



**AGENDA
CITY OF LAUREL
CITY COUNCIL MEETING
TUESDAY, MAY 12, 2020
6:30 PM
COUNCIL CHAMBERS**

NEXT RES. NO.
R20-25

NEXT ORD. NO.
O20-02

WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified times for citizen comments on its agenda -- once following the Consent Agenda, at which time citizens may address the Council concerning any brief community announcement not to exceed one minute in duration for any speaker; and again following Items Removed from the Consent Agenda, at which time citizens may address the Council on any matter of City business that is not on tonight's agenda. Each speaker will be limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council. Citizens may also comment on any item removed from the consent agenda prior to council action, with each speaker limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council. If a citizen would like to comment on an agenda item, we ask that you wait until the agenda item is presented to the Council by the Mayor and the public is asked to comment by the Mayor. Once again, each speaker is limited to three minutes.

Any person who has any question concerning any agenda item may call the City Clerk-Treasurer's office to make an inquiry concerning the nature of the item described on the agenda. Your City government welcomes your interest and hopes you will attend the Laurel City Council meetings often.

Pledge of Allegiance

Roll Call of the Council

Approval of Minutes

1. Approval of Minutes of April 28, 2020.

Correspondence

2. Laurel Airport Authority Minutes of February 24, 2020.
3. STIP Correspondence 2020-2024.

Council Disclosure of Ex Parte Communications

Public Hearing

Consent Items

NOTICE TO THE PUBLIC

*The Consent Calendar adopting the printed Recommended Council Action will be enacted with one vote. **The Mayor will first ask the Council members if any Council member wishes to remove any item from the Consent Calendar for discussion and consideration.** The matters removed from the Consent Calendar will be considered individually at the end of this Agenda under "Items Removed from the Consent Calendar." (See Section 12.) The entire Consent Calendar, with the exception of items removed to be discussed under "Items Removed from the Consent Calendar," is then voted upon by roll call under one motion.*

4. Claims entered through 4/10/2020, 4/24/2020, 5/8/2020.
5. Clerk/Treasurer Financial Statements for the month of February 2020.
6. Clerk/Treasurer Financial Statements for the month of March 2020.
7. Approval of Payroll Register for PPE 3/22/2020 totaling \$190,913.95.
8. Approval of Payroll Register for PPE 4/5/2020 totaling \$199,986.56.
9. Approval of Payroll Register for PPE 4/19/2020 totaling \$217,219.28.
10. Approval of Payroll Register for PPE 5/3/2020 totaling \$206,123.59.
11. Approval of Workshop Minutes of April 21, 2020.

Ceremonial Calendar

Reports of Boards and Commissions

12. Budget/Finance Committee minutes of April 28, 2020.

Audience Participation (Three-Minute Limit)

Citizens may address the Council regarding any item of City business that is not on tonight's agenda. Comments regarding tonight's agenda items will be accepted under Scheduled Matters. The duration for an individual speaking under Audience Participation is limited to three minutes. While all comments are welcome, the Council will not take action on any item not on the agenda.

Scheduled Matters

13. Appointment to Police Commission for a term ending April 30, 2023.
Bill Mountsier
Rick Musson
14. Appointment of Amber Beck to the Laurel Volunteer Ambulance Service.
15. Resolution No. R20-25: A Resolution Of The City Council Authorizing The Disposal Of City Records.
16. Resolution No. R20-26: A Resolution Of The City Council Authorizing The Disposal Of City Records.
17. Resolution No. R20-27: Resolution Approving Change Order #1 To The City's Contract With Hardrives Construction, Inc. Authorizing Additional Work For City Of Laurel's 2020 Pavement Maintenance Project And To Authorize The Mayor To Sign Change Order Documents On The City's Behalf.
18. Ordinance No. O20-02: An Ordinance Amending Title 2 Chapter 2.60 Of The Laurel Municipal Code Relating To The City's Police And Police Commission.

Items Removed From the Consent Agenda

Community Announcements (One-Minute Limit)

This portion of the meeting is to provide an opportunity for citizens to address the Council regarding community announcements. The duration for an individual speaking under Community Announcements is limited to one minute. While all comments are welcome, the Council will not take action on any item not on the agenda.

Council Discussion

Council members may give the City Council a brief report regarding committees or groups in which they are involved.

Mayor Updates

Unscheduled Matters

Adjournment

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

DATES TO REMEMBER

Item Attachment Documents:

1. Approval of Minutes of April 28, 2020.

DRAFT

MINUTES OF THE CITY COUNCIL OF LAUREL

APRIL 28, 2020

A regular meeting of the City Council of the City of Laurel, Montana, was held via Zoom and called to order by Mayor Tom Nelson at 6:34 p.m. on April 28, 2020.

COUNCIL MEMBERS PRESENT: Emelie Eaton (at 6:37 p.m.) Heidi Sparks
 Bruce McGee (at 6:39 p.m.) Richard Herr
 Scot Stokes Irv Wilke
 Richard Klose Don Nelson

COUNCIL MEMBERS ABSENT: None

OTHER STAFF PRESENT: Nick Altonaga, Planning Director

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

Mayor Nelson asked the council to observe a moment of silence.

MINUTES:

Motion by Council Member Sparks to approve the minutes of the regular meeting of April 14, 2020, as presented, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

CORRESPONDENCE: None.

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None.

PUBLIC HEARING:

- Public Hearing – MEPA Exclusions

Mayor Nelson stated this is the time and place set for the public hearing on the City of Laurel's Public Hearing – MEPA Exclusions.

Mayor Nelson opened the public hearing.

Mayor Nelson opened the floor for public comment and asked that Staff present the item.

Nick Altonaga, Planning Director, stated this exclusion for MEPA has to deal with environmental assessment or environmental impact statement for the proposed project in Riverside Park to rehabilitate the historic structures down there. At last week's meeting, he presented the ARM that dealt with the exclusion of that. Since we are not changing the footprints of the buildings in this proposed project, it fits nicely within that, and there is a lot of work to do; it does not hit any criteria that would require an in-depth study and in-depth analysis of impacts. Furthermore, it does not meet any of the criteria having public controversy or significant effect on quality of the human environment and it does not threaten or endanger species or critical habitats. This is the second round and the affirmation of the grants the City submitted on the 28th of February. This is a follow up to dot all the "I's" and cross all the "T's." As of today, he had not received any public comments either via mail or email.

Mayor Nelson stated that copies of the rules governing the public hearing were posted in the council chambers.

Mayor Nelson asked three times if there were any proponents. There were none.

Mayor Nelson asked three times if there were any opponents. There were none.

Mayor Nelson asked Staff to respond to any relevant questions. There were none.

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Mayor Nelson closed the public hearing.

CONSENT ITEMS:

- **Approval of Workshop Minutes of April 7, 2020.**

The Mayor asked if there was any separation of consent items. There was none.

