

**MINUTES  
CITY OF LAUREL  
CITY COUNCIL WORKSHOP  
TUESDAY, JULY 06, 2021**

A Council Workshop was held in Council Chambers and called to order by Mayor Tom Nelson at 6:31 p.m. on July 06, 2021.

**COUNCIL MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Bethany Langve, Clerk/Treasurer  
Kurt Markegard, Public Works Director  
Nick Altonaga, Planning Director  
Brent Peters, Fire Chief  
Karen Courtney, Code Enforcement/Building Official  
Stan Langve, Police Chief  
Matt Smith, KLJ

**Public Input:**

Barbra Ann Sprague Emineth, 501 Alder Avenue, stated, I've been wondering what's supposed to happen when a Citizen's complaint is filed because two of them were filed six months ago on the property at 506 Birch regarding the pile of garbage in the backyard by myself as well as another neighbor. The people at this property do not bag their garbage. I have watched them dump it, and when the truck comes through, there is always garbage left behind in our alley. I don't know if the City requires that people bag their garbage, but I think they should. I think you should; it wouldn't be that hard to enforce. The people at 506 Birch not only litter their own yard but also through garbage in everyone else's yards. For the past few years, I have watched as the people either working at 506 Birch or living there through bikes, microwaves, big-screen TVs, and anything that will fit into our dumpsters. I also watched as a full flatbed loaded with old appliances came out of that house, which has to be emptied out by now. And yet, we all still deal with our dumpsters being filled up on a weekly basis. It's like the bring home junk just to put it in there. Every person staying there produces garbage. And it seems there are more all the time. They do not take care of their animals. They do not pick up after their dogs, and their cats do their business in everyone else's yard. There's been up to five kittens in my yard at one time. We have no code for how many cats can be at one house, and they are constantly having babies. There should be a limit for how many cats can be kept at one house. Neighbors have had to put locks on their hoses to prevent their water from being stolen. They have been told not to burn garbage in their backyard fire pit because it stinks up the neighborhood, but they continue to do

so. Or something that produces a very rancid smell. There have recently been threats of violence and bodily harm by someone claiming to be fixing up this property but does not live there. I feel it is past time for the City to help our neighborhood with this situation. The people of 506 Birch continue to disrespect the rest of us because they figure there is nothing we can do about it. We are all hoping they are wrong about that. I love this town, and I look out for my neighbors. I also refuse to be intimidated or live in fear. I am aware of the fine line between being brave and being stupid. And yet here I am because when I see things that are going on that aren't right, I am unable to ignore them. Lord knows I try. Thank you for not only listening but hearing me. Your help is needed. Respectfully.

Kelly Krum, 517 Birch Avenue, stated that everything Barb just said is true. I've been home for the past year with respiratory problems. I figured out what half my problem was like; she said they are burning stuff constantly. Morning, noon, and night. It smells like burnt wiring. Tonight when I just was on my way up here, they are burning stuff. I call Billings Air Pollution Control; they say to call them when it happens. Well, they like to do this when nobody is watching. The traffic in and out of there is unbelievable. Like she said, the animals will walk around. They are in their front yard; they are smoking weed, climbing in their vehicles, and driving away. That house, at 506, somethings got to be done over there. I have lived there for over 32 years. The house I am in has been in the family for 50 years. It seems like in the last 30 years, this has been going on. That house has been for marijuana growing; it's got to be; they found a dead guy in the garbage. They got it for, what do you call it, the stuff to make a meth lab. Isn't that house supposed to be cleaned up before somebody lives in it? And right now, there is water coming out of the house draining into the gutter. From their house, they dug the basement out; that's where they have their grow room. That's all dirt and sewer down there. This stuff is draining into the road right now. These people, something has to be done. I was not prepared here; like I said, I've lived here all my life. I have never been to one of these meetings. But this, something has to be done. I mean, I'm not the perfect neighbor by far, but that across the street that is terrorism. Pure terrorism. I am sure you wouldn't want them by your house. Thank you for listening.

## **General Items**

### **Executive Review**

1. Resolution - A Resolution Of The City Council Selecting Midwest Fire As The Successful Bidder For The City's Purchase Of A Brush Truck.

Brent Peters, Fire Chief, briefly reviewed the attached letter. He is seeking Council's approval for a new brush truck. This brush truck will replace a brush truck from 1987.

2. Resolution - A Resolution Of The City Council Authorizing The Award Of Grants From The Tax Increment Financing District Funds Pursuant To The Lura Large Grant Request Program For Eligible Applicants And Improvements.

Nick Altonaga, Planning Director, briefly reviewed the attached spreadsheet.

It was questioned what the total budget is for LURA. It was clarified the Large Grant program is \$275k.



Bethany Langve, Clerk/Treasurer, clarified the TIF District has \$3,216,735. That does include the EDII project. The EDII project was \$2,868,986. Their normal appropriation budget is \$329,749.

It was questioned if that was LURA or the TIF District. It was clarified that it is the entire District. The only thing that does not take into consideration is their debt service. Their debt services is an additional \$180,000. So when the debt service is added in, it is \$509,749.

It was questioned if someone looked at what projects can be paid out of TIF money—looking at the LURA Large Grant request program and the eligible projects. It says land acquisition, improvements of public infrastructure, compilation, and analysis of pertinent information to determine the needs of the District. There are a few of these that don't seem to fit. They seem to be interior remodeling.

Planning Director Altonaga asked for clarification on which sheet Council was looking at; see attached. He stated he has been using what MCA states, which does include structural things. He did state that Council can always cut down the amounts of each grant award as they have the final say. LURA is an advisory board.

Council President Eaton requested the City Attorney look at this request in light of parameters. Could the Council hear from the City Attorney to whether or not these all apply?

Mayor Nelson stated he could have something sent to all Council Members prior to next week's meeting. Council can always choose to move to withdraw that and bring it forward at the next meeting.

3. Resolution - Resolution Approving The Application For Bitterroot Grove Townhomes, A Sixty Unit Planned Unit Development As An Addition To The City Of Laurel.

Nick Altonaga, Planning Director, stated no quorum at the last City/County Planning Board. Then this body becomes the governing body to determine the merits of the question. He briefly reviewed the attached Staff report.

It was questioned if the entrances and exits were off Juniper and Fir. It was stated that is correct.

Council noted that this development would get the junk cleaned up and be a fantastic addition to Laurel. Council also noted that there are other developments nearby that have caused some issues. The Planning Director stated he was very aware of that while reviewing their plans. This annexation would expand the City's limits.

Dave Waggoner, 419 Maple, asked how they plan to have the garbage picked up. It was clarified that the City would pick up their garbage. There is access for the garbage truck to pick up garbage. There are also Emergency access codes that all departments will have for quick access.

It was questioned what type of homes these will be.

Darrell Dyer, 201 3<sup>rd</sup> Avenue, stated they would be stick-built homes. There will be some variety; there will be different sections, there will be statues and water features. There will also be a few two-story townhomes, but the majority of the development will be one level.

4. Resolution - Resolution Of Annexation And Zoning For Nutting Brothers Subdivision, Block 6, Lots 1-12 And Block 7, Lots 1-12 And The Abandoned Portion Of Hazel Avenue Located Between Blocks 6 And 7, As An Addition To The City Of Laurel, Yellowstone County, Montana.

Nick Altonaga, Planning Director, stated this item was discussed with the previous agenda item. The first item was for the Planned Unit Development. This resolution is for the Annexation and zoning change. The Variance is in reference to the zoning requirement of a five-acre minimum. The County has abandoned a portion of Hazel Avenue. The goal was to get as close to the five-acre minimum. They currently have 4.68 acres they are asking to be annexed into the City. The alleyways were not abandoned as there are utilities in them. The current debris will be removed. In the future, the City can go through a public process and amend the annexation agreement. The Planning Director sees this as a good thing for the City.

5. Resolution - A Resolution Of The City Council Authorizing The Mayor To Sign A Contract With Rossman Masonry LLC For Repairs To City Hall.

Kurt Markegard, Public Works Director, stated the Mayor had asked him to get repairs done at City Hall. He contacted the vendor who did the stucco. He also solicited two quotes to repair with brick. He contacted Hill Masonry and Rossman Masonry. There will be three feet of continuous brick along the front side of the building. It will match the existing brick. The City received a quote back from Rossman Masonry. The total cost for this repair is \$13k. The brick will be adhered to the building with angle iron. It will be sealed at the top. This is a small service contract for that fix.

Mayor Nelson stated the last CIP showed this portion of City Hall should be raised and rebuilt.

6. Resolution - A Resolution Of The City Council Authorizing The Mayor To Sign A Contract With Ace Electric, Inc. For Electrical Work At The City's Sewer Plant.

Kurt Markegard, Public Works Director, stated this is a small service contract to add lights to the headworks building and install two City-owned light poles that were taken down during the construction of the SED Basins. This quote includes the trenching needed to install these poles. The cost estimate of the project is \$6,120.

7. Resolution - A Resolution Of The City Council Selecting COP Construction, LLC as The Successful Bidder For The City's Purchase Of A Screw Pump For The City's Waste Water Treatment Plant.

Kurt Markegard, Public Works Director, stated there are three screws at the WasteWater Treatment Plant. Those screws are used to lift all sewer water into the treatment plant. The City



has gone through this process with the replacement of screw pump A. Screw pump B has dents, the concrete channel is coming apart.

Contractors were asked to prequalify prior to bidding. There were two prequalified bidders. Star Construction put in screw pump A last year but was the high bidder this year. COP Construction came in at \$169k. The contract will get underway and then be suspended until the pump is received. Looking at late October before work will begin. Screw Pump A would be overwhelmed during a rain event. Screw Pump B assists with managing the additional flow. Sewer flows are higher in the morning and evening when people are home.

8. Resolution - A Resolution Of The City Council Selecting Osseo Construction Co., LLC As The Successful Bidder For The City's Water Tank Recoat Project.

Kurt Markegard, Public Works Director, stated the paint is coming off the top of the reservoir. This has been occurring over approximately the last three years. The top of the tank has no fall protection. The Mayor asked that no City Staff go up on top of the reservoir. KLJ did prequalification on this project as the location is 50 feet in the air with no fall protection. There were four bidders on this project. A few of the contractors typically do work outside of the country for the US Government. Bids ranged from \$162k to \$296k. The reservoir is a 1968 4-million-gallon steel tank. The tank needs to be protected from both the outside and inside. In 1998 the City took the tank down and painted the inside. The City needs a new reservoir before taking the current reservoir out of service to coat the inside.

