

**MINUTES  
CITY OF LAUREL  
CITY COUNCIL WORKSHOP  
TUESDAY, APRIL 07, 2020**

A Council Workshop was held in the Council Chambers and called to order by Mayor Tom Nelson at 6:34 p.m. on April 7, 2020.

**COUNCIL MEMBERS PRESENT:**

<input checked="" type="checkbox"/> Emelie Eaton	<input checked="" type="checkbox"/> Heidi Sparks
<input checked="" type="checkbox"/> Bruce McGee via Zoom	<input checked="" type="checkbox"/> Richard Herr
<input type="checkbox"/> Scot Stokes	<input checked="" type="checkbox"/> Irv Wilke
<input checked="" type="checkbox"/> Richard Klose	<input type="checkbox"/> Don Nelson

**OTHERS PRESENT:**

Nick Altonaga, Planning Director via Zoom  
Kurt Markegard, Public Works Director via Zoom

**Public Input:**

There were none.

**General Items**

1. Resignation of Tony Krumheuer from the Police Commission.  
Mayor Nelson stated Mr. Krumheuer had submitted a letter of resignation from the Police Commission. The vacancy will be advertised so that position can be filled.

**Executive Review**

2. Resolution - A Resolution Of The City Council Vacating The Alley Located Between Lots 14-18 Of Block 4 Of Hageman Subdivision And Lots 1-5 Of Block 5 Of Hageman Subdivision 1st Filing Within The City Of Laurel. (P.H. 4.14.2020)

Nick Altonaga, Planning Director, stated there is a typo in this document its lots 1-5 on block 4, not 5, this typo will be fixed before next week's meeting. This will make a continuous set of parcels. There are no water or sewer lines in this alleyway.

It was questioned who will have deed to that property. It was clarified that the vacated alley property would go to the adjacent property owners. It will be split down the middle and joined to those parcels. A lot line adjustment will be made.

3. Resolution - A Resolution Approving A Task Order Between The City Of Laurel And The Department Of Justice Natural Resource Damage Program ("NRDP") For Construction Of A Campground At Riverside Park.

Kurt Markegard, Public Works Director, stated this is the final piece of the project and will allow compensation to the City. The City will be allowed to bid the campground project. There is \$286,000 in funding. KLJ is ready to go to bid on this project. The City

has the \$150,000 in match in the budget for this fiscal year. Hope to be out to bid later this spring and construct this summer.

It was questioned if the Council had approved these plans. It was clarified that the Council approves the task order and that Park Board approved the park portion.

### **Council Issues**

#### **4. Update on West Railroad**

Mayor Nelson stated that with the sale of the bond for the East Downtown Infrastructure Improvement project in the coming weeks, there is no update at this time. This item will be added to the next Workshop, and the Clerk/Treasurer will be prepared to present the gap on West Railroad.

It was questioned if the West Railroad project is still from 1<sup>st</sup> to 8<sup>th</sup>. It was clarified that is correct. It was further clarified that everyone at MDT is working from home. There are delays on calls.

#### **5. Update on Ambulance Safety Levy**

There have been no changes since the last Workshop this item was discussed. This is an item that the City will have to fire up quickly after the COVID 19 restrictions.

Mayor Nelson stated that he is on twice-daily phone calls with the County as part of the command structure. This has been very time-consuming. Those calls are moving to 2x daily on Monday, Wednesday, and Friday. He has acquired help to assist with items as needed. Subcommittees can use Zoom for urgent business.

#### **6. Discussion on Public Nuisance Ordinance**

Council Member Eaton handed out a sample of changes she would like made to the public nuisance ordinance, see attached. She stated she had received complaints from constituents regarding noise issues.

Nick Altonaga, Planning Director, stated the Code Enforcement Officer is currently working on these chapters of LMC. He will pass this information onto her for consideration.