Motion by Council Member Eaton to approve the consent items as presented, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Appointment of Joshua McFarland to the Laurel Police Department.**

Motion by Council Member Stokes to approve Joshua McFarland to the Laurel Police Department, seconded by Council Member McGee. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R20-21: A Resolution Of The City Council Authorizing The Mayor To Sign A Contract With The Billings Family YMCA For The Operation And Management Of The City Of Laurel Municipal Pool.**

Motion by Council Member Sparks to approve Resolution No. R20-21, seconded by Council Member Stokes. There was no public comment.

Council noted that there had been lots of comments at the Workshop regarding the \$1500 for cameras. In subsequent emails, it appears that is still the issue. All the details are still not worked out. Council made note that they were saddened that Staff did not feel they could negotiate a contract. This is not a waste of Staff's time.

Council questioned if they should even open the pool due to the social distancing requirements.

A roll call vote was taken on the motion. Council Members Herr and McGee voted aye. Council Members Sparks, Wilke, Klose, Nelson, Stokes, and Eaton voted nay. Motion failed 6-2.

- **Resolution No. R20-22: A Resolution Of The City Council Authorizing The Mayor To Sign A Contract Between The City Of Laurel, State Of Montana, And Montana Rail Link Inc. For Construction Work On A Railroad Crossing Located Within The City Of Laurel.**

Motion by Council Member Herr to approve Resolution No. R20-22, seconded by Council Member Wilke. There was no public comment or council discussion. A roll call vote was taken on the motion. Council Members Sparks, Herr, Wilke, Klose, Nelson, Stokes, McGee, and Eaton voted aye. Motion carried 8-0.

- **Resolution No. R20-23: A Resolution Of The City Council Authorizing The Mayor To Sign A Contract With Messy Jessie's Cleaning Service For Cleaning Services For City Hall.**

Motion by Council Member Wilke to approve Resolution No. R20-23, seconded by Council Member McGee. There was no public comment or council discussion. A roll call vote was taken on the motion. Council Members Sparks, Herr, Wilke, Klose, Nelson, Stokes, and McGee voted aye. Council Member Eaton voted nay. Motion carried 7-1.

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- **Resolution No. R20-24: A Resolution Of The City Council Determining The City's Proposed Riverside Park Project Submitted To Montana's Department Of Commerce Is Appropriately Qualified As A Categorical Exclusion For The Montana Environmental Policy Act.**

Motion by Council Member Klose to approve Resolution No. R20-24, seconded by Council Member Wilke. There was no public comment or council discussion. A roll call vote was taken on the motion. Council Members Sparks, Herr, Wilke, Klose, Nelson, Stokes, McGee, and Eaton voted aye. Motion carried 8-0.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

There were none.

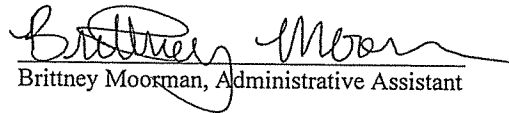
MAYOR UPDATE:

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Council Member McGee to adjourn the council meeting, seconded by Council Member Wilke. There was no public comment or council discussion. A roll call vote was taken on the motion. Council Members Sparks, Herr, Wilke, Klose, Nelson, Stokes, McGee, and Eaton voted aye. Motion carried 8-0.

There being no further business to come before the council at this time, the meeting was adjourned at 7:04 p.m.


 Brittney Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 12th day of May 2020.

 Thomas C. Nelson, Mayor

Attest:

 Bethany Langve, Clerk/Treasurer

Item Attachment Documents:

2. Laurel Airport Authority Minutes of February 24, 2020.

MINUTES
LAUREL AIRPORT AUTHORITY BOARD MEETING
Tuesday, February 24, 2020

A Laurel Airport Authority Board meeting was held in the Airport Pilot's Lounge and called to order by Chairman Randy Hand at 19:00.

BOARD MEMBERS PRESENT:

- Randy Hand, Chairman
- Brock Williams, Secretary
- Jim Swensgard
- Will Metz

OTHERS PRESENT:

Craig Canfield

1. General Items

- a. Previous minutes approved by unanimous consent
- b. Regular occurring claims were approved.

2. Reports from Craig Canfield of KLJ

- a. Plans & Specs for pavement maintenance project almost done. Planning to open bids on March 26th
- b. We need to release MDT grant for Taxiway B reconstruction since we will not be doing that project for a couple more years. Motion made to send letter drafted by Craig, passed without dissent.

3. New Business

- a. MT Aviation Conference. Randy planning to attend.
- b. Nottingham T-Hangar Condos. Motion made by Will to ask them to amend their declarations and/or include a covenant in

perpetuity when they sell any unit to require the owner to follow the airport lease, rules and regulations. Also to amend their lease to state that their members must be bound by the lease and airport rules. Motion passed.

- i. Randy to discuss with them and also remind them of requirements for gutters downspouts.

4. Old Business

- a. FBO. Deal still moving forward, hoping to close on February 28. Fuel is in tank and pump is working except credit card reader is still out of service.
- b. Snow Plow: replacement plastic arrived but is flat instead of curved. Motion to send back to manufacturer passed without dissent.
- c. John Deere Tractor: There is a party interested in purchasing. We will defer until spring and see if we can get it running before deciding what to do with it.
- d. Aircraft lifting jib: Motion to approve purchase of a jib to allow lifting a disabled aircraft passed without dissent. Estimated cost is \$1800.

5. Public Input

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

- a. none received

6. Other Items

none

7. Announcements

- a. none

The meeting was adjourned at 20:30.

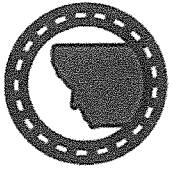
Respectfully submitted,

Brock Williams
Secretary

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

Item Attachment Documents:

3. STIP Correspondence 2020-2024.



VISION ZERO

zero deaths
zero serious injuries

Montana Department of Transportation

2701 Prospect
PO Box 201001
Helena MT 59620-1001

Steve Bullock, Governor
Michael T. Tooley, Director

April 28, 2020

LAUREL CITY COMMISSION
PO BOX 10
LAUREL MT 59044-0010

Subject: **2020-2024 Draft Statewide Transportation Improvement Program**

The Project Analysis Bureau of the Montana Department of Transportation (MDT) will soon publish the draft 2020-2024 Statewide Transportation Improvement Program (STIP), a list of transportation improvements planned for Montana during the next five years. Federal law requires MDT to present the draft STIP to the public and consider all comments.

In an effort to reduce costs, we are offering you the opportunity to review and comment on the draft STIP on-line. To view this document electronically, go to <http://www.mdt.mt.gov/pubinvolve/stip.shtml>.