It was questioned how this project would be funded. It was clarified that this would be paid out of the Water Fund.

### **Council Issues**

9. Cable Depth Discussion

Kurt Markegard, Public Works Director, briefly reviewed the attached handout. There are no standards for cable depth on private property.

10. Discussion concerning Community Decay

Barbra Ann Sprague Emineth, 501 Alder Ave, stated she has been there for over 40 years now. And what I have done since I noticed where we were, where I thought you would be talking about this at. I have just listed down some of the things that I have witnessed, that I have seen in the back yard of 506 Birch. So we have a huge stack of wooden pallets, now I understand people use wooden pallets for a lot of different things. I suspect they are going to use this as possible firewood, maybe instead of garbage. That would be cool with me. They have to be stacked, however. There is also a massive amount of slats. I don't know if they picked them up somewhere or if they come out of the house. But those as well shouldn't just be all over the place, and that's what they are. There also could be and use to be a limit to the percentage of the property that is taken up by firewood. So that is a suggestion that could be implanted. Everyday garbage, I am talking about everything you people put in your garbage bag and put in the dumpster; just drive down the alley once you're going to see: furniture and appliances. There has

been a couch out there, and I am not talking about stuff that sits out there for a couple of days. Maybe they are moving it in. Maybe they are moving it out. I don't care. It sits there for months and months. We are talking about rolled-up carpet; oh, we are going to put that in house. Yeah, after it sits out there and gets rained on and gets all moldy, sure you are. Bushes that need to be cut, and this isn't those; these are other bushes. We should have an ordinance that your bushes have to be trimmed so that a person can walk down the sidewalk. Used tires all over the place. If you got a vehicle that needs the tires put on them, put the tires on them. And that's just what I came up with out of my head. I am absolutely willing to answer any questions on this issue on this situation that I have dealt with for 30 years. Michelle Herron has opened her house to anyone that needs a place to stay. This is the problem. The faces change all the time. We don't know who lives there from one month to the next. I don't know what her financial situation is, I don't know if she rents out rooms, and I don't care about that either. I want that garbage picked up. Every time I look out of my backyard, I look at that. It's not right, and I shouldn't have to. And it has caused stress, and it has caused issues between myself and my spouse. It has raised my stress level: the whole neighborhood, it's not just me. I speak for a whole community, a whole neighborhood that has had it. There has been violence now; there have been threats of bodily harm. I don't want someone getting their head split open because of a pile of garbage. You know I don't know what else to do. I get ping-ponged between the cops and you guys. Is it code issues? Cops say they can't do anything until somebody gets hurt. Well, we're real close here, people. That's all I'm saying. Please hear me and talk about I know this isn't the only place that this situation exists.

Nick Altonaga, Planning Director, 506 Birch, has been the real noticeable issue with Code Enforcement and Community Decay. Staff has been constrained because the nuisance ordinance is not properly updated. There have been numerous discussions between the Code Enforcement Officer, Police Chief, and himself regarding what to do with this ordinance. The Code Enforcement Officer is in the process of updating the nuisance ordinance to include specific penalties.

Karen Courtney, Building Official/Code Enforcement, stated that she has been moving the Fire stuff out of Title 8. She is down to two sections left on it. Those sections are the penalties section and what may consider community decay. Community decay is typically part of a county; it is considered a public nuisance in a municipality. Community decay does require multiple complaints. We cannot go through the abatement process unless we go through due process and we are missing due process. She plans to have it done by the end of this week and sent over the Chief Langve.

It was questioned if when a draft nuisance ordinance would come forward. It was clarified that at this time, she is working on getting those loose ends tied up; however, she does have a personnel matter that may pull her away from the office. The Planning Director will be able to bring forward in her absence. After an ordinance is adopted, it goes into effect 30 days later. On day 31, Staff can begin enforcing that ordinance. During that 30-day period, public notices can be made in the paper, so people are aware of the changes.

It was questioned if the nuisance ordinance that is being worked on will assist with Ms. Emineth's issue. It was clarified that it would. Currently, the City cannot move to abatement until



the issues have been cited. That citation was removed. In January, Code Enforcement received photos showing that the property had been cleaned up, but by May was filled again.

Brent Peters, Fire Chief, stated the Code Enforcement Officer has a lot on her plate. He offered the Volunteer Fire Marshal to assist with ordinances. We need to address the whole issue, not just part of the issue. The Fire Marshall finds fire hazards. The Fire Department has responded to this house. It is a hazard.

The Public Works Director reminded residents they need to bag their garbage, including grass. When hauling to Billings, unbagged garbage does fly out.

It was questioned if Health and Human Services could become involved. Rats are coming out of the property. Neighbors have found feces on toilet paper. They have also found needles. It was clarified that sharps should be disposed of up in an enclosed container to keep Public Works Employees from coming into contact with them.

Stan Langve, Police Chief, stated that we are on the right path. To address this situation. He is appreciative that they are working on bringing back the Parking and Barking officer. That person will also be assigned to follow up on nuisances.

Kelly Krum, 517 Birch Ave, stated they are burning in their yard. He has COPD. There are ordinances that say you can burn but are liable for anything that burns. He questioned if a homeowner should have home insurance before they are allowed to burn. He could sit here for hours regarding all the issues.

#### 11. Infrastructure Funds and Appropriations

Bethany Langve, Clerk/Treasurer, briefly reviewed the attached handout.

It was questioned what Laurel has identified for pot A and pot B. It was clarified no project had been identified yet. Right now, focusing on pot C. This is why the City is working on a new CIP plan. It is very difficult to get grants without a CIP. The last CIP was in 2008. Everything has been done in that CIP except the new reservoir. S. 4<sup>th</sup> needs the engineering done; W. Railroad does not have as much infrastructure underneath.

Matt Smith, KLJ, stated the CIP would rank projects. Council will be part of the ranking process. It is up to Council what projects they feel need to be done first. If W. Railroad is more important than S. 4<sup>th</sup>, then it is more of a priority. He can present an argument for both being necessary projects. The CIP will rank the most important. That will change from year to year.

The Clerk/Treasurer clarified that pots A and B could be used if there is water and sewer under the street.

It was questioned if pot C could be used for infrastructure as well. It was clarified that it could but will need to be part of round two. The second round will be due on January 22<sup>nd</sup>.

It was questioned if the State is holding financing for the W. Railroad improvements because the City does not have the matching funds. It was clarified the State could not move forward on W. Railroad until the City agrees to pay the gap in the funding.

The estimate to replace W. Railroad was between 4.4 million and 6 million. The City will need to come up with the shortfall. The City was looking to come up with between 700k and 2.5 million to move forward on this project. The City can use TIF District funds for a portion of the project in conjunction with the Urban Route funds. There are funds available in the TIF District, just not with the current structure for grants. It was questioned if all scenarios could be run for both these projects in regards to funding opportunities.

The Clerk/Treasurer clarified that the TIF could contribute to W. Railroad, but at the end of the day Council approves the grants. Just because a grant comes before Council does not mean Council has to approve those grants. There can be a discussion about taking out a bond and increasing the debt service payment to get W. Railroad done. That would require altering the grants or not approving as much as requested. Street Maintenance can also bond. The TIF can bond. There can be street maintenance assessments. There are options.

Council asked to see both scenarios and how to achieve them. It was clarified that the TIF District could only take a loan for the life of the EDII bond. Each year that goes by is one year that cannot be included on an additional bond.

Council asked for a complete picture of the TIF District. They would like to know how far out the TIF is able to bond. They would like to see what they are bringing in annually. Where would this leave the TIF District?

The Public Works Director clarified that the stormwater study for the Southside would assist with W. Railroad. We need to address stormwater first. The City should have that report by September 1<sup>st</sup>.

## 12. CARES Funds Appropriations

CARES Funds were initially expended out of the General Fund. So they can be used for anything that General Fund pays for. Most of the CARES reimbursement was from the pay, including overtime, for Fire, Police, and Ambulance. COVID-related expenses were also reimbursed. Not able to use for Street Maintenance. Streets are the hardest thing to fund. The only thing we can use is street maintenance.

The City used CARES funds on purchasing some equipment for Fire, Police, and Ambulance. The City received just under 1.1 million in CARES funds.

## 13. Qualifications for Elected Office

Juliane Lore, 709 Roundhouse Drive. I have a small legal practice. I am the town attorney for Joliet. I serve as the prosecutor here in Laurel. It is an honor.



My request is to modify Laurel ordinance 2.68.090 and establish qualifications for the position of city Court Judge . Amend the ordinance with referral to the MCA qualifications for a Municipal Court Judge , requiring a legal education and experience. This step is a precursor to a predecessor taking bench with those qualifications, at which point I will request a vote to establish Laurel City Court as a full municipal Court. It is a two-step process, and I believe that this can be done on the same budget by restructuring case management and resources. The salary is the same whether the person serving on the bench has full qualifications or not. We can comply with the State requirement for a Municipal Court at 10,000 in population. We are approaching that if we haven't already, add small claims, add warrants for our officers for misdemeanor investigations. We can eliminate trial de novo and ensure there are qualified candidates going forward. Right now, the qualifications to take the bench are extremely minimal, and the City has grown into a municipal Court. This is the time to be proactive in this restructuring.

Speaking first as to why we need qualifications, then why we need a Municipal Court which will require them - the Current code, or all three of them, defining qualifications in our Court, starts with MCA 3-11-202, provided with handouts. State city Court Judge qualifications are just to meet state Justice of Peace standards, be a resident of the County, and town ordinance can add further requirements. Justice of Peace qualifications referred to, MCA 3-10-204, are just live in the County for a year.

Referring then to the "further" Laurel ordinance 2.68.090, this only adds language requiring the two-week Justice of Peace/non-attorney city Judge orientation course, which is already required under the MCA when one of those gets elected and refers to residency in the City of Laurel analogous to mayoral requirements. The ordinance only refers to the mayoral residency. The rest of the Mayor's office requirements that don't apply to the Judge are to have reached the age of 21 and be a qualified elector. Qualified elector refers to article IV, Section 2 of the Montana constitution, requiring US citizenship and at least 18 years of age.

Currently, by our local ordinance, even that standard doesn't apply to the Judge —only Laurel residency. A 17-year-old could take the bench—a non-citizen. A non-English speaker potentially. Some of the other things that aren't here are concerning; there is no criminal history exclusion in or code, or even disclosure. A felon could take the bench. There is no moral or character standard, and a disbarred attorney could be our Judge . These are hypotheticals, but what we've got now is that thin. Those are possible, and if a substandard candidate files in an uncontested race, they may be elected and sit on the bench.

