1569 proposing to vacate lands in Hageman Subdivision on South Montana Avenue from a point 75 feet northerly of the center line of 2nd Street South to a point in alignment with the northerly margin of 4th Street South and 2nd and 3rd Streets South from 1st Avenue South to the easterly margin of South Montana Avenue, Laurel, Montana.

And you are further notified that the City Council of the City of Laurel, or the City Clerk, shall receive protests or objections, if any, in writing or in person up to and including the next regular Council meeting after the expiration of 20 days from the first publication of this notice, said date being the 2nd day of November, 1976.

BY ORDER OF THE CITY COUNCIL

October 5, 1976


Dorothy P. Bundy, City Clerk

C E R T I F I C A T E

Office of the City Clerk
City of Laurel, Montana

State of Montana)
County of Yellowstone) ss.
City of Laurel, Montana)

I, Dorothy P. Bundy, duly appointed and qualified Clerk of the City of Laurel, Yellowstone County, do hereby certify that the foregoing is the Original Resolution No. 1569, passed by the City Council of the City of Laurel, and approved by the Mayor on the 5th day of October, 1976.



Dorothy P. Bundy, City Clerk

(SEAL)



RESOLUTION No. 1573

RESOLUTION NO. 1573 BEING A RESOLUTION VACATING LANDS IN HAGEMAN SUBDIVISION ON SOUTH MONTANA AVENUE FROM A POINT 75 FEET NORTHERLY OF THE CENTER LINE OF 2ND STREET SOUTH TO A POINT IN ALIGNMENT WITH THE NORTHERLY MARGIN OF 4TH STREET SOUTH AND 2ND AND 3RD STREETS SOUTH FROM 1ST AVENUE SOUTH TO THE EASTERLY MARGIN OF SOUTH MONTANA AVENUE, LAUREL, MONTANA,

WHEREAS, it is to the best interests of the City of Laurel, and the inhabitants thereof, and of the inhabitants of the said platted area aforesaid, that the aforesaid described property be vacated; and

WHEREAS, there was duly and regularly passed and adopted by the City Council and approved by the Mayor on the 5th day of October, 1976, a Resolution No. 1569 entitled:

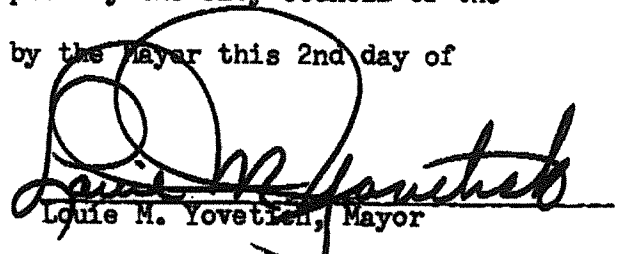
NOTICE OF INTENT TO VACATE, THE SAME BEING A PROPOSAL TO VAGATE LAND IN HAGEMAN SUBDIVISION ON SOUTH MONTANA AVENUE FROM A POINT 75 FEET NORTHERLY OF THE CENTER LINE OF 2ND STREET SOUTH TO A POINT IN ALIGNMENT WITH THE NORTHERLY MARGIN OF 4TH STREET SOUTH AND 2ND AND 3RD STREETS SOUTH FROM 1ST AVENUE SOUTH TO THE EASTERLY MARGIN OF SOUTH MONTANA AVENUE, LAUREL, MONTANA,

WHEREAS, the City Clerk did give and publish notice as provided by law, and WHEREAS, insufficient objections were filed to the vacating of such land, within the time provided by the notice and by law,

NOW, THEREFORE, BE IT RESOLVED that the lands are and the same are hereby vacated, to take effect immediately upon passage of this resolution.

Duly and regularly passed and adopted by the City Council of the City of Laurel, Montana, and approved by the Mayor this 2nd day of November, 1976.

ATTEST:


Louis M. Yovetich, Mayor

C E R T I F I C A T E

Office of the City Clerk
Laurel, Montana

State of Montana)
County of Yellowstone) ss.
City of Laurel, Montana)

I, Dorothy P. Bundy, duly appointed and qualified Clerk of the City of Laurel, Yellowstone County, do hereby certify that the foregoing is the Original Resolution No. 11573, passed by the City Council of the City of Laurel, and approved by the Mayor on the 2nd day of November, 1976.

Dorothy P. Bundy

Dorothy P. Bundy, City Clerk

(SEAL)

Montana Code Annotated 2023

TITLE 7. LOCAL GOVERNMENT

CHAPTER 12. IMPROVEMENT DISTRICTS

Part 44. Special Provisions for Street Maintenance Districts

Assessment Of Costs

7-12-4422. Assessment of costs. (1) For the purposes of this section, "assessable area" means the portion of a lot or parcel of land that is benefited by the maintenance district. The assessable area may be less than but may not exceed the actual area of the lot or parcel.