If you would like a hard copy, simply write your name and address on the enclosed postage-paid card and mail it to us as soon as possible. We will be happy to send you the printed version. If you want us to remove your name from the notification list, check the "remove" box and fill in your address.

Please review the draft STIP and send us your comments, especially for projects in your area. If you send in your comments electronically, address them to paujohnson@mt.gov. The comment period runs through **May 31, 2020** so be sure to submit any comments prior to that date, so we can consider them for the final document.

Once the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) approve the final STIP, we will notify you that copies are available. If you have any questions or comments, feel free to call me at (800) 714-7296 or (406) 444-7259.

Thank you for your assistance,

Paul Johnson, Manager
Project Analysis
Rail, Transit and Planning Division

Enclosure

Item Attachment Documents:

11. Approval of Workshop Minutes of April 21, 2020.

**MINUTES
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, APRIL 21, 2020**

A Council Workshop was held in virtually via Zoom and called to order by Mayor Tom Nelson at 6:39 p.m. on April 21, 2020.

COUNCIL MEMBERS PRESENT:

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

OTHERS PRESENT:

Kurt Markegard, Public Works Director via Zoom
Stan Langve, Police Chief via Zoom

Public Input:

There were none.

General Items

1. Appointment of Joshua McFarland to the Laurel Police Department.
Stan Langve, Police Chief, introduced Mr. McFarland to Council, see attached letter.
Council had no questions.

Executive Review

2. Resolution - A Resolution Of The City Council Authorizing The Mayor To Sign A Contract With The Billings Family YMCA For The Operation And Management Of The City Of Laurel Municipal Pool.

Kurt Markegard, Public Works Director, stated that this contract is the same as last year. The contract has increased \$1,500 for security cameras to send video to Billings. There is added language regarding the effects of COVID-19 on opening the pool. It is unclear what social distancing recommendations will be in place or if the YMCA will be able to find staffing for the pool.

Multiple Council Members commented on the additional \$1,500 for cameras. They questioned who owned the cameras and would they stay installed. They also questioned why the City would pay for cameras if they are not going to keep them. It was clarified that the camera system needs an internet connection. The Public Works Director also stated that the City needs to get Wi-Fi at the pool to encourage adults to want to go to the pool. He further stated that he would check with the YMCA on who would own the cameras.

It was questioned what needs to be done to get the pool ready for the season and how long that would take. It was clarified that the pool is filled halfway throughout the winter. It will take approximately one week to get the pool ready for opening. It is unclear if we will be able to open the pool this year due to social distancing requirements. The Public Works Director did clarify the amount of chlorine in the pool does kill all viruses. There have been large portions of society that have been cooped up with nothing to go and do—preparing to safely open at this point.

3. Resolution - A Resolution Of The City Council Authorizing The Mayor To Sign A Contract Between The City Of Laurel, State Of Montana, And Montana Rail Link Inc. For Construction Work On A Railroad Crossing Located Within The City Of Laurel.

Kurt Markegard, Public Works Director, stated this is an agreement between Montana Rail Link and the State. The State has money to make crossings safer. They will be fixing the 5th Avenue crossing. They are currently working on a crossing in Billings. They will be put concrete on the crossing and a new signal with crossing arms. The State is paying 80% of the cost with MRL covering the remaining 20%. The City is asked to do patchwork between the concrete and asphalt. The sidewalk will also need to be tied in. It is expected to be approximately 1.5 feet of patching needed to connect the concrete and asphalt. There are discussions if the City owns the sidewalk. The work will begin in May.

4. Resolution - A Resolution Of The City Council Authorizing The Mayor To Sign A Contract With _____ For Cleaning Services For City Hall.

Mayor Nelson clarified that the name of the cleaning service is Messy Jessie's Cleaning Service. A few Council Members had spoken previously about having a professional cleaning person. The Private cleaner has insurance and the required bond. The quote is similar to what the Library pays their cleaning person. This contract is a six-month contract.

It was questioned if this is weekly cleaning and how much time would be spent cleaning. It was clarified the bid was attached to the packet, see attached.

Council Issues

5. MEPA Exclusion Discussion

Nick Altonaga, Planning Director, stated that this is a follow up to the grant the City applied for in February. The project meets the requirements for an exemption from an environmental assessment, see attached. Next week there will be a resolution stating the Council's support for the exemption.

It was questioned what the purpose of bringing this before Council was. It was clarified that this is part of gathering public input regarding the environmental assessment.

6. Update on Financials after EDII Project.

There is no update at this time.

7. Update Ambulance Safety Levy
There is no update at this time. Mayor Nelson stated that he is working on shift tasks with command calls that are moving to once a week. He will have more time to put toward this.

Other Items

Review of Draft Council Agendas

8. Draft Council Agenda for April 28, 2020.
There were none.

Attendance at Upcoming Council Meeting

All present will be in attendance at next week's meeting.

Announcements


It was questioned if the Mayor was still limiting meetings. It was further questioned if Emergency Services could meet via Zoom. They will tentatively plan to meet next Monday, April 27, 2020, via Zoom. It should be more apparent once the Governor releases his statement about reopening Montana.

Council requested an update on the campground at Riverside Park.

Council requested an update on ordinances at the next Workshop. Mayor Nelson stated Council would see those ordinances very soon.

The council workshop adjourned at 7:29 p.m.

Respectfully submitted,



Brittney Moorman
Administrative Assistant

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



Laurel Police Department

215 W. 1st Street Laurel, Mt. 59044 ▪ Phone 406-628-8737 ▪ Fax 406-628-4641

Chief of Police Stanley J Langve

March 24th, 2020

TO: Mayor Tom Nelson

Re: Conditional job offer / Patrolman

On January 17th, 2020 a vacancy was created at the Laurel Police Department with the resignation of an Officer. On January the 21st, 2020 I posted the vacant position internally. I received no bids for the position. I sent invitations to apply for individuals listed on the Montana Law Enforcement testing Consortium who had expressed interest in working for the Laurel Police Department. I then advertised the position to Montana law enforcement agencies, inviting P.O.S.T. certified officers to apply. I received 14 completed applications.

On March 17th the Laurel Police Commission and members of the Laurel Police Department conducted 11 interviews and Bpad exercises. Based upon the cumulative interview and Bpad scores, Joshua McFarland distinguished himself as an excellent candidate for the Laurel Police Department. Joshua has demonstrated his commitment to service through his enlistment with the United States Marine Corps, working in the health services field, and his employment as a Detention Officer with the Yellowstone County Sheriffs Department since October of 2018. It is my recommendation that Joshua McFarland be offered a conditional offer of employment with the Laurel Police Department.