The change requested will require being a Montana lawyer in good standing for three years, and the MCA also requires Yellowstone County residency. That widens residency back up to state Justice of Peace or City or District Court rule. Laurel may not want to open it up that much; it is important to consider at least adding the greater Laurel metro area, though, and include all the county pockets within the City. There's a few arguments for opening it up to County, though. Deep knowledge of the Laurel community, a lot, from living exclusively within the finite city proper area for a long time, is critical for the Mayor role, for the council members. But I'd argue the ability to be impartial – and we're all human, not having too much knowledge about everyone in the community and all of their relatives, and all of their choices - that helps with that



separation - that's important for the bench. What's critical for the person presiding over the Court is knowledge of legal practice from experience. Everyone they're dealing with is a lawyer. There is an imbalance both in actual knowledge and in perception when everyone in the room is an attorney except the criminal defendant and our Judge . The City needs a level playing field. With that change expanding residency to County – there will be more qualified candidates going forward for the City, and we must take the right steps for the Court for years to come. As Laurel grows, physical boundaries with annexations and new developments, this will be less of a problem, but right now, a qualified attorney who buys a nice home on Ridge Drive can't serve the City. If they walk 200 ft to the Crossings and rent the duplex next to mine on Roundhouse, they're qualified. If they walk down the hill to the trailer park, they may serve. But the Laurel greater metro area is currently excluded. No other candidate has filed to run for the bench for 25 years, and I believe this may be a factor that prevents us from fielding qualified candidates. No matter what happens this election, the current Judge won't serve forever – we need to look to the future. There has to be a qualified candidate ready to follow who is able to serve a Municipal Court because that will be forced on us eventually if we don't get ahead of it now. The MCA rule also requires three years of practice, and this is important to reflect in the amended statute. A degree of maturity and humility is important in this role.

Municipal Court code will also impose qualifications on any pro tem who sit on the bench, or substitute Judge s, currently no requirements for that position, including residency. This has created two kinds of problems related to judicial standards of impartiality that can't be met if a Court clerk is filling in and ethical problems when a suspended or disbarred attorney is filling in. Municipal Court compliance with MCA fills those holes - only a similarly qualified substitute Judge be appointed to serve, and they could be retired, they could be from the County. They must be in good standing.

So this proposal is to require qualifications for the bench beyond residency in Laurel, requiring a legal education and a bar card. Modify the Laurel code and refer to or replace it with MCA 3-6-202. Make this effective at the expiration of the current term, and then vote to elevate the Court to a municipal Court.

Why do we need a municipal Court, and what that would then give us -first, we don't have a choice. The State dictates, at a certain population level, that a city's Court must be elevated to one of record. Right now, we are a Court of no record. This will happen by order from Helena at a certain point related to the census if we don't do it ourselves. Laurel is currently in a second-tier municipality under MCA 1.202, municipal classification. We have a population between 5000-9999. At 10,000, we become first class. We can elect to elevate the Court to the municipal status now; it is absolutely required at tier 1.

MCA 1.203 says unless a city or town undertakes its own direct enumeration of inhabitants, the basis for classification is the most recent federal census. When that census indicates to the state that a population has sufficiently increased, the town council must, by resolution, change the classification and file that with the County and secretary of State. Laurel may, by City Council resolution, elevate the Court to a first-tier Municipal Court at this time. If it's not done voluntarily, it will be mandated from Helena. That order will come.



We may not be quite over 10,000 in April when the last census results are released – by the next census, we're likely to be well over that number. This should be something we monitor ourselves and make the change when we're ready. When it's needed, and we're prepared. We should meet this now. If we're over 10k in April and required to change the Court to a municipal Court, and there's not a qualified candidate currently sitting on the bench, this will present a problem. I don't think this is something to undertake midterm.

Right now, we are approaching the end of the term of the current Judge , and this is the right time to propose a change that will change qualifications for that position. This isn't something to do mid-term. It's not something to do on a state-mandated timeline; it is something to do proactively.

As a municipal Court or even a city Court with a bar card on the bench, we would still be a Court of limited jurisdiction, meaning that felony matters go up to district Court. But it would eliminate trial de novo for any misdemeanor conviction. The first great thing a Municipal Court would give us from my office's view.

If we make a Court of record, there is no more automatic appeal to a District Court Judge . Trial de novo is for no reason; there was no fault in the case or conviction - bad guys convicted in Laurel just get an automatic do-over with someone with a legal education who's passed a bar exam. That's MCA 25-33-301. They get one jury trial only is the rule, so that gets played too. They'll take a bench trial in Laurel, pick a Billings jury for their do-over trial – they can avoid a Laurel jury because we're a Court of no record. A plea agreement is binding here – a conviction is not, because we are a Court of no record, under the trial de novo rule.

The first bench trial I watched here, shadowing my predecessor before my first day on duty, was my first appeal de novo, right out of the gate. That's a tough use of resources and disheartening, knowing – we don't have teeth. Good guys consent to the judgment of their peers, which is what a city Judge is, an elected peer - bad guys often don't. That worked with a much lower population when a community remains more closely knit, and there's a sense of mutual responsibility. We have a lot of bad guys just coming in from Billings now, though.

Trial de novo is expensive for everybody; they get a new Billings public defender—a new investigation. I try to do the extra work on my own time; this contract is a flat fee – but the punishment for winning cuts the time available for regular duties, and District Court is often scheduled on days where there are hearings here. Worse than this impact is that on the police officers, they all get to do this twice too, and their time is more valuable than mine.

Usually, there are multiple officers on one case. They're out of the City of Laurel for a half a day to attend an appeal in Billings, and I believe there's higher pay earned for appearing on a day off. Ultimately with a caseload as big as ours, it can't be done – it changes how cases can be prosecuted with limited resources. If you have to plan on doing everything twice, over a period of maybe years, you have to choose your battles. Municipal Court of record convictions stick. Your city prosecutor doesn't have to offer plea agreements to be binding. The threat of conviction becomes effective. Now there's a transcript, and as long as there's no error, convictions just stick the first time, and a bigger docket load can be accommodated as a result, and Laurel residents are only tried, and fairly tried, by Laurel juries.



This change to Municipal Court status with a qualified Judge would also contribute to uniformity and professionalism so practitioners may work efficiently in this Court as in other Montana Courts, provide more candidates for future elections, and decrease the turnover in practitioners. I believe I'm the eleventh prosecutor in this position in the past ten years. In the last two years, I have seen three assigned public defenders rotate through. I know many defense attorneys who won't take cases here. We need to better with efficiency and professionalism. The contract prosecutor budget, and judicial budget, and public defender budget –they're state, but we're still paying for them with taxes - are badly impacted by constant transitions.

So part of that issue and this request dovetails with judicial and Court efficiency – the MCA Municipal Court code would make this a four-year term, not two. I think this could be modified by local ordinance, but something to consider – taking the bench is a part-time job. It's a part-time paycheck, it's well under the state median income, and any practitioner needs to structure their practice around this to make ends meet. That transition takes time and is hard on a practice, on a family. As the Court grows, want to be sure the Court has a good pool of qualified candidates for this important job, and security of a four-year term will make it more viable and attractive. The transition between judicial terms – even if they're both attorneys – is always tough, and we have a big caseload to transition, in addition to all of the other judicial functions where a new Judge has to hit the ground running. The City shouldn't have to go through this more than every four years. Increasing the term after it is elevated to a Municipal Court would help provide increased stability. It may also cut the City election expenses for the bench. The City pays the same salary to this position, whether it's a person who limits Court services with a lack of qualifications or not.

The biggest impact from this proposal benefitting our police department may be warrants. A qualified Judge in a Court of record could issue misdemeanor warrants for the Laurel police department. Without legal education and qualifications of an attorney, a Judge can't issue a warrant for probable cause. Our guys in blue can get warrants from a District Court Judge in Billings for DUI blood draws and for felony matters they're investigating – misdemeanors fall in the cracks right now. This will be less of a problem soon, now that there's been some state changes in the marijuana laws, but it's a tool that our guys need. Right now, the Laurel Judge can't issue warrants. You need a bar card to do this.

Only a Judge who has all of the qualifications of a District Court Judge – a legal education, a bar card, and years of experience – can write a warrant for probable cause for a misdemeanor investigation. Some reasoning behind that is first the do-over in district Court, that trial de novo. A warrant by a person not qualified to write one will get tossed immediately whether there was probable cause or not. This actually doesn't happen that often – but a misdemeanor investigation that turns up evidence of a felony is something that happens a lot. Then that warrant needs to be rock solid, and it's being tried the first time in district Court.

Currently, if a suspect refuses a DUI test, our officers can get a warrant for a blood draw from District Court. If they have evidence of a felony crime, probable cause for a felony – they can get a warrant. They can't call the District Court Judge for every misdemeanor investigation, though; no Court can allocate the resources for that. No one person can handle sitting on the bench and issuing warrants at any hour for both felony cases in District Court and all the misdemeanor



cases in every township and City where there's not a qualified Judge . There needs to be a separation, and there is, or can be for us now; we're big enough. District Court Judge s issue felony warrants. Our own Court, even if it's not yet elevated to a Municipal Court of record, our own Court could issue misdemeanor warrants for our officers if the Judge has a bar card.

Talking to the officers, I think this was more crippling historically because marijuana was a misdemeanor crime. The plain-view exceptions allowing search and seizure have, and continue, to evolve against us. Even what you see with your own eyes, or "plain view," often requires a warrant to investigate. That trend continues. Officers knew that those misdemeanor investigations would often yield evidence of a felony occurring – but without evidence of the felony and no ability to look for it despite the visible misdemeanor apparent, there was no way to move forward at all. There could be no further action in that situation.

Now with the change in marijuana laws, this situation won't occur, and our new K9 officer helps a huge amount with what become felony drug investigations now, filling that misdemeanor hole in the kind of case where the officers were stopped and blind before. But there are other misdemeanor investigations that come up and require further actions – for instance, theft investigations. We have a lot of petty theft investigations and a range of sophistication in crime from mailbox theft to check fraud schemes, and almost all these are misdemeanor crimes. The officers need this tool. The bad guys all know that LPD can't get a warrant for a misdemeanor, just like they know the jail is full. We're always playing a chasing game, and the real trouble is usually a half step ahead. Good people and innocent people tend to consent to search. It excludes them, tends to prove their innocence. Warrants for bad guys are the problem. Changing the bench qualifications to the MCA alone, without elevating the Court, with the same resources as we have now, would give our guys that important tool.