Kurt Markegard, Public Works Director, stated there are times they get called out at night to fix a water line break. He asked there be a consideration for emergent construction included in this consideration.

The Planning Director stated there is no timeline for when these ordinances will be ready to come before Council.

It was questioned if the potential changes would include barking dogs. It was questioned if the noise or nuisance ordinance would pertain to this situation. It was unclear where barking dogs would fall. This question would need to be asked when those ordinances come forward in the coming months.

#### **Other Items**

Clerk's Institute and Elected Officials Workshop have been canceled. They are offering the handbook course again starting on Monday, April 13, 2020.

#### **Review of Draft Council Agendas**

7. Review Draft Council Agenda for April 14, 2020.

There were no changes.

Next week's City Council meeting will be 100% virtual via Zoom. All voting will be done via a roll-call vote. Each Council Member was given a pink sheet to signify when they would like to be called on to speak.

Budget/Finance Committee will meet at 5:00 p.m. via Zoom.

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

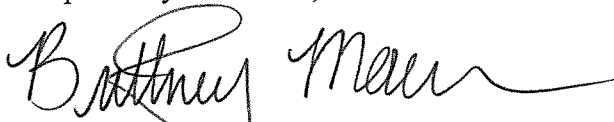
All present will be at next week's meeting.

#### **Announcements**

It was questioned how Meals on Wheels is doing. Council Member Klose clarified that there had been a few additions, but the program is continuing.

The council workshop adjourned at 7:21 p.m.

Respectfully submitted,



Brittney Moorman  
Administrative Assistant

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

Yet another constituent has brought to my attention Laurel's lack of a Noise Ordinance. I have broached this subject with previous Councils who have always referred it to the Safety Committee. The Safety Committee has always stopped any progress in creating a Noise Ordinance when discussion turned to addressing the impact on trains travelling through Laurel or the refinery. The only recourse residents have to stop excessive noise is to refer to the City's Disorderly Conduct Ordinance.

I have once again turned to Missoula's Noise Ordinance, which is four pages in and of itself. I have applied the following information from Missoula's Noise Ordinance to Laurel's Disorderly Conduct Ordinance.

#### Change 1.

Page 164 of LMC, Chapter 9.12 Section A, Paragraph 2 currently reads:

2. Making loud or unusual noises; or

I would like to change this to read:

2. Making loud or unusual noises, especially in those portions of the community zoned as "residential".

2.A. Residential zone means all those areas designated as essentially residential districts according to the city zoning laws.

2.B. Exceptions are acknowledged and allowed for backup generators, announcements and/or sounds coming from the Cenex Harvest States refinery south of Laurel, horns or other sounds coming from the Montana Rail Link rail yard and lines in and through the city of Laurel, and fireworks displays as otherwise allowed in other sections of these ordinances.

2.C. "Loud" shall be defined by the American National Standards Institute in their applicable standards and shall, if need be, be measured by decibels.

The following decibel limits shall be imposed for residential areas and shall refer to continued sounds of more than 20 minutes' duration:

Day (7:00 a.m. to 7:00 p.m.) 120 decibels

Evening (7:00 p.m. to 10:00 p.m.) 95 decibels

Night (10:00 p.m. to 7:00 a.m.) 75 decibels

#### Change 2.

Page 164 of LMC, Chapter 9.12 Section B currently reads:

A person convicted of the offense of disorderly conduct shall be fined not to exceed one hundred dollars or be imprisoned in the city jail for a term not to exceed ten days, or both. (Prior code 9.16.010)

I would like to change this to read:

A person convicted of the offense of disorderly conduct, in any of the above described manners, shall be fined not more than three hundred dollars, and each offense or violation of this chapter shall be deemed a separate and distinct offense with the fine for each separate offense to be three hundred dollars.