Chief Stanley J Langve
Laurel Montana Police Department
215 West 1st Street
Laurel, MT 59044
Office (406) 628-8737

EXHIBIT A

Description of Services for City Hall

1. Initial Cleaning. Complete deep clean from the ceilings (lights, fans, vents) down the walls hitting light switches and windows/doors down to the baseboards/floors. Clean and dust everything including pictures, shelves, computers, phones, chairs and anything else that you can see or touch in each office or common area. I will not move, disturb or remove any papers or files on each desk.
2. Routine Cleaning. After the initial cleaning, the building will be cleaned, with trashes emptied and removed, three days per week: Sundays, Tuesdays, and Thursdays as follows:
 - Sunday: Clean, disinfect and dust all conference rooms and general public common areas including deep clean for all bathrooms. (4 hours)
 - Tuesday and Thursday: Clean, disinfect and dust all offices and kitchen areas including a light clean and disinfect for each bathroom. (3 hours per day)
3. Contractor Insurance and Bond: At all times, Contractor shall remain bonded and possess general commercial liability insurance with at least a \$1,000,000 limit.
4. Payment Provision: City shall pay Contractor \$350 for the initial deep cleaning. Thereafter, City shall pay Contractor \$250 per week or \$1000 per month, payable monthly.

CONTRACTOR

Messy Jessie's Cleaning Service
307-752-2624
josephjessica363@gmail.com

Employer Identification Number

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

City Of Laurel

P.O. Box 10
Laurel, Montana 59044



Office of the City Planner

April 15, 2020

Regarding an Exclusion from MEPA Requirements for the Proposed Riverside Park Historic Building Rehabilitation Project Applied for through the MT Historic Preservation Grant Program

Mayor and City Council,

I request that the City Council review, discuss, and officially approve documentation stating that the application submitted to the Department of Commerce for the proposed historic rehabilitation project in Riverside Park is excluded from the requirements to conduct a full Environmental Assessment (EA) or Environmental Impact Statement (EIS). A requirement of the Historic Preservation Grant Program that this project was applied through is to supply either an Environmental Assessment (EA), Environmental Impact Statement (EIS), or official documentation stating a categorical exclusion from those requirements to satisfy the Montana Environmental Policy Act (MEPA).

It is the opinion of the Planning Department that the proposed project in the application meets the threshold for a categorical exclusion from the requirement to prepare an environmental assessment or an environmental impact statement as stated in *ARM 8.2.328 – Actions that Qualify for a Categorical Exclusion*. The application meets Section 2(e) which states: “projects where the footprint of the proposed structures, pipelines, or other infrastructure would be substantially unchanged from existing conditions, and there is no increase in the population served by the facility;

Furthermore, the proposed project does *not* involve any of the circumstances stated in ARM 8.2.328 Section (3) which would require an EA or EIS that includes:

- a) they involve substantial public controversy over the project's potential effect on the quality of the human environment;
- b) the proposed project might have a significant effect on the quality of the human environment; or
- c) the project might affect sensitive environmental or cultural resource areas or endangered or threatened species and their critical habitats.

The Planning Director will prepare a formal letter stating the case for exclusion from the requirements and submit it to the Department of Commerce with the official resolution on the matter from the City Council, and Appendix B-1: Environmental Review Form. I have provided a copy of ARM 8.2.328 and the Historic Preservation Grant Guidelines with this letter. Thank you for your time and consideration.

Regards,

Nicholas Altonaga

A handwritten signature in black ink, appearing to read "N. Altonaga", written over a white background.

Planning Director



Rule: 8.2.328

[Prev](#) [Up](#) [Next](#)

Rule Title: ACTIONS THAT QUALIFY FOR A CATEGORICAL EXCLUSION

Department: [COMMERCE](#)
Chapter: [DEPARTMENT RULES](#)
Subchapter: [Montana Environmental Policy Act](#)



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Latest version of the adopted rule presented in Administrative Rules of Montana (ARM):

[Printer Friendly Version](#)

8.2.328 ACTIONS THAT QUALIFY FOR A CATEGORICAL EXCLUSION

(1) The following types of actions do not individually, collectively, or cumulatively require the preparation of an environmental assessment or an environmental impact statement, unless the action involves one or more of the extraordinary circumstances stated in (3).

(2) The following actions meet the criteria for categorical exclusions and will not normally require preparation of either an environmental assessment or an environmental impact statement in considering applications for grants or loans to finance these projects:

(a) projects that will be partially funded by, or for which the applicant must obtain a permit from, a state or federal agency which, by reason of its funding or permitting function, has primary responsibility to consider the environmental impacts of the project under MEPA or the National Environmental Policy Act;

(b) activities which do not involve or lead directly to construction, such as planning studies, scientific research and analysis, surveys, or engineering;

(c) projects primarily involving the acquisition of capital equipment;

(d) projects that involve only minor repairs or rehabilitation to an existing facility, including functional replacement of an existing facility or facility components;

(e) projects where the footprint of the proposed structures, pipelines, or other infrastructure would be substantially unchanged from existing conditions, and there is no increase in the population served by the facility; or

(f) emergency repairs, reconstruction, restoration, retrofitting, or replacement of an existing facility that is in operation or under construction when damaged and the action:

(i) occurs within the existing facility footprint and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and

(ii) is commenced within six months after the date of the emergency.

(3) Actions described in (2) may not be processed as categorical exclusions if:

(a) they involve substantial public controversy over the project's potential effect on the quality of the human environment;

(b) the proposed project might have a significant effect on the quality of the human environment; or

(c) the project might affect sensitive environmental or cultural resource areas or endangered or threatened species and their critical habitats.

(4) If information available to the department indicates that a proposed project in one of the categories described in (2) may involve one of the situations described in (3), the department may, in its sole discretion, require an applicant to prepare an environmental assessment or environmental impact statement as may be appropriate.

History: [2-3-103](#), [2-4-201](#), MCA; [IMP](#), [2-3-104](#), [75-1-201](#), MCA; [NEW](#), 2015 MAR p. 1481, Eff. 9/25/15.

DRAFT

Appendix B

Montana Historic Preservation Grants are a state action subject to the Montana Environmental Policy Act (MEPA). MEPA specifies three different levels of environmental review, based on the significance of the potential impacts. The levels are: (1) exempt or excluded from MEPA review; (2) environmental assessment (EA), and (3) environmental impact statement (EIS). The following outlines the environmental review process that must be completed by the applicant for each project proposed for MHPG funding.

For detailed information on MEPA, see *A Guide to the Montana Environmental Policy Act*, or *A Citizen's Guide to Public Participation in Environmental Decision Making*, at:

<http://leg.mt.gov/css/Publications/environmental/default.asp> or

<http://leg.mt.gov/css/services%20division/lepo/mepa/mepaforpublic.asp>

All necessary environmental review of the proposed project is recommended to be completed prior to submission of the application for grant funding. Any application received without documentation that the environmental review process has been completed, must complete the environmental review process and submit documentation to Commerce no later than May 1, 2020 or risk being determined incomplete by Commerce.