To summarize this request, it is a proposal to change the qualifications for the bench in the Laurel City ordinance to reflect those of the MCA Municipal Court Judge and make this effective next term. Then we may elevate to Municipal Court by Council vote. We're ahead of Helena making us do it then; the Court is compliant with the City's first-tier status. We ensure there's candidates in the future who can meet the City's needs, issue warrants, hear small claims, meet our growing needs cost-effectively, and we achieve stability. We achieve a first-class Court.

Council President Eaton requested follow-up on the 20th and submissions of proposed ordinances for Council review on the 14th.

Council Member Sparks seconded and requested the next presentation be set earlier potentially to allocate greater time for review and questions.

Mayor Nelson requested a statement from the Laurel Police Department next workshop on how these changes would help them and any pros or cons.

Stan Langve, Police Chief, stated the main influence from the proposal is reflected in historical city Court warrants that weren't recognized in higher Courts. A further advantage of a Municipal Court is the same legal standing as a justice Court in that it could provide initial arraignment for

all felonies, as well as issue misdemeanor warrants. He is researching how and when this plays procedurally into whether they want to spend the time getting a misdemeanor warrant and will make a brief presentation.

The three ordinance proposals I will prepare are one which adopts the MCA, and two which refer to the MCA with further modifications under Laurel ordinance; the variables proposed being a four-year term and county residency.

### **Other Items**

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

14. Draft Council Agenda for July 13, 2021.

Mayor Nelson stated he would be absent from next week's City Council meeting. Council President Eaton will run the meeting.

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

Council Member Wilke apologized for being out of town the last two weeks.

### **Announcements**

15. Employee Recognition

Mayor Nelson recognized Employees for their years of service.

Council requested an update on the money they have received from the Exxon settlement.

Council requested an update on when the campground will be open.

Council noted that the lease law signs in Riverside Park are gone.

Council noted that on Friday, there was a flyover with a drone for a news station. The flyover was well produced and showcased our City in a positive light.

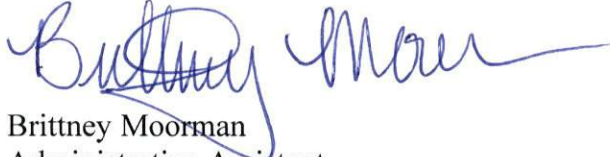
Mayor Nelson stated the City would be sending out a flyer soon. It will include the projects the City is currently working on and plan on doing soon. Updates from each Department Head will also be included.

Mayor Nelson briefly reviewed the attached report from the Fire Department on their call volume for the 4<sup>th</sup> of July.

The council workshop adjourned at 9:45 p.m.



Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Brittney Moorman", with a long horizontal flourish extending to the right.

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.



# LAUREL FIRE

215 WEST 1ST STREET • LAUREL, MT • 59044  
OFFICE 406.628.4911 • FAX 406.628.2185

Laurel City Council  
Re: Type 5 Wildland (brush) Truck

June 25, 2021

Laurel City Council,

A Sealed Open Bid Process was completed on June 25, 2021, at 9:00 a.m. in the City Hall conference room. Those that were present were Council Secretary Brittney Moorman, City Clerk/ Treasurer Bethany Langve, and Fire Chief Brent Peters.

The bid advertisement was posted on the City of Laurel website and in the Yellowstone County News newspaper beginning Friday June 11, 2021, and again June 18<sup>th</sup>, 2021. Sealed Open Bids deadline was June 25, 2021, at 9:00 a.m.

The major specifications are for a new Type 5 wildland truck.

- Ford F-550 super cab 4x4 with a 7.3-liter gas engine; red in color.
- 500-gallon water tank with injected foam capabilities; 18- 24 hp pump; hose reels and bumper turret.
- LED 360-degree emergency lighting.
- Storage for tools, supplies and equipment.

During the sealed bid opening one bid was presented. The bid received was from Midwest Fire in Luverne, Minnesota. The build price is for the amount of \$190,586.00. This bid met and exceeded all the requirements in the advertised bid documents.

It is my request and recommendation that we proceed awarding Midwest Fire the contract to build the Type 5 Wildland truck according to the specifications presented in the bid for the City of Laurel and the Laurel Volunteer Fire Department. This truck will replace a 1987 Ford 1 ton Brush Truck and will be a great addition to fire operations not only in the City of Laurel but the surrounding contracted district.

Thank you for your time and consideration.

Brent S. Peters  
Fire Chief, Laurel Fire Department



LURA Large Grants 2021								Funding Avail:	
Applicant	Project	Application Date	Start Date	Completion Date	Initial Requested Amount	Working Amount 1 (50%)	LURA Working Amount	LURA Awarded Amount	City Council Awarded Amount
Carl Jones	Laurel Auto Clinic - abatement and demolition of existing residence on the property. Mmove and construct bathrooms into the automotive shop and redesign the waiting room and office area	4/15/2021	3/1/2021	12/31/2021	\$ 228,250.00	\$ 114,125.00	\$ 75,893.13	\$ 75,894.00	
Don Smarsh	Dynamic Designs - Roof Replacement, Back parking lot replacement, installation of handicap ramp and door at front of building	5/24/2021	3/1/2021	11/1/2021	\$ 46,415.89	\$ 23,207.95	\$ 23,207.95	\$ 23,208.00	
Daniel Nease	Emerald HVAC - Removal and replacement of sewer piping and install new liner, involving interior and exterior excavation	5/27/2021	7/1/2021	12/31/2021	\$ 12,950.00	\$ 6,475.00	\$ 6,475.00	\$ 6,475.00	
Eric Harkins	Laurel Ford - Repair and Replace shop insulation, replace and upgrade asphalt surfacing of lot and landscaping, remove and replace flooring in customer kitchen/lounge area, install EV Charging stations at front parking area	5/28/2021	10/1/2021	9/1/2021	\$ 438,591.77	\$ 219,295.89	\$ 145,831.76	\$ 145,832.00	
Marvin Carter	Fraternal Order of Eagles - Remodel the back bar area including cooler, new shelves, mirros, electrical system, plumbing, ceiling and floor replacement, painting and carpentry	5/14/2021	7/1/2021	10/1/2021	\$ 23,280.00	\$ 11,640.00	\$ 11,640.00	\$ 11,640.00	
Nadine Horning	Rapid Tire - Beautify the corner of West Railroad st and S. 1st Ave, Landscape lawn and weeds, add plants and trees, install cement slab seating for pedestrians	6/1/2021	6/1/2021	11/1/2021	\$ 23,809.00	\$ 11,904.50	\$ 11,904.50	\$ 11,905.00	
<b>Total:</b>					<b>\$ 773,296.66</b>	<b>\$ 386,648.33</b>	<b>\$ 274,952.33</b>	<b>\$ 274,954.00</b>	<b>\$ -</b>

## Laurel Urban Renewal Agency

### Large Grant Requests Program

#### Purpose:

The purpose of this program is to provide financial assistance for developers, property owners and business owners above and beyond the capacity of the Façade and Technical Assistance Grant programs. This program is intended to work cohesively with the current grant funding opportunities in place by the Agency. Applicants who have been awarded Façade or Technical Assistance funds are encouraged to apply for funding through this program if the project exceeds the funding capacity of those programs. Projects that are not eligible for funding through Façade and Technical Assistance are also encouraged to utilize this program so long as the project is allowable under Montana Code Annotated 7-15-4288 and MCA 7-15-4233.

Projects seeking large grants should align with the goals LURA is committed to carrying out. These goals are outlined in the Laurel Urban Renewal Plan:

1. Encourage an economically and culturally vibrant downtown.
2. Create a vibrant and cohesive extension of the core downtown Laurel area.
3. Improve traffic patterns to further enhance the business experience for the owner and consumer.
4. Create a destination place where people will want to repeatedly visit.
5. Have state of the art, updated utilities and infrastructure.
6. Encourage more housing and business choices within the district.
7. Have rational consideration of all neighborhoods and sites for public fund expenditures.

#### Eligible Projects:

Land Acquisition	Demolition or Removal of Structures	Relocation of Occupants within the District
Improvements of Public Infrastructure	Acquisition of Infrastructure Deficient Areas	Assemblage of Land for Development of Redevelopment
Compilation and Analysis of Pertinent Information to Determine Needs of District	Connection of URA to Existing Infrastructure Outside the Area or District	Improvements Reducing, Preventing, Abating or Elimination Pollution.
Others as Allowable by MCA 7-15-4233 Please Describe:		



MCA Contents / TITLE 7 / CHAPTER 15 / Part 42 / 7-15-4288 Costs that m...

# Montana Code Annotated 2017

TITLE 7. LOCAL GOVERNMENT

CHAPTER 15. HOUSING AND CONSTRUCTION

Part 42. Urban Renewal

## Costs That May Be Paid By Tax Increment Financing

**7-15-4288. Costs that may be paid by tax increment financing.** The tax increments may be used by the local government to pay the following costs of or incurred in connection with an urban renewal area or targeted economic development district as identified in the urban renewal plan or targeted economic development district comprehensive development plan:

- (1) land acquisition;
- (2) demolition and removal of structures;
- (3) relocation of occupants;
- (4) the acquisition, construction, and improvement of public improvements or infrastructure, including streets, roads, curbs, gutters, sidewalks, pedestrian malls, alleys, parking lots and offstreet parking facilities, sewers, sewer lines, sewage treatment facilities, storm sewers, waterlines, waterways, water treatment facilities, natural gas lines, electrical lines, telecommunications lines, rail lines, rail spurs, bridges, publicly owned buildings, and any public improvements authorized by Title 7, chapter 12, parts 41 through 45; Title 7, chapter 13, parts 42 and 43; and Title 7, chapter 14, part 47, and items of personal property to be used in connection with improvements for which the foregoing costs may be incurred;
- (5) costs incurred in connection with the redevelopment activities allowed under **7-15-4233**;
- (6) acquisition of infrastructure-deficient areas or portions of areas;
- (7) administrative costs associated with the management of the urban renewal area or targeted economic development district;
- (8) assemblage of land for development or redevelopment by private enterprise or public agencies, including sale, initial leasing, or retention by the local government itself at its fair value;
- (9) the compilation and analysis of pertinent information required to adequately determine the needs of the urban renewal area or targeted economic development district;
- (10) the connection of the urban renewal area or targeted economic development district to existing infrastructure outside the area or district;
- (11) the provision of direct assistance to secondary value-adding industries to assist in meeting their infrastructure and land needs within the area or district; and
- (12) the acquisition, construction, or improvement of facilities or equipment for reducing, preventing, abating, or eliminating pollution.