## Chapter 9.12

OFFENSES AGAINST PUBLIC  
PEACE

## Sections:

- 9.12.010 Disorderly conduct defined.
- 9.12.020 Riot defined.
- 9.12.030 Incitement to riot.
- 9.12.040 Rioting prohibited.
- 9.12.050 Failure of disorderly persons to disperse prohibited—Violation—Penalty.
- 9.12.060 Officials authorized to disperse crowd when.
- 9.12.070 Refusal to assist in dispersal prohibited.
- 9.12.080 Disturbing meetings prohibited.
- 9.12.090 Vagrancy defined.
- 9.12.100 Assault committed when—Defined.
- 9.12.110 Unlawful restraint when.

## 9.12.010 Disorderly conduct defined.

A. A person commits the offense of disorderly conduct if he knowingly disturbs the peace by:

1. Quarreling, challenging to fight or fighting; or
2. Making loud or unusual noises; or
3. Using threatening, profane or abusive language; or
4. Discharging firearms; or
5. Rendering vehicular or pedestrian traffic impassable; or
6. Rendering the free ingress or egress to public or private places impassable; or

7. Transmitting a false report or warning of a fire, impending explosion or other catastrophe in such a place that its occurrence would endanger human life; or

8. Creating a hazardous or physically offensive condition by an act that serves no legitimate purpose.

B. A person convicted of the offense of disorderly conduct shall be fined not more than one hundred dollars or be imprisoned in the city jail for a term not more than ten days, or both. (Prior code 9.16.010)

## 9.12.020 Riot defined.

A person commits the offense of riot if he purposely and knowingly disturbs the peace by engaging in an act of violence as part of an assemblage of five or more persons, which act or threat presents a clear and present danger of, or results in damage to property or injury to persons (Prior code § 9.16.030)

## 9.12.030 Incitement to riot.

A person commits the offense of incitement to riot if he purposely and knowingly commits an act or engages in conduct that urges other persons to riot. Such act or conduct shall not include the mere oral or written advocacy of ideas, or expression of belief, which advocacy or expressions do not urge the commission of an act of immediate violence. (Prior code § 9.16.030)

## 9.12.040 Rioting prohibited.

No person shall participate within the city, or within three miles of the city limits in any riot. (Prior code § 9.16.050)

# Noise Level Chart

A noise level chart showing examples of sounds with dB levels ranging from 0 to 180 decibels.

dB(A)	Example	Home & Yard Appliances	Workshop & Construction
0	healthy hearing threshold		
10	a pin dropping		
20	rustling leaves		
30	whisper		
40	babbling brook	computer	
50	light traffic	refrigerator	
60	conversational speech	air conditioner	
70	shower	dishwasher	
75	toilet flushing	vacuum cleaner	
80	alarm clock	garbage disposal	
85	passing diesel truck	snow blower	
90	squeeze toy	lawn mower	arc welder
95	inside subway car	food processor	belt sander
100	motorcycle (riding)		handheld drill
105	sporting event		table saw
110	rock band		jackhammer
115	emergency vehicle siren		riveter
120	thunderclap		oxygen torch
125	balloon popping		
130	peak stadium crowd noise		
135	air raid siren		
140	jet engine at takeoff		
145	firecracker		
150	fighter jet launch		
155	cap gun		
160	shotgun		
165	.357 magnum revolver		
170	safety airbag		
175	howitzer cannon		
180	rocket launch		
...			
194	sound waves become shock waves		

Most noise levels are given in dB(A), which are decibels adjusted to reflect the ear's response to different frequencies of sound. Sudden, brief impulse sounds, like many of those shown at 120 dB or greater, are often given in dB (no adjustment).

## Noise Chart

Specifics about the measurement of a particular sound source can be found in the [Noise Navigator® Sound Level Database, E-A-R 88-34/HP, by Elliott H Berger, Rick Neitzel, and Cynthia A Kladden, E•A•RCAL Laboratory, 3M Occupational Health & Environmental Safety Division](#), an extensive compilation of data on noise level measurements, including many of the values appearing on this chart.