To document completion of the environmental review process the applicant must provide documentation of the completed environmental review process and include with all documentation of the public review process, including but not limited to, the public notice for and minutes of a public hearing at which the environmental review was discussed, the public comments received, and the final decision on the environmental determination made during a public meeting.

Statutory or Categorical Exemptions

Certain actions are exempt from MEPA review, either because they have been specifically exempted by the statute or, because of their special nature, do not normally have a significant effect on the environment. The following types of actions are statutorily exempt from MEPA review under ARM 8.2.304(5):

- Administrative actions (routine clerical or similar functions, including but not limited to administrative procurement, contracts for consulting services, or personnel actions);
- Minor repairs, operations, and maintenance of existing equipment or facilities;
- Investigation and enforcement; data collection activities; inspection of facilities or enforcement of environmental standards;
- Ministerial actions (in which the agency exercises no discretion and rather acts upon a given state of facts in a prescribed manner);
- Actions that are primarily social or economic in nature and that do not otherwise affect the human environment;

The following types of actions are categorically exempted from MEPA review under ARM 8.2.328(2):

- Projects that will be partially funded by, or for which the applicant must obtain a permit from, a state or federal agency which, by reason of its funding or permitting function, has primary responsibility to consider the environmental impacts of the project under MEPA or the National Environmental Policy Act;
- Activities which do not involve or lead directly to construction, such as planning studies, scientific

- research and analysis, surveys, or engineering;
- Projects primarily involving the acquisition of capital equipment;
- Projects that involve only minor repairs or rehabilitation to an existing facility, including functional replacement of an existing facility or facility components;
- Projects where the footprint of the proposed structures, pipelines, or other infrastructure would be substantially unchanged from existing conditions, and there is no increase in the population served by the facility; or
- Emergency repairs, reconstruction, restoration, retrofitting, or replacement of an existing facility that is in operation or under construction when damaged and the action:
 - (i) occurs within the existing facility footprint and in a manner that substantially conforms to the preexisting design, function, and location as the original (which may include upgrades to meet existing codes and standards as well as upgrades warranted to address conditions that have changed since the original construction); and
 - (ii) is commenced within six months after the date of the emergency.

If the proposed project qualifies for an exemption, then the applicant should submit documentation that the environmental process (including public review process) is complete and the applicant has formally approved its determination that the project qualifies for an exemption. Applicants must submit relevant documentation and the Environmental Review Form (Appendix B-1) to Commerce. An exemption may not be appropriate if significant public controversy exists over the project's potential effect on the quality of the human environment; the proposed project shows some potential for causing a significant effect on the quality of the human environment; or the project might possibly affect sensitive environmental or cultural resource areas or endangered or threatened species and their critical habitats.

Environmental Assessment (EA)

An EA is a written analysis of a proposed action to determine whether an EIS is required or is needed to serve one or more of the other purposes described in ARM 8.2.304(2). Normally, a thoroughly completed Environmental Checklist and responses to the six questions contained in the Environmental Review Form (see below) will suffice as the draft EA for public review and comment, and may then be revised as necessary to constitute the final EA. Anyone authorized to perform work on behalf of the applicant may prepare the draft EA, using all available information and evidence. The applicant's authorized representative must sign the draft EA, and the final environmental determination must be made by the applicant's representatives or board. Preparation of an EA ensures the fullest appropriate opportunity for public review and comment on a proposed action, including alternatives and planned mitigation, and examines and documents the effects of a proposed action on the quality of the human environment. The EA also allows the project proponent to determine the need to prepare an EIS through an initial evaluation and determination of the significance of impacts associated with a proposed action.

In addition, an applicant may prepare an EA whenever the proposed action is one that might normally require an EIS, but the significant effects of the project appear to be mitigated below the level of significance through design, enforceable controls, and/or conditions imposed by the agency or other government agencies. For an EA to suffice in this instance, the applicant must determine that all of the impacts of the proposed action have been accurately identified, that they will be mitigated below the level of significance, and that no significant impact is likely to occur. The applicant may not consider compensation for purposes of determining that impacts have been mitigated below the level of significance.

An EA is a public document and may be inspected upon request. Any person may obtain a copy of an EA by making a request to the applicant. **The applicant shall submit a copy of each completed EA (Appendix B-2), Environmental Review Form (Appendix B-1) and related documentation to Commerce as a part of the grant application.** The applicant is responsible for providing public review of an EA as necessary to match the complexity and seriousness of environmental issues associated with a proposed action and the level of public interest in the action. Methods of accomplishing public review include publishing a news release or legal notice to announce the availability of an EA, summarizing its content and soliciting public comment; holding public meetings or hearings; maintaining mailing lists of persons interested in a particular action or type of action and notifying them of the availability of EAs on such actions; and distributing copies of EAs for review and comment. Where an action is one that normally requires an EIS, but effects that otherwise might be deemed significant are mitigated in the project proposal or by controls imposed by the applicant, public involvement must include the opportunity for public comment, a public meeting or hearing, and adequate notice. The applicant is responsible for determining appropriate methods to ensure adequate public review on a case-by-case basis.

The applicant shall consider all substantive comments received in response to a draft EA and decide, at a public meeting, that either:

1. that an EIS is necessary;
2. that the EA did not adequately reflect the issues raised by the proposed action and must be revised; or
3. that an EIS is not necessary, and make a final decision on the proposed action (executing the contract with Commerce to receive Montana Historic Preservation Grant Program funds for the grantee's project).

The applicant must provide a copy of the Final EA (Appendix B-2) to Commerce with documentation of public review, opportunity for public comment, a final decision on the EA at a public meeting, and the Environmental Review Form (Appendix B-1).

Any time the applicant proposes substantial changes to the project affecting the original EA, the grant recipient must repeat its environmental review for the revisions to the project, assuring the environmental impacts of the revised project are adequately identified, addressed by the grantee, and any necessary public review provided. When completed, the applicant must follow the original process and again provide environmental documents to Commerce.

Environmental Impact Statement (EIS)

An EIS is required whenever an EA indicates that an EIS is necessary, or an applicant proposes an action that may significantly affect the quality of the human environment (a “major action”).