MCA Contents / TITLE 7 / CHAPTER 15 / Part 42 / 7-15-4233 Powers whic...

# Montana Code Annotated 2019

TITLE 7. LOCAL GOVERNMENT

CHAPTER 15. HOUSING AND CONSTRUCTION

Part 42. Urban Renewal

## Powers Which May Be Exercised By Urban Renewal Agency Or Authorized Department

**7-15-4233. Powers which may be exercised by urban renewal agency or authorized department.** (1) In the event the local governing body makes such determination, such body may authorize the urban renewal agency or department or other officers of the municipality to exercise any of the following urban renewal project powers:

- (a) to formulate and coordinate a workable program as specified in **7-15-4209**;
- (b) to prepare urban renewal plans;
- (c) to prepare recommended modifications to an urban renewal project plan;
- (d) to undertake and carry out urban renewal projects as required by the local governing body;
- (e) to make and execute contracts as specified in **7-15-4251**, **7-15-4254**, **7-15-4255**, and **7-15-4281**, with the exception of contracts for the purchase or sale of real or personal property;
- (f) to disseminate blight clearance and urban renewal information;
- (g) to exercise the powers prescribed by **7-15-4255**, except the power to agree to conditions for federal financial assistance and imposed pursuant to federal law relating to salaries and wages shall be reserved to the local governing body;
- (h) to enter any building or property in any urban renewal area in order to make surveys and appraisals in the manner specified in **7-15-4257**;
- (i) to improve, clear, or prepare for redevelopment any real or personal property in an urban renewal area;
- (j) to insure real or personal property as provided in **7-15-4258**;
- (k) to effectuate the plans provided for in **7-15-4254**;
- (l) to prepare plans for the relocation of families displaced from an urban renewal area and to coordinate public and private agencies in such relocation;
- (m) to prepare plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements;
- (n) to conduct appraisals, title searches, surveys, studies, and other preliminary plans and work necessary to prepare for the undertaking of urban renewal projects;
- (o) to negotiate for the acquisition of land;
- (p) to study the closing, vacating, planning, or replanning of streets, roads, sidewalks, ways, or other places and to make recommendations with respect thereto;




(q) to organize, coordinate, and direct the administration of the provisions of this part and part 43;

(r) to perform such duties as the local governing body may direct so as to make the necessary arrangements for the exercise of the powers and performance of the duties and responsibilities entrusted to the local governing body.

(2) Any powers granted in this part or part 43 that are not included in subsection (1) as powers of the urban renewal agency or a department or other officers of a municipality in lieu thereof may only be exercised by the local governing body or other officers, boards, and commissions as provided under existing law.

**History:** En. Sec. 15, Ch. 195, L. 1959; R.C.M. 1947, 11-3915(b).

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## LAUREL CITY-COUNTY PLANNING DEPARTMENT

### STAFF REPORT & FINDINGS OF FACT

TO: Laurel City-County Planning Board  
FROM: Nicholas Altonaga, Planning Director  
RE: Planned Unit Development – Bitterroot Grove Townhomes  
DATE: June 24, 2021

#### DESCRIPTION OF REQUEST

A Planned Unit Development application and supplemental was submitted by Forrest Mandeville of Forrest Mandeville Consulting and Engineering West on behalf of Darrel Dyer for the parcels at 1304 E. 8<sup>th</sup> Street, between Fir and Juniper Avenues. The Applicant has proposed the Bitterroot Grove Townhomes, a 60-unit Planned Unit Development with age-restricted units for those 55 and older. This PUD application also includes a request for annexation and a variance. The Application contains all the necessary components of the PUD, Variance, and Annexation applications. The property is currently owned by Elvira and James Cotter, with purchasing agreements in place. The property currently has a great deal of personal property, debris, and materials on site and is an overgrown state.

Owner: James Cotter, Elvira Cotter  
Legal Description: NUTTING BROS SUBD, S10, T02 S, R24 E, BLOCK 6, Lots 1 - 12, BLOCK 6, Lots 1 - 12  
Subdivision size: 4.68 Acres  
Existing Land Use: Residential, Vacant  
Proposed Land Use: Residential Planned Unit Development

#### BACKGROUND AND PROCEDURAL HISTORY

1. A pre-application meeting for the Planned Unit Development took place on June 23, 2020 between the Applicant, their engineers, and City Staff.
2. The Application for the Planned Unit Development, Annexation, and Variance and their supporting documentation was submitted on March 15, 2021.
3. The City Staff Design Conference took place on April 27, 2021.
4. The Planning Director transmitted a letter of findings to the Applicant and their developer on May 7, 2021.



5. The Applicant and their developer resubmitted documents to the Planning Department on May 17, 2021.
6. The Planning Board held a public hearing on the proposed Planned Unit Development, Annexation, and Variance applications on May 19, 2021.
7. The Planning Director worked with the Applicant and their contractor to update the Annexation Agreement and HOA Bylaws as discussed at the May 19<sup>th</sup> meeting.
8. The Planning Board has scheduled a second public hearing on the proposed Planned Unit Development, Annexation, and Variance applications for June 16, 2021.
9. The Planning Board lacked a quorum at the scheduled public hearing on June 16, 2021.
10. The Planning Director forwarded the materials and documentation for the Bitterroot Grove Townhomes Annexation, Variance, and Planned Unit Development to the City Council on June 25, 2021.
11. The City Council has scheduled a subsequent public hearing on the proposed Planned Unit Development, Annexation, and Variance applications to approve, approve with conditions, or deny the requests on July 13, 2021.

#### STAFF FINDINGS

1. The Application for PUD, Annexation, and Variance contain all the necessary items.
2. Annexation has been requested to hook the property into the municipal water and wastewater system, as well as garbage pick-up.
3. A variance has been sought for the minimum size requirements of a Planned Unit Development stated in the Laurel Municipal Code.
  - a. Laurel Municipal Code requires a minimum of 5 acres for a PUD
  - b. The proposed PUD is 4.68 acres.
4. The Applicant has proposed private interior streets with gated entrances.
5. Gated entrances shall be accessible by all Laurel EMS, Fire, and Police departments, as well as code enforcement and public works where necessary.
6. The Applicant has proposed private internal water and sewer connections.
7. The Applicant has proposed a water meter building, to manage the interior water system of the development.
8. The proposed project would improve a largely vacant, blighted lot with a dense residential development.
9. The application includes bylaws for a townhouse association to manage the property.
10. The subsequent submittal of documents on May 17 included a landscaping plan and weed management plan.
11. An Annexation Agreement was provided with the application which specifies adjacent public improvements, development standards, and other requirements for annexation into the City of Laurel.

#### PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

LMC 17.32.020 – Review and Approval, Part D states:

"Within thirty days after the design conference, the application shall be reviewed by the city-county planning board and recommendations based on the comments from the design conference and the criteria contained in the subdivision regulations shall be forwarded to the zoning commission. The comments from the design conference shall be forwarded to the planning board, zoning commission and developer within five working days after the conference."

## RECOMMENDATIONS

The Planning Director Recommends approval of the Planned Unit Development for the Bitterroot Grove Townhomes with the following conditions of approval:

1. The Property shall be cleared of personal property, debris, and refuse prior to annexation, variance, and PUD approval.
2. The Property shall be brought up to city standards prior to annexation, variance, and PUD approval.
3. Landscaping plan and maintenance schedule and/or information shall be sufficiently detailed for City Departments to enforce nuisance codes and other ordinances.
4. The proposed Water system shall be approved by the contracted city engineer, KLJ Inc.
5. The proposed Water system shall meet all Montana DEQ and City Standards.
6. The proposed Wastewater system shall be approved by the contracted city engineer, KLJ Inc.
7. Weed Management Plan shall be completed and approved by the Yellowstone County Weed District.
8. Annexation Agreement shall be updated with specific changes noted by the Planning Department.
9. Bylaws for the Bitterroot Grove Townhome Association shall be updated with the specific changes noted by the Planning Department.
10. The Owner/developer shall apply for all necessary and applicable city permits.
11. The Owner/developer and the City shall establish a satisfactory solution for the public alleyways within project boundary.

## ATTACHMENTS

1. PUD Written Statement
2. Annexation Application
3. Annexation Agreement (updated)
4. Waiver of Right to Protest (updated)
5. Variance Application and Request Letter
6. PUD Layout/Design
7. PUD Landscaping Plan
8. Bylaws of Bitterroot Grove Townhomes Association (updated)
9. Images of proposed townhome design



10. Planner Letter to the Applicant (dated 5/17/2021)
11. Comments from Ryan Welsh, Engineer at KLJ, on proposed Water/Sewer expansion (dated June 8, 2021)

#### 16.15 MINIMUM DIAMETER OF WATER SERVICE LINES

The minimum diameter of water service lines to be installed to serve any property shall be  $\frac{3}{4}$  inch and the minimum diameter of firelines shall be  $1\frac{1}{4}$  inch. Water service lines shall be installed with a minimum number of joints and be of uniform diameter from the public water main in the public right-of-way to the municipal water meter. Firelines shall be of uniform diameter from the public water main in the public right-of-way to the property line of the property to be served. In any case, the diameter of water service lines and firelines shall be subject to the approval of the Public Works Director and shall be based on the criteria stated in Appendix A of the Uniform Plumbing Code.

#### 16.16 SIZE AND SLOPE OF SEWER SERVICES

The size and slope of the wastewater service lines shall be subject to the approval of the City but in no event shall the diameter be less than 4 inches. The slope of the wastewater service line shall not be less 2 percent.

#### 16.17 DEPTH OF WATER LINES

To prevent freezing, water service lines, firelines, or combinations thereof shall be laid 6 feet below the street surface or top of grade. Where existing conditions do not allow minimum cover requirements, engineered insulation may be placed above the waterline to prevent freezing.

#### 16.18 DEPTH OF SEWER SERVICES

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to within 3 feet of a weight bearing wall. In all buildings in which any building drain is too low to permit gravity flow to the public sanitary sewer, wastewater carried by drain shall be lifted by an approved means and discharged to the building sewer. Persons installing basements with floor drains should contact the Public Works Department for information concerning the depth of the public sanitary sewer prior to commencing construction of such basements. In addition, it is recommended that users install, as well as periodically inspect and maintain, a one-way valve in their building drain for the purpose of preventing the backing-up of wastewater into their buildings in the event a stoppage occurs in the building sewer and/or the public sanitary sewer serving the user's property.