(2) The city council shall assess the percentage of the cost of maintenance established in **7-12-4425** against the entire district as follows:

(a) each lot or parcel of land within the district may be assessed for that part of the cost that its assessable area bears to the assessable area of the entire district, exclusive of streets, avenues, alleys, and public places;

(b) each lot or parcel of land within the district abutting upon a street upon which maintenance is done may be assessed for that part of the cost that its street frontage bears to the street frontage of the entire district;

(c) if the city council determines that the benefits derived from the maintenance by each lot or parcel are substantially equivalent, the cost may be assessed equally to each lot or parcel located within the district without regard to the assessable area of the lot or parcel;

(d) each lot or parcel of land, including the improvements on the lot or parcel, may be assessed for that part of the cost of the district that its taxable valuation bears to the total taxable valuation of the property of the district;

(e) each lot or parcel of land within the district may be assessed for that part of the cost that the reasonably estimated vehicle trips generated for a lot or parcel of its size in its zoning classification bear to the reasonably estimated vehicle trips generated for all lots in the district based on their size and zoning classification;

(f) any other assessment method provided in **7-11-1024** may be used; or

(g) any combination of the assessment options provided in subsections (2)(a) through (2)(f) may be used for the district as a whole or for any lot or parcel within the district.

History: En. Sec. 28, p. 218, L. 1897; re-en. Sec. 3394, Rev. C. 1907; re-en. Sec. 5276, R.C.M. 1921; amd. Sec. 2, Ch. 97, L. 1927; re-en. Sec. 5276, R.C.M. 1935; R.C.M. 1947, 11-2267(2); amd. Sec. 2, Ch. 657, L. 1985; amd. Sec. 1, Ch. 178, L. 1987; amd. Sec. 1, Ch. 567, L. 2005; amd. Sec. 1, Ch. 139, L. 2019.

Montana Code Annotated 2023

TITLE 7. LOCAL GOVERNMENT

CHAPTER 11. GENERAL PROVISIONS RELATED TO SERVICES

Part 10. Special Districts -- Creation and Governance

Financing For Special District

7-11-1024. Financing for special district. (1) The governing body shall make assessments or impose fees for the costs and expenses of the special district based upon a budget proposed by the governing body or separate board administering the district pursuant to **7-11-1021**.

(2) For the purposes of this section, "assessable area" means the portion of a lot or parcel of land that is benefited by the special district. The assessable area may be less than but may not exceed the actual area of the lot or parcel.

(3) The governing body shall assess the percentage of the cost of the program or improvements:

(a) against the entire district as follows:

(i) each lot or parcel of land within the special district may be assessed for that part of the cost that its assessable area bears to the assessable area of the entire special district, exclusive of roads, streets, avenues, alleys, and public places;

(ii) if the governing body determines that the benefits derived from the program or improvements by each lot or parcel are substantially equivalent, the cost may be assessed equally to each lot or parcel located within the special district without regard to the assessable area of the lot or parcel;

(iii) each lot or parcel of land, including the improvements on the lot or parcel, may be assessed for that part of the cost of the special district that its taxable valuation bears to the total taxable valuation of the property of the district;

(iv) each lot or parcel of land may be assessed based on the lineal front footage of any part of the lot or parcel that is in the district and abuts the area to be improved or maintained;

(v) each lot or parcel of land within the district may be assessed for that part of the cost that the reasonably estimated vehicle trips generated for a lot or parcel of its size in its zoning classification bear to the reasonably estimated vehicle trips generated for all lots in the district based on their size and zoning classification;

(vi) each lot or parcel of land within the district may be assessed based on each family residential unit or one or more business units; or

(vii) any combination of the assessment options provided in subsections (3)(a)(i) through (3)(a)(vi) may be used for the special district as a whole; or

(b) based upon the character, kind, and quality of service for a residential or commercial unit, taking into consideration:

(i) the nature of the property or entity assessed;


(ii) a calculated basis for the program or service, including volume or weight;

- (iii) the cost, incentives, or penalties applicable to the program or service practices; or
- (iv) any combination of these factors.

(4) If property created as a condominium is subject to assessment, each unit within the condominium is considered a separate parcel of real property subject to separate assessment and the lien of the assessment. Each unit must be assessed for the unit's percentage of undivided interest in the common elements of the condominium. The percentage of the undivided ownership interest must be as set forth in the condominium declaration.

(5) A governing body may, by resolution, instruct the state or any applicable federal agency to designate a special district as the recipient of federal funds to be used for the costs and expenses of the special district.

History: En. Sec. 15, Ch. 286, L. 2009; amd. Sec. 14, Ch. 262, L. 2015; amd. Sec. 2, Ch. 133, L. 2021.