MEPA and Commerce’s rules require that a draft EIS circulated for public review must contain all of the following:

1. a description of the proposed action, including its purpose and benefits;
2. a listing of any state, local, or federal agencies that have overlapping or additional jurisdiction and a description of their responsibility for the proposed action;
3. a description of the current environmental conditions in the area affected by the proposed action or alternatives, including maps and charts, whenever appropriate;
4. a description of the impacts on the quality of the human environment of the proposed action, including: direct, indirect, and cumulative impacts; potential growth-inducing or growth-inhibiting impacts; irreversible and irretrievable commitments of environmental resources, including land, air, water and energy; economic and environmental benefits and costs of the proposed action; and the relationship between local short-term uses of man's environment and the effect on maintenance and enhancement of the long-term productivity of the environment;
5. an analysis of reasonable alternatives to the proposed action, including the alternative of no action and other reasonable alternatives that may or may not be within the jurisdiction of the agency to implement, if any;
6. a discussion of mitigation, stipulations, or other controls committed to and enforceable by the applicant or other government agency;
7. a discussion of any compensation related to impacts stemming from the proposed action;
8. an explanation of the tradeoffs among the reasonable alternatives;
9. the applicant’s preferred alternative on the proposed action, if any, and its reasons for the preference;
10. a section on consultation and preparation of the EIS that includes the names of those individuals or groups responsible for preparing the EIS; a listing of other agencies, groups, or individuals who were contacted or contributed information; and a summary list of source materials used in the preparation of the draft EIS;

11. a summary of the draft EIS; and
12. other sections that may be required by other statutes in a comprehensive evaluation of the proposed action, or by the National Environmental Policy Act or other federal statutes governing a cooperating federal agency.

Following preparation of a draft EIS, the applicant must distribute copies to the Governor; Commerce; the Environmental Quality Council; appropriate state and federal agencies; and all persons who have requested copies. The applicant must allow 30 days for public comment on the EIS, which may be extended an additional 30 days at the discretion of the applicant or upon application of any person for good cause. When preparing a joint EIS with a federal agency or agencies, the applicant may also extend this period in accordance with time periods specified in regulations that implement the National Environmental Policy Act.

After the time for public comment and review has expired, the applicant must prepare a Final EIS for approval at a public meeting, which must also contain:

1. a summary of major conclusions and supporting information from the draft EIS and the responses to substantive comments received on the draft EIS, stating specifically where such conclusions and information were changed from those which appeared in the draft;
2. a list of all sources of written and oral comments on the draft EIS, including those obtained at public hearings, and, unless impractical, the text of comments received by the applicant (in all cases, a representative sample of comments must be included);
3. the applicant responses to substantive comments, including an evaluation of the comments received and disposition of the issues involved;
4. data, information, and explanations obtained subsequent to circulation of the draft; and
5. the applicant recommendation, preferred alternative, or proposed decision together with an explanation of the reasons.

The applicant must distribute copies of the Final EIS to the Governor; Commerce; the Environmental Quality Council; appropriate state and federal agencies; all persons who submitted comments on or received a copy of the draft EIS; and all other members of the public upon request.

The applicant may not make a final decision on the proposed action being evaluated in a Final EIS (executing the contract with Commerce to receive Montana Historic Preservation Grant Program funds for the grantee's project) until 15 days from the date of transmittal of the Final EIS to the Governor and Environmental Quality Council. Until the applicant reaches its final decision on the proposed action, no action concerning the proposal may be taken that would have an adverse environmental impact or limit the applicant's choice of reasonable alternatives, including the no-action alternative.

Any time the applicant proposes substantial changes to the project affecting the original EIS, the applicant must repeat its environmental review for the revisions to the project, assuring the environmental impacts of the revised project are adequately identified, addressed by the grantee, and any necessary public review provided. When completed, the applicant must follow the original process and again provide environmental documents to Commerce.

Additional Environmental Considerations

MHPG applicants are responsible for compliance with all applicable state environmental requirements. Some of the other state environmental requirements that *may* apply to Montana Historic Preservation Grant Program projects include:

- Stream Protection Act, Title 87, Chapter 5, Part 5, MCA
- Montana Solid Waste Management Act, Title 75, Chapter 10, Part 2, MCA
- Clean Air Act of Montana, Title 75, Chapter 2, MCA
- Water Quality Act, Title 75, Chapter 5, MCA
- Public Water Supplies, Distribution and Treatment, Title 75, Chapter 6, MCA
- Floodplain and Floodway Management, Title 76, Chapter 5, MCA
- The Montana State Antiquities Act, Title 22, Chapter 3, MCA
- The Montana Sage Grouse Habitat Conservation Program and Conservation Strategy, Executive Orders 10-2014 and 12-2015 and Chapter 445, Laws 2015 (SB 261) <https://sagegrouse.mt.gov/>

Some of the environmental permits that may be required on your project from other state agencies include the following:

- Asbestos Control Program – contact the Department of Environmental Quality (DEQ).
- Montana Stream Protection Act (SPA 124 Permit) – contact the Montana Department of Fish, Wildlife and Parks at 444-2449.
- Montana Floodplain and Floodway Management Act (Floodplain Development Permit) – contact the Montana Department of Natural Resources and Conservation at 444-0860 or the local floodplain

administrator.

- Federal Clean Water Act (404 Permit) – contact the U.S. Army Corps of Engineers in Helena at 441-1375.
- Short-Term Water Quality Standard for Turbidity (318 Authorization) – contact the Montana Department of Environmental Quality at 444-3080.
- Montana Water Use Act (Water Right Permit and Change Authorization) – contact the Montana Department of Natural Resources and Conservation at 444-6667 or the local DNRC Water Resources Regional Office. A useful website regarding water rights can be found at http://www.dnrc.mt.gov/wrd/water_rts/default.asp.
- Stormwater Discharge General Permits and/or Montana Pollutant Discharge Elimination System (MPDES Permit) – contact the Montana Department of Environmental Quality at 444-3080.
- Please check the DNRC website for a copy of “A Guide to Stream Permitting in Montana.” Their web address is http://dnrc.mt.gov/permits/stream_permitting/default.asp.
- Cultural Resource Survey – You may need to perform a cultural resource survey for your project. The State Historic Preservation Office (SHPO) can be reached at 444-7715 for more information. There is guidance for consulting with SHPO at <http://mhs.mt.gov/shpo/archaeology/consultingwith.asp>.

**Appendix B-I
Environmental Review Form**

On a separate piece of paper, please answer the following as they apply to your proposed project:

1. **Alternatives:** Describe reasonable alternatives to the project.
2. **Mitigation:** Identify any enforceable measures necessary to reduce any impacts to an insignificant level.
3. **Is an EA or Environmental Impact Statement (EIS) required?** Describe whether or not an EA or EIS is required and explain in detail why or why not.
4. **Public Involvement:** Describe the process followed to involve the public in the proposed project and its potential environmental impacts. Identify the public meetings -- where and when -- the project was considered and discussed, and when the applicant approved the final environmental assessment.
5. **Person(s) Responsible for Preparing:** Identify the person(s) responsible for preparation of this checklist.
6. **Other Agencies:** List any state, local, or federal agencies that have over-lapping or additional jurisdiction or environmental review responsibility for the proposed action and the permits, licenses, and other authorizations required; and list any agencies or groups that were contacted or contributed information to this Environmental Assessment (EA).