#### 16.19 MATERIALS AND METHODS OF CONSTRUCTION

The materials and methods of construction used in the installation of water and wastewater service lines, firelines, and appurtenances, their connection with the public water main or sanitary sewer; and the repair, alteration, or extension of such facilities shall all conform to the requirements of the MPWSS. In addition, all joints and connections of the water service line or fireline, including their connection with the public water main, shall be watertight and sustain a pressure of not less than 200 pounds. All joints and connections of the wastewater service line must be gas tight and watertight. Traffic control and construction signing trench excavation, backfilling, compaction, and surface restoration shall all comply with the requirements of the MPWSS and the agency having jurisdiction and control over the rights-of-way and utility easements affected by such work.



# Montana Code Annotated 2019

## TITLE 69. PUBLIC UTILITIES AND CARRIERS

### CHAPTER 4. UTILITY LINES AND FACILITIES

#### Part 5. Excavations Near Underground Facilities

## Definitions

**69-4-501. Definitions.** The following definitions apply to this part:

(1) "Agricultural locate request" means a request for a locate and mark that is requested based on the perimeter boundary of an agricultural field:

- (a) by a property owner or excavator prior to agricultural activity; or
- (b) by a property owner or excavator prior to conducting soil probing or testing.

(2) (a) "Business day" means any day beginning at midnight and ending 24 hours later, other than Saturday, Sunday, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

(b) When a holiday listed in subsection (2)(a) occurs on a Saturday, the preceding Friday is not considered a business day. When a holiday listed in subsection (2)(a) occurs on a Sunday, the following Monday is not considered a business day.

(3) "Civil penalty" means a penalty levied by the department in accordance with **69-4-524** and **69-4-525**.

(4) "Council" means the underground facility protection advisory council provided for in **69-4-520**.

(5) "Damage" or "damages" means any impact upon or removal of support from an underground facility as a result of excavation or demolition that, according to the operating practices of the underground facility owner, would necessitate the repair of the facility.

(6) "Department" means the department of labor and industry provided for in **2-15-1701**.

(7) "Designated service area" means a geographic area defined using state and county boundaries or further defined by the members of a notification center in operation on July 1, 2017. There may not be more than two designated service areas in Montana.

(8) "Emergency excavation" means an excavation in response to an emergency locate request that is necessary to:

- (a) alleviate a condition that constitutes a clear and present danger to life or property; or
- (b) repair a customer outage involving a previously installed utility-owned facility.

(9) "Emergency locate request" means a request for a locate and mark that is requested for:

- (a) a condition that constitutes a clear and present danger to life or property; or
- (b) a customer outage for which repairs on a previously installed utility-owned facility are required.

(10) "Engineering locate request" means a request for a locate and mark to identify underground facilities for planning and design purposes.

(20) "Notification center" means an entity whose membership is open to and is contracting with underground facility owners with underground facilities within a notification center's designated service area.

(21) "Notify", "notice", or "notification" means the completed delivery of information to a person. The delivery of information includes but is not limited to the use of electronic data transfer.

(22) "Outgoing locate request" means an electronic or other document transmitted from a notification center to all member underground facility owners affected by a request for a locate.

(23) "Person" means an individual, partnership, firm, joint venture, corporation, association, municipality, governmental unit, department, or agency and includes a trustee, receiver, assignee, or personal representative of the listed entities.

(24) "Positive response" means notification through an electronic system provided by a notification center that is available to underground facility owners and excavators and is used for communicating and documenting the status of a request for a locate.

(25) "Property owner" means a person owning real property in Montana, its agents, and employees. The term does not include the owner of an easement.

(26) "Reasonably accurate" means location within 18 inches of the outside lateral dimensions of both sides of an underground facility.

(27) "Request for a locate" means the process by which an excavator communicates with a notification center a request for underground facilities to be located and marked in an area where an excavation is planned. A request for a locate that is not an agricultural locate request and is not within city limits or within an area of an authority as defined in **75-6-304** may not exceed 2 miles long by 1,000 feet wide. A request for a locate that is not an agricultural locate request and is within city limits or within an area of an authority as defined in **75-6-304** may not exceed 2,000 feet long by 300 feet wide.

(28) "Third party" means a person who is not an excavator or an underground facility owner.

(29) (a) "Underground facility" means a facility buried or placed below ground for use in connection with the storage or conveyance of water, sewage, electronic, telephonic or telegraphic communications, cablevision, fiber optics, electrical energy, oil, gas, or other substances. The term includes but is not limited to pipes, sewers, conduits, cables, valves, lines, wires, manholes, and attachments to the listed items.

(b) The term does not include:

- (i) shallow underground water systems designed to irrigate lawns, gardens, or other landscaping;
- (ii) privately owned water and sewer lines from private property extending into public rights-of-way to interconnect with public water and sewer; or
- (iii) an underground facility used solely to furnish services or commodities to real property, if no part of the underground facility is located in a public street, alley, or right-of-way dedicated to the public use.

(30) "Underground facility owner" means a person owning, controlling, or having the responsibility to maintain an underground facility.

**History:** En. Sec. 1, Ch. 180, L. 1971; R.C.M. 1947, 32-4801; amd. Sec. 1, Ch. 286, L. 1991; amd. Sec. 1, Ch. 179, L. 1997; amd. Sec. 61, Ch. 7, L. 2001; amd. Sec. 1, Ch. 544, L. 2005; amd. Sec. 13, Ch. 326, L. 2017.



## ARPA Overview

- ARPA provides \$350 BILLION dollars in emergency funding for state, local, territorial and Tribal governments to address immediate pandemic recovery needs and remedy the mismatch between rising costs and falling revenues.
- \$195 BILLION for states;
- **\$130 BILLION for local governments**
- \$20 BILLION for Tribal governments; and
- \$4.5 BILLION for territories



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## ARPA-Definition of “Local Governments”

- Counties
- Cities
- Non-Entitlement Units (Local Governments serving a population of under 50,000 people)-Every community in Montana except for Billings, Missoula and Great Falls



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## ARPA-General categories for use of funds (Bucket A)

- Support urgent COVID-19 response efforts to continue to decrease spread of the virus and bring the pandemic under control
- Replace lost revenue for eligible state, local, territorial, and Tribal governments to strengthen support for vital public services and help retain jobs.
- Support immediate economic stabilization for households and businesses.
- Address systematic public health and economic challenges that have contributed to the inequal impact of the pandemic
- Flexibility for each government to meet local needs, including support for households, small businesses, impacted industries, essential workers, and communities hardest hit by the crisis. **THESE FUNDS CAN ALSO BE USED TO MAKE NECESSARY INVESTMENTS IN WATER, SEWER, AND BROADBAND INFRASTRUCTURE**



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## Water and Sewer Infrastructure Funds

*Direct Allocation*



U.S. Treasury  
Local Fiscal Recovery Funds

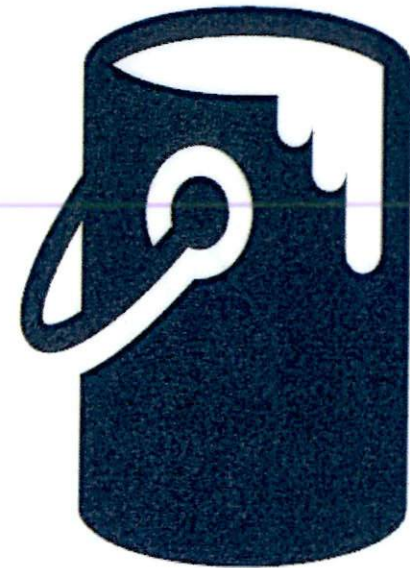


*Laurel total*  
*\$1,720,384*



State of Montana  
Minimum Allocation Grants  
\$150 Million  
Gas Tax Allocation

*Laurel total*  
*\$1,098,308*



State of Montana  
Competitive Grant Program  
\$25 Million Max



## Water & Sewer Infrastructure Funds-Distribution

- \$459 million (Montana)
  - \$150 million (Minimum Allocation Grants) (Bucket B)
  - \$10 million (Regional Water) (\$2 million each for 5 Districts)
  - \$43 million (Long Range Planning Bills-State Projects)
  - \$11.5 million (Administration of the funding-State Staff)
  - **Approximately \$177 million remaining for competitive grants (Bucket C)- Broken into 2 rounds of grants**



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# Water & Sewer Infrastructure Funds-Distribution

## Bucket A-Direct Local Fiscal Recovery Funds

- Direct allocation to Counties from Treasury
- Direct allocation to Cities from the State via Treasury
- National Association of Counties (NACO), US Treasury, and MT League of Cities have portals to provide the information necessary to disburse payments
- NON-COMPETITIVE
- May be used for Water and Sewer but also for any of the previously identified ARPA approved categories
- 2 Equal Disbursements-1<sup>st</sup> in June of 2021 and the 2<sup>nd</sup> June 2022

Laurel total \$1,720,384



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# Water & Sewer Infrastructure Funds-Distribution

## Bucket B-HB632 Allocations from the State of Montana

- Direct Minimum Allocations to communities from the State allocation
- Amount calculated related to BARSAA (Gas Tax) allocation, population and travel miles
- **REQUIRES A MATCH** of 1:1 or 25 percent of the Direct Local Fiscal Recovery allocation
  - Example: Miles City is receiving \$2,000,866 in Direct Treasury Allocation (Bucket A).
  - Their minimum allocation under HB632 is \$1,531,937 (Bucket B).
  - Their match requirement to access Bucket B funds is the lesser of 1:1 for Bucket B (\$1,531,937) OR 25 percent of Bucket A (\$2,000,866=~~\$500,216.50~~)
  - If you apply for multiple small projects, the 25 percent or 1:1 applies for each.
- **NON-COMPETITIVE**
- Must submit a plan to the State by January 1, 2023 and include commitment to the match required and a plan for use.
- Only 1 minimum allocation grant per project but the community can apply for multiple minimum allocation grants for multiple projects until the allocation total is spent.
- Bucket A (Direct Treasury Allocation) \$\$ may be used for the match for Minimum Allocation \$\$ (Bucket B). Additional grants/loans may also be utilized.