Created by LAWS 

RESOLUTION 23-11131

**A RESOLUTION LEVYING AND ASSESSING STREET
MAINTENANCE DISTRICT FEES FOR PROPERTIES WITHIN
STREET MAINTENANCE DISTRICTS IN THE CITY OF BILLINGS,
PROVIDING FOR NOTICE, HEARING AND ADOPTION.**

WHEREAS, the City, by Resolution, has defined the boundaries and established street maintenance districts as provided by State Law, and

WHEREAS, Billings Montana City Code and Title 7, Chapter 12, Part 44 of the Montana Code Annotated authorizes the City of Billings to adjust street maintenance district rates and charges to provide for the sufficient collection of revenues adequate for the payment of the reasonable expense of each said district.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

1. **METHOD OF ASSESSMENT.** The City hereby determines that each lot or parcel of land within both Street Maintenance Districts One (1) and Two (2) shall be assessed for that portion of the whole cost which each lot or parcel of land in the respective district bears to the total area of the respective district exclusive of streets, avenues, alleys, and public places.
2. **ASSESSMENT DISTRICT ONE (1).** Each lot or parcel within the boundaries of Street Maintenance District One (1), is hereby assessed \$.063962 per square foot of area for fiscal year 2024.
3. **ASSESSMENT DISTRICT TWO (2).** Each lot or parcel within the boundaries of Street Maintenance District Two (2), is hereby assessed the following for fiscal year 2024:

Property Type	Rate per square foot of area
Residential/Governmental	\$.020435
Commercial	\$.029354
Vacant	\$.018871

The maximum square footage charged for any tract, parcel or lot is as follows:

Property Type	Max Square Feet
Residential	1 Acre
Governmental	1,100,000 SF
Vacant Residential/Governmental	1 Acre
Vacant Commercial	115,000 SF

4. LOTS AND PARCELS ASSESSED. A list which describes each lot or parcel of land assessed within the respective district, with the name of the owner thereof, and the amount levied thereon set is available in the office of Public Works Fiscal Services Belknap location, 2251 Belknap Avenue, Billings, Montana.
5. EXEMPTION. Street Maintenance District assessments shall not be paid by the City General Fund, Public Safety Fund, Library Fund, MET Transit Fund or Airport Fund.
6. COLLECTION OF ASSESSMENTS. Said special assessments shall be placed upon the assessment rolls and collected in the same manner as other taxes.
7. NOTICE OF HEARING. On Monday, **June 26, 2023**, at 5:30 p.m., or as soon thereafter as the matter may be considered on the agenda in the Council Chambers of the City Hall, Billings, Montana, the City Council heard objections to the adoption of this resolution. The City Clerk published notice twice, at least five (5) days prior to the hearing, in the Yellowstone County News, as provided in Section 7-1-4127, MCA.
8. EFFECTIVE DATE. This resolution shall be effective upon adoption.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the 26th day of June, 2023.



CITY OF BILLINGS

BY: William A. Cole
William A. Cole, Mayor

ATTEST:

BY: Denise R. Bohlman
Denise R. Bohlman, City Clerk

City Council Regular

Date: 06/26/2023
Title: Public Hearing and Resolution Setting Annual Street Maintenance District Assessments for Fiscal Year 2024
Presented by: Jennifer Duray
Department: Public Works
Presentation: Yes
Legal Review: Yes
Project Number: N/A

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing and approve the proposed resolution setting annual street maintenance district assessments for FY24.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

Street Maintenance District (SMD) assessments are set annually by resolution. There are currently two SMDs in Billings. SMD 1 encompasses primarily the downtown area. SMD 2 is the entire City. Properties in SMD 1 are also in SMD 2. The existing rates for road funding are not adequate to provide for the operation and maintenance and capital investment necessary to continue providing service at the current level. The proposed increase is 3% for SMD 1 and 7% for SMD 2 which reflect inflationary levels for the services provided in each SMD. The attached resolution specifies the proposed rates for FY24.

ALTERNATIVES

City Council must hold a public hearing and then may:

- Approve the recommended resolution,
- Approve an amended resolution, or:
- Not approve the resolution. If Council does not approve a resolution, an amended resolution to establish street maintenance district assessments will need to be considered at a future City Council meeting to be in accordance with state statutes.

FISCAL EFFECTS

The proposed rates will increase an average 9,691 square foot residential lot in SMD2 by \$12.96 from \$185.08 per year to \$198.04 per year and will generate approximately \$1,009,000 of additional revenue in FY24. SMD 1 revenues will increase by \$10,000 or 3%.

Attachments

Resolution

COUNCIL ACTION	APP 8-3
<i>Tidwell, Runtan & Reese</i>	
Opposed	
JUN 26 2023	
RES 23-11131	
DB	
CITY CLERK	