(1) Authorized Representative, Title

Date

(Name of) Organization/Governmental Unit

(2) Authorized Representative

Date: _____

* If an authorized representative (1) completes the checklist and this form, a chief elected official (2) must also sign authorizing acceptance of the review process. Explanation or statement of how/why that representative was authorized should also be included.

Appendix B-2 Environmental Review Checklist

The applicant must include a completed Environmental Review Checklist and Environmental Review Form, if the appropriate environmental level is determined, with MHPG application materials.

NAME OF PROJECT:	
PROPOSED ACTION:	
LOCATION:	_____ , Montana

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
PHYSICAL ENVIRONMENT		
Key	1	Soil Suitability, Topographic and/or Geologic Constraints (e.g., soil slump, steep slopes, subsidence, seismic activity)
		<i>Response and source of information:</i>
Key	2	Hazardous Facilities (e.g., power lines, hazardous waste sites, acceptable distance from explosive and flammable hazards including chemical/petrochemical storage tanks, underground fuel storage tanks, and related facilities such as natural gas storage facilities & propane storage tanks)
		<i>Response and source of information:</i>
Key	3	Effects of Project on Surrounding Air Quality or Any Kind of Effects of Existing Air Quality on Project (e.g., dust, odors, emissions)
		<i>Response and source of information:</i>
Key	4	Groundwater Resources & Aquifers (e.g., quantity, quality, distribution, depth to groundwater, sole source aquifers)
		<i>Response and source of information:</i>

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
Key	5	Surface Water/Water Quality, Quantity & Distribution (e.g., streams, lakes, storm runoff, irrigation systems, canals)
		<i>Response and source of information:</i>
Key	6	Floodplains & Floodplain Management (Identify any floodplains within one mile of the boundary of the project.)
		<i>Response and source of information:</i>
Key	7	Wetlands Protection (Identify any wetlands within one mile of the boundary of the project.)
		<i>Response and source of information:</i>
Key	8	Agricultural Lands, Production, & Farmland Protection (e.g., grazing, forestry, cropland, prime or unique agricultural lands) (Identify any prime or important farm ground or forest lands within one mile of the boundary of the project.)
		<i>Response and source of information:</i>
Key	9	Vegetation & Wildlife Species & Habitats, including Fish and Sage Grouse (e.g., terrestrial, avian and aquatic life and habitats)
		<i>Response and source of information:</i>

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
Key	10	Unique, Endangered, Fragile, or Limited Environmental Resources, Including Endangered Species (e.g., plants, fish, sage grouse or wildlife)
		<i>Response and source of information:</i>
Key	11	Unique Natural Features (e.g., geologic features)
		<i>Response and source of information:</i>
Key	12	Access to, and Quality of, Recreational & Wilderness Activities, Public Lands and Waterways, and Public Open Space
		<i>Response and source of information:</i>
HUMAN ENVIRONMENT		
Key	1	Visual Quality – Coherence, Diversity, Compatibility of Use and Scale, Aesthetics
		<i>Response and source of information:</i>
Key	2	Nuisances (e.g., glare, fumes)
		<i>Response and source of information:</i>

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
Key	3	Noise -- suitable separation between noise sensitive activities (such as residential areas) and major noise sources (aircraft, highways & railroads)
		<i>Response and source of information:</i>
Key	4	Historic Properties, Cultural, and Archaeological Resources
		<i>Response and source of information:</i>
Key	5	Changes in Demographic (population) Characteristics (e.g., quantity, distribution, density)
		<i>Response and source of information:</i>
Key	6	General Housing Conditions - Quality, Quantity, Affordability
		<i>Response and source of information:</i>
Key	7	Displacement or Relocation of Businesses or Residents
		<i>Response and source of information:</i>

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
Key	8	Public Health and Safety
		<i>Response and source of information:</i>
Key	9	Lead Based Paint and/or Asbestos
		<i>Response and source of information:</i>
Key	10	Local Employment & Income Patterns - Quantity and Distribution of Employment, Economic Impact
		<i>Response and source of information:</i>
Key	11	Local & State Tax Base & Revenues
		<i>Response and source of information:</i>
Key	12	Educational Facilities - Schools, Colleges, Universities
		<i>Response and source of information:</i>
Key	13	Commercial and Industrial Facilities - Production & Activity, Growth or Decline.
		<i>Response and source of information:</i>
Key	14	Health Care – Medical Services

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
		<i>Response and source of information:</i>
Key	15	Social Services – Governmental Services (e.g., demand on)
		<i>Response and source of information:</i>
Key	16	Social Structures & Mores (Standards of Social Conduct/Social Conventions)
		<i>Response and source of information:</i>
Key	17	Land Use Compatibility (e.g., growth, land use change, development activity, adjacent land uses and potential conflicts)
		<i>Response and source of information:</i>
Key	18	Energy Resources - Consumption and Conservation
		<i>Response and source of information:</i>
Key	19	Solid Waste Management
		<i>Response and source of information:</i>
Key	20	Wastewater Treatment - Sewage System
		<i>Response and source of information:</i>

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
Key	21	Storm Water – Surface Drainage
		<i>Response and source of information:</i>
Key	22	Community Water Supply
		<i>Response and source of information:</i>
Key	23	Public Safety – Police
		<i>Response and source of information:</i>
Key	24	Fire Protection – Hazards
		<i>Response and source of information:</i>
Key	25	Emergency Medical Services
		<i>Response and source of information:</i>
Key	26	Parks, Playgrounds, & Open Space
		<i>Response and source of information:</i>

Key Letter:		
N: No Impact; B: Potentially Beneficial; A: Potentially Adverse; P: Approval/Permits Required; M: Mitigation Required		
Key	27	Cultural Facilities, Cultural Uniqueness & Diversity
		<i>Response and source of information:</i>
Key	28	Transportation Networks and Traffic Flow Conflicts (e.g., rail; auto including local traffic; airport runway clear zones - avoidance of incompatible land use in airport runway clear zones)
		<i>Response and source of information:</i>
Key	29	Consistency with Local Ordinances, Resolutions, or Plans (e.g., conformance with local comprehensive plans, zoning, or capital improvement plans)
		<i>Response and source of information:</i>
Key	30	Is There a Regulatory Action on Private Property Rights as a Result of this Project? (consider options that reduce, minimize, or eliminate the regulation of private property rights.)
		<i>Response and source of information:</i>

Sample Advertisement for Public Comment and Review of Environmental Review Record

The <local government> will hold a public hearing on <date> at <time/location> for the purpose of obtaining comments regarding the environmental review record for the proposed <type> project that will < scope of work>.

At the public hearing the proposed project will be explained, including the purpose and proposed area of the project, activities, budget, possible sources of funding, any costs that may result for local citizens as a result of the project, and a decision will be made on the environmental assessment. All interested persons will be given the opportunity to ask questions and express opinions regarding the proposed project and any environmental impacts.