Laurel total \$1,098,308



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# Water & Sewer Infrastructure Funds-Distribution

## Bucket C-HB632 Competitive Grants

- Total Funding available estimated at approximately \$250 million (broken into 2 equal distributions)
- The Advisory Commission is anticipated to “set aside” a portion of this money for state water/sewer projects. This amount has not yet been determined (probably will be decided at the 6/28 advisory commission meeting)
- Grants for up to \$25 million PER PROJECT
- Specific match is not required, but some match is required and will be considered in the ranking/scoring. Higher match will score higher (ARPA dollars in buckets A & B may be used as match as can other grants/loans)
- 1<sup>st</sup> Round Application due date is July 15, 2021. It is anticipated 2<sup>nd</sup> round applications will be due January 15, 2022. (Approximately \$89 million available in each round)
- Applications were released today (June 14th)



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# Eligible Projects-Water and Sewer

## Bucket C-HB632 Competitive Grants

- Eligible projects are defined by “necessary investments to water and sewer infrastructure” as defined by the Clean Water and Drinking Water State Revolving Fund definitions (which include projects for flood control IF the project protects water and sewer infrastructure, storm water, irrigation, etc..). Projects primarily for fire suppression (50 percent of the project or more) or primarily for growth are NOT eligible
- Applications can include a request to pay off debt but only debt incurred after March 3, 2021.
- Planning is an eligible expense, but will be scored against construction grants (for this reason it is advisable to include planning as part of an ongoing construction request)
- Ranking priorities
  - Health and Safety (meeting guidance as outlined in the DWSRF or CWSRF handbook)
  - Readiness to Proceed (how well planned is the project? PER, CIP, etc..)
  - Affordability (includes match contribution, water/sewer rates, etc)



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## Ineligible Uses/Projects

- Budget stabilization, rainy day funds, reserve accounts
- Pay outstanding debts before 3/3/2021
- Other infrastructure (such as roads, bridges, etc..)



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## General Guidance

- ALL Buckets of Funding (A, B & C) must be OBLIGATED by December 31, 2024
- ALL Buckets of Funding (A, B & C) must be FULLY EXPENDED by December 31, 2026
- MT ARPA dollars MAY NOT BE USED as match for other federal money (USACE, FEMA, EDA, etc...) HOWEVER, Federal funds MAY BE USED for match for MT ARPA
- Projects must have (or include as part of the grant request) a formal plan (PER, Feasibility Study, Technical memo) and relay specific goals/objectives, and protect or enhance water/sewer services/facilities. Readiness will be scored on whether adequate planning has occurred to fully understand the project & have a detailed budget
- All projects will be required to follow MEPA (Montana Environmental Protection Act) and Federal labor and materials standards (Bacon-Davis, American Steel, etc..) and should include a budget for an annual federal audit and contingency sufficient to account for inflation and supply shortage/delays in shipping.



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# Ranking Criteria for Competitive Grants

- **Health and Safety**
- **Readiness to Proceed**
  - Engineer hired
  - Planning complete
  - Other project funding in place
  - Final plans and specs approved
  - Construction able to begin in 24 months
- **Affordability**
  - Based on User Rates and MHI/LMI (there is a specific formula and points given for affordability)
- **Match (Public comment is being accepted this week. Advisory Commission will determine ranking criteria for this at their 6/28 meeting.**
  - Scores for match will constitute 8 percent of total project score or 50/600 points. Points equal to the match percentage compared to local ARPA dollars available to the local government. For water and sewer districts, irrigation districts, etc.. The applicable county's ARPA funds will be used to calculate percent match
  - Current proposal is up to 50 percent match for 50 points.



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## Additional Resources & Questions

- ARPA.MT.GOV
- <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments>
- <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds>
- Anna Miller, Deputy Administrator, MT DNRC, 406-444-6689 or [annam@mt.gov](mailto:annam@mt.gov)
- Becky Bey, Government Relations Specialist, KLJ, 406-247-2907 or 698-3668 (cell) or [becky.bey@kljeng.com](mailto:becky.bey@kljeng.com)



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## MONTANA

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### JUDICIAL BRANCH

The Courts of Limited Jurisdiction in Montana are Justice Courts, City Courts and Municipal Courts. There are 61 Justice Courts, 84 City Courts and 6 Municipal Courts. Although the jurisdiction of these courts differs slightly, collectively they address cases involving misdemeanor offenses, civil cases for amounts up to \$12,000, small claims valued up to \$7,000, landlord/tenant disputes, local ordinances, forcible entry and detainer, protection orders, certain issues involving juveniles, and other matters. The total caseload of these courts is about 5 times greater than that of the District Courts in Montana. Courts of Limited Jurisdiction are the courts in which most Montanans seeking justice will encounter the justice system.

Justice and Municipal Court Judges are elected, unless appointed to fill a vacated position. Judges appointed to fill a vacated position must run for the position at the end of the term to which they were appointed. City Court Judges may be elected or appointed. All Limited Jurisdiction Court Judges serve four-year terms. Justice Court and City Court Judges are not required to be attorneys; Municipal Court Judges must be attorneys. In 2011, there were 112 Limited Jurisdiction Court Judges. Numerous judges serve as both Justice of the Peace and City Judges.

All Limited Jurisdiction Court Judges must attend two Supreme Court-supervised training conferences each year and pass a Certification Examination each term. Failure to attend a training conference or pass the examination creates a vacancy in the Judge's office.

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- LAUREL MUNICIPAL CODE
- 2.68.090 - City judge qualifications.

A. No person is eligible for the office of city judge unless prior to filing the oath of office with the county clerk is either:

1. An attorney at law authorized to practice law in the state;
2. A person who has held the office of city judge within the preceding five years; or
3. A person who has completed the orientation course of study held under direction of the supreme court or has been excused by the supreme court.

B. No person is eligible for the office of city judge who upon filing for office shall not meet the residency requirements as for the office of mayor under 7-4-4301, MCA.

C. No city judge may assume the functions of his office unless he has filed with the county clerk and recorder a certificate of completion of a course of education and training prescribed by the commission on courts of limited jurisdiction under 3-1-1502, MCA.

(Ord. 931 (part), 1988: prior code § 2.16.080)

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## Montana Code Annotated 2019

TITLE 3. JUDICIARY, COURTS

CHAPTER 6. MUNICIPAL COURTS

Part 2. Municipal Court Judges

### Qualifications -- Certification -- Training

**3-6-202. Qualifications -- certification -- training.** (1) A municipal court judge must have the same qualifications as a judge of a district court, as set forth in Article VII, section 9, of the Montana constitution, except that a municipal court judge need only be admitted to the practice of law in Montana for at least 3 years prior to the date of appointment or election.

(2) A municipal court judge shall reside in the county in which the court is located and shall meet the residency requirements provided in **3-10-204**.

(3) The commission on courts of limited jurisdiction, upon finding compliance with subsections (1) and (2), shall issue a certificate, as required in **3-1-1502**, prior to the municipal court judge assuming office. The certificate must be conditioned upon continued compliance with the minimum judicial education requirements provided for in this section. The certificate must be filed with the clerk and recorder as provided in **3-1-1502**.

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MCA Contents / TITLE 3 / CHAPTER 10 / Part 2 / 3-10-204 Residence re...

# Montana Code Annotated 2019

TITLE 3. JUDICIARY, COURTS

CHAPTER 10. JUSTICES' COURTS

Part 2. Justices of the Peace

## Residence Requirements

**3-10-204. Residence requirements.** (1) A justice of the peace must reside in the county in which the justice's court is held.

(2) A person is not eligible for the office of justice of the peace unless the person is a citizen of the United States and has been a resident of the county in which the person is to serve for 1 year preceding election or appointment.

**History:** En. Sec. 163, C. Civ. Proc. 1895; re-en. Sec. 6311, Rev. C. 1907; re-en. Sec. 8865, R.C.M. 1921; Cal. C. Civ. Proc. Sec. 159; re-en. Sec. 8865, R.C.M. 1935; amd. Sec. 13, Ch. 491, L. 1973; R.C.M. 1947, 93-704; amd. Sec. 190, Ch. 61, L. 2007.

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# Montana Code Annotated 2019

TITLE 3. JUDICIARY, COURTS  
CHAPTER 11. CITY COURTS  
Part 2. City Judges

## Salary -- Qualifications

**3-11-202. Salary -- qualifications.** (1) A city judge, at the time of election or appointment must:

- (a) meet the qualifications of a justice of the peace under **3-10-202**;
- (b) be a resident of the county in which the city or town is located; and
- (c) satisfy any additional qualifications prescribed by ordinance.

(2) The annual salary and compensation of city judges must be fixed by ordinance or resolution.

(3) Each city judge shall receive actual and necessary travel expenses, as provided in **2-18-501** through **2-18-503**, incurred in the performance of official duties.

**History:** En. Sec. 4765, Pol. C. 1895; re-en. Sec. 3241, Rev. C. 1907; amd. Sec. 1, Ch. 61, L. 1919; re-en. Sec. 5020, R.C.M. 1921; re-en. Sec. 5020, R.C.M. 1935; amd. Sec. 2, Ch. 76, L. 1953; amd. Sec. 2, Ch. 179, L. 1961; amd. Sec. 2, Ch. 158, L. 1965; amd. Sec. 1, Ch. 186, L. 1967; R.C.M. 1947, 11-726; amd. Sec. 12, Ch. 528, L. 1979; amd. Sec. 4, Ch. 543, L. 1987; amd. Sec. 1, Ch. 300, L. 1989; amd. Sec. 201, Ch. 61, L. 2007.

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# Montana Code Annotated 2019

## TITLE 3. JUDICIARY, COURTS

### CHAPTER 6. MUNICIPAL COURTS

#### Part 1. General Provisions

## Establishment Of Court

**3-6-101. Establishment of court.** (1) A city with a population of 4,000 or more, according to the last federal census, may have a court, known as the municipal court of the city of (designating the name of the city) of the state of Montana. The court must be a court of record. The municipal court shall assume continuing jurisdiction over all pending city court cases in the city in which the municipal court is established.

(2) A city may have a municipal court only if the governing body of the city elects by a two-thirds majority vote to adopt the provisions of this chapter by ordinance and, in the ordinance, provides the manner in which and time when the municipal court is to be established and is to assume continuing jurisdiction over all pending city court cases. If a city judge is not an attorney and the office is abolished because a municipal court is established, the ordinance must provide that the time when the establishment of the municipal court takes effect is the date on which the municipal court judge elected at the next election held under **3-6-201** begins the municipal court judge's term of office. The ordinance must be consistent with the provisions of this chapter.

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# Montana Code Annotated 2019

## TITLE 7. LOCAL GOVERNMENT

### CHAPTER 1. GENERAL PROVISIONS

#### Part 41. Municipalities

## Classification Of Municipalities

**7-1-4111. Classification of municipalities.** (1) Every city having a population of 10,000 or more is a city of the first class.

(2) Every city having a population of less than 10,000 and more than 5,000 is a city of the second class.

(3) Every city having a population of less than 5,000 and more than 1,000 is a city of the third class.

(4) Every municipal corporation having a population of less than 1,000 and more than 300 is a town.



# Montana Code Annotated 2019

TITLE 7. LOCAL GOVERNMENT  
CHAPTER 1. GENERAL PROVISIONS  
Part 41. Municipalities

## Procedure To Advance Municipal Classification

**7-1-4115. Procedure to advance municipal classification.** (1) If it appears by such census that the city or town contains the requisite population to be advanced, the council must thereupon by resolution declare, as the case may be, that:

- (a) the town is advanced to a city of the first, second, or third class;
- (b) a city of the third class is advanced to a city of the second or first class; or
- (c) a city of the second class is advanced to a city of the first class.

(2) The city or town council must file a certified copy of such resolution in the office of the county clerk of the county and in the office of the secretary of state. Whereupon such town becomes a city of the first, second, or third class; a city of the third class becomes a city of the second or first class; and a city of the second class becomes a city of the first class, as the case may be, to be governed under the provisions of this code relative to cities and towns.

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(Billings Municipal Code) -Chapter 10 – COURT · ARTICLE 10-100. - IN GENERAL

- Sec. 10-101. - Establishment and recognition.

The municipal court of the City of Billings is hereby established pursuant to state law under MCA Title 3, Chapter 6 (section 3-6-101 et seq.). It is specifically recognized by the city that its municipal court is established for all intents and purposes set forth in the state law and for all purposes that may be reasonably inferred therefrom. The municipal court shall assume continuing jurisdiction over all pending city court cases.

- Sec. 10-102. - Municipal court clerk position established.

Pursuant to state law, the position of municipal court clerk is established within the municipal court. The municipal court clerk shall assist the municipal court judge in the recording and signing of court proceedings as well as in creating, maintaining and retaining municipal court records. The city council shall set the salary of the municipal court clerk and provide for other necessary expenses that may be incurred in operating the municipal court.

- ARTICLE 10-200. - JUDGE

- Sec. 10-201. - Qualifications.

A municipal court judge must have the same qualifications as a judge of a district court, as set forth in Article VII, section 9, of the 1972 Montana constitution, except that a municipal court judge need only be admitted to the practice of law in the state for at least three (3) years prior to the date of appointment or election. A municipal court judge must reside in Yellowstone County and shall be a citizen of the United States and a resident of Yellowstone County for one (1) year next preceding his election or appointment.

- Sec. 10-202. - Municipal court judges.

(a) There shall be one (1) full-time elected municipal court judge. The judge's term commences on the first Monday in January following the election. The judge shall hold office for the term of four (4) years and until a successor is elected and qualified.

(b) The elected municipal court judge may, with the approval of the city council, appoint a part-time assistant judge, who must have the same qualifications as a judge pro tempore, to serve during the elected judge's term of office. An order by a part-time assistant judge has the same force and effect as an order of a municipal court judge.

(Ord. No. 06-5361, § 2, 3-13-06)



- Municipal Officials Handbook – MSU Extension – Local Government Center

## Chapter 1: Municipal Government Defined

By Kenneth L. Weaver, Ph.D.

### 1.203 When and How to Change Classification

Unless a city or town undertakes its own direct enumeration of inhabitants, the basis for classifying Montana municipalities is the most recent federal decennial census. Whenever the federal census indicates that the population of a municipality has increased or decreased sufficiently to alter its classification, the city or town council must, by resolution, change the classification to conform to the classes established by 7-1-4111, MCA, as noted above. A certified copy of the resolution *must* be filed with the county clerk and recorder and with the Secretary of State.

## 1.6 CITY AND MUNICIPAL COURTS

### 1.601 Local Courts of Limited Jurisdiction

Courts of limited jurisdiction (as distinct from district courts with felony jurisdiction) are those local courts which deal with local ordinances, residential and commercial landlord/tenant disputes, forcible entry and detainer (unlawful keeping of another person's goods), collection of certain taxes, fees and assessments, and, most frequently, misdemeanor criminal charges. Misdemeanors are those offenses punishable by a fine not exceeding \$500 or imprisonment not exceeding six months. A civil action may be brought in a court of limited jurisdiction if the disputed sum does not exceed \$7,000 (exclusive of court costs). The two kinds of courts of limited jurisdiction found in Montana's cities and towns are the *city court* and the *municipal court*, each of which is described below.

### 1.602 City and Municipal Courts

Eighty-three of Montana's 127 cities and towns have a *city court*. Five cities (Bozeman, Billings, Great Falls, Helena and Missoula) have a *municipal court* which is also a court of limited jurisdiction but, unlike a city court, a municipal court is a *court of record*, as described below. The criminal jurisdiction of city and municipal courts is *limited to misdemeanors*, which are almost entirely violations of city or town ordinances, predominantly traffic-related offenses.

### 1.603 City Courts

Even though state law does not mandate that a *city court judge* be an attorney, several are because this additional qualification may be set forth in a city or town ordinance 3-11-202, MCA. The city and town councils of Montana's 115 Class 3 Cities and Towns *may decide by ordinance whether to appoint or elect the city judge* to the required four year term of office, 7-4-4102 and 4103, MCA. Most are elected, *as are all the city judges in class 1 and class 2 cities*.

However, a number of *smaller cities and towns choose to appoint a city judge from a neighboring city or town or to appoint a willing county justice of the peace as the city judge*. Approximately 38 county justices of the peace also *serve as city judges*.

### 1.604 Municipal Courts

Unlike a city court or justice court, *a municipal court is a court of record* and, therefore, appeals from its decisions do not require re-trial by a district court, which may review the case upon appeal based upon the court record created in the original municipal court proceeding. The five municipal courts have the same jurisdiction as city courts but, unlike city courts, *municipal court judges must be elected and must have the same qualifications as a district court judge except that a municipal court judge must have been admitted to practice for only three years* 3-6-202, MCA.



# Montana Code Annotated 2019

TITLE 25. CIVIL PROCEDURE

CHAPTER 33. APPEAL TO DISTRICT COURT FROM JUSTICES' AND CITY COURTS

Part 3. Proceedings in District Court

## Trial De Novo -- Pleadings -- Conduct Of Trial

**25-33-301. Trial de novo -- pleadings -- conduct of trial.** (1) Except as provided in subsection (3), all appeals from justices' or city courts must be tried anew in the district court on the papers filed in the justice's or city court unless the court, for good cause shown and on terms that are just, allows other or amended pleadings to be filed in the action. The court may order new or amended pleadings to be filed. Each party has the benefit of all legal objections made in the justice's or city court.

(2) When the action is tried anew on appeal, the trial must be conducted in all respects as other trials in the district court. The provisions of this code as to trials in the district courts are applicable to trials on appeal in the district court.

(3) The appeal from a justice's court of record pursuant to **3-10-101** is on the record as provided in **3-10-115**. The appeal from a city court of record pursuant to **3-11-101** is on the record as provided in **3-11-110**.

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# Montana Code Annotated 2019

TITLE 3. JUDICIARY, COURTS

CHAPTER 11. CITY COURTS

Part 1. Creation and Jurisdiction

## Appeal To District Court From City Court Of Record -- Record On Appeal

**3-11-110. Appeal to district court from city court of record -- record on appeal.** (1) A party may appeal to district court a judgment or order from a city court of record. The appeal is confined to review of the record and questions of law, subject to the supreme court's rulemaking and supervisory authority.

(2) The record on appeal to district court consists of an electronic recording or stenographic transcription of a case tried, together with all papers filed in the action.

(3) The district court may affirm, reverse, or amend any appealed order or judgment and may direct the proper order or judgment to be entered or direct that a new trial or further proceeding be had in the court from which the appeal was taken.

(4) Unless the supreme court establishes rules for appeal from a city court of record to the district court, the Montana Uniform Municipal Court Rules of Appeal to District Court, codified in Title 25, chapter 30, apply to appeals to district court from the city court of record.

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Montana Judges Deskbook – Municipal, Justice and City Courts:

[https://courts.mt.gov/External/lcourt/deskbook/2010\\_Deskbook.pdf](https://courts.mt.gov/External/lcourt/deskbook/2010_Deskbook.pdf)

Montana Code Annotated:

<https://leg.mt.gov/bills/mca/index.html>





# LAUREL FIRE

215 WEST 1ST STREET • LAUREL, MT • 59044  
OFFICE 406.628.4911 • FAX 406.628.2185

Re: 2021 4<sup>th</sup> of July Fire report

July 6, 2021

During the 2021 4<sup>th</sup> of July weekend (July 2- July 5), the Laurel Volunteer Fire Department responded to 14 fire calls.

July 2, 2021- 3 calls

- Motor Vehicle Accident
- Grass fire caused by fireworks- Bristol Way.
- Smoke Alarm

July 3, 2021- 4 calls

- Grass fire caused by fireworks- 12<sup>th</sup> Ave; outside of allowed fireworks times.
- Motor Vehicle Accident
- Trash can fire- Mountain View and 4<sup>th</sup> Ave- unknown cause.
- Camp fire- Duck Creek fishing access; County

July 4, 2021

- Four- Wheeler accident
- Grass fire caused by fireworks- Ranch Trail Road; County.
- Bon fire in an alley- East 6<sup>th</sup> Street
- Grass fire- West Main and 1<sup>st</sup> Ave; Unknown cause
- Grass fire- West Railroad and South 8<sup>th</sup> Ave; Unknown cause
- Dumpster fire Pennsylvania Ave
- Dumpster fire- East 6<sup>th</sup> and Fir Ave

July 5, 2021

- Dumpster fire- East 3<sup>rd</sup> and Montana

Previous year's total calls and firework related for July 2- July 5

- 2020- 8 calls; 3 fireworks
- 2019- 4 calls; 3 fireworks
- 2018- 5 call; 1 firework
- 2017- 10 call; 9 fireworks
- 2016- 10 calls; 2 fireworks

The Laurel Volunteer Fire Department would like to thank every citizen of Laurel for doing their part to keep the 2021 4<sup>th</sup> of July weekend as safe a possible while using fireworks.

Thank you.

Brent S. Peters  
Fire Chief, Laurel Fire Department