Comments may be given orally at the meeting or submitted in writing before <date> at <time>.

Anyone wanting to review the environmental review record and project impacts or submit questions and comments should contact <who, how>. Copies of the draft environmental record is available at <where> and will also be available at the public meeting.

<Town/County/District>

Chief Elected official

Publish media name & dates:

Note: this meeting may also be a meeting at which the public comment is obtained on the PER, submission of grant applications, or other

**Sample of a Resolution to Accept the Determination that (level of environment finding) is
Appropriate for the (applicant, type of project)**

WHEREAS, the (Name of applicant) has completed an assessment to identify potential environmental impacts to the (describe purpose of project);

WHEREAS, the draft Environmental Assessment was made available for public comment and the findings were presented and reviewed at a public meeting;

WHEREAS, no substantive public comment was received, (or public comment was received and responded to);

WHEREAS, The (Name of applicant) has determined that the (type of Project) will not significantly affect the quality of the human environment and accordingly the (Name of Applicant) has determined an Environmental Impact Statement (or Environmental Assessment and EIS if project is Categorical Exclusion); is not necessary;

NOW, THEREFORE, BE IT RESOLVED by the (Council, Board, Commissioners) as follows;

That (Name of Applicant), Montana adopts the final Environmental Assessment for the (type of project).

Passes and approved on this date of (date)

Signed: _____

Name: _____

Title: _____

Date: _____

Attested: _____

Item Attachment Documents:

12. Budget/Finance Committee minutes of April 28, 2020.

Respectfully submitted,

Bethany Langve
Clerk/Treasurer

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

DRAFT

Item Attachment Documents:

13. Appointment to Police Commission for a term ending April 30, 2023.
Bill Mountsier
Rick Musson

April 4, 2020

**Mayor Tom Nelson
P.O. Box 10
Laurel, MT 59044**

Subject: Opening in the Police Commission

I understand that there is currently a vacancy on the Police Commission for which I would be interested. I would appreciate your consideration for an appointment on that commission.

Sincerely,

A handwritten signature in cursive script, appearing to read "William G. Mountsier".

**William G. Mountsier
901 Pennsylvania Avenue
Laurel, MT 59044**

Brittney Moorman

From: rdmusson75 <rdmusson75@gmail.com>
Sent: Friday, May 1, 2020 11:41 AM
To: Brittney Moorman
Subject: Laurel Police Commision

Mayor Tom Nelson

I am interested in the vacant position on the Police Commision. Please consider me for this very important position. I have 35 years of law enforcement experience.

Thank you for the opportunity.

Rick Musson
617 7th Avenue
Laurel, Mt 59044

Sent from my Verizon, Samsung Galaxy smartphone

Laurel City Council
115 West 1st Street
Laurel, MT 59044

May 8, 2020

Good evening,

Mr. Mayor and Council Members,

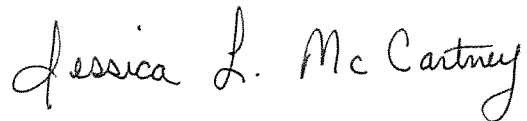
As the President of Local Union 303, I am writing this letter regarding the open seat on the Police Commission Board. Local Union 303 believes that the Police Department and the Union have a vested interest in who is appointed to serve on the Board. The individual appointed will have a direct effect on the hiring of any Police Officer for the Laurel Police Department and the potential to have an effect on a disciplinary action involving a police officer.

Local Union 303 believes that both candidates are qualified for the position, both having had previous law enforcement experience and understanding of the inner workings of the City and the Police Department. We would like to express our sincere thanks to both individuals for showing an interest in the position.

By majority vote, the Local Union 303 is recommending Bill Mountsier, as the preferred candidate for the open position on the Police Commission Board.

Thank you for your time and consideration in this matter.

Sincerely



Jessica L. McCartney
Local 303 Union President
American Federation of State, County and Municipal Employees AFL-CIO

Item Attachment Documents:

15. Resolution No. R20-25: A Resolution Of The City Council Authorizing The Disposal Of City Records.

RESOLUTION NO. R20-25

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING
THE DISPOSAL OF CITY RECORDS.**

WHEREAS, the City of Laurel City Council previously set the retention schedules for city records, as per Schedule 8 of the Montana State Local Government Records Committee, Municipal Records Schedule; and

WHEREAS, certain city records constitute records that can be destroyed that are less than ten years old (RM88) and such records have been identified as ready for disposal as provided on the attached retention schedules; and

WHEREAS, the adopted procedure to dispose of said records requires Council approval.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, that the City Council of the City of Laurel has reviewed the attached listing of records for disposal, and hereby directs the Clerk/Treasurer to proceed with the disposal of said records.

Introduced at a regular meeting of the City Council on May 12, 2020, by Council Member Sparks.

PASSED and ADOPTED by the City Council of the City of Laurel, Montana, this 12th day of May 2020.

APPROVED by the Mayor this 12th day of May 2020.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

APPROVED AS TO FORM:

Sam Painter Civil City Attorney

RECORDS DESTRUCTION DOCUMENT (RM88)

NO. 1

PAGE 1 OF 2 PAGES

1. AGENCY NAME AND DIVISION/PROGRAM:
CITY OF LAUREL

2. AGENCY CONTACT:
NAME: BETHANY LANGVE
PHONE #: 406-628-7431 EXT2 EMAIL: CITYCLERK@LAUREL.MT.GOV

3. NOTICE OF INTENTION: The schedule records listed in Item 5 are to be disposed of in the manner checked below (specify only one).

- Delete
 Incinerate
 Shred as Classified
 Toss without Restriction
 Other: Explain

4. SUBMITTED BY: I hereby certify that the records to be disposed of are correctly represented below, that any audit requirements or **Offer to the State Historical Society Archives** has been fully justified, and that further retention is not required for any litigation pending or imminent. *Documentation attached from Historical Society.*

SIGNATURE:
NAME AND TITLE: BETHANY LANGVE, CLERK/TREASURER
DATE: 05/12/2020

5. LIST OF RECORD SERIES

NOTE: Attach any inventories or Excel spreadsheets to this form to help validate records destroyed.

a. Retention Schedule Number	b. Item number listed on Retention Schedule	c. Record Series Title	d. Retention in months/years	e. Inclusive Dates	f. Volume in Cubic Feet	g. Disposition Action and Date completed after Authorization
RM8	3 PG 52	RM-8 ITEM 3: 1099'S	4 YEARS	2009-2014	0.25	
RM8	1 PG 45	RM-8 ITEM 1: BANK STATEMENTS	5 YEARS	2011-2012	1	
RM8	4 PG 54	RM-8 ITEM 4: MONTHLY TAX DISTRIBUTIONS	5 YEARS	2010	1	
RM8	13 PG 77	RM-8 ITEM 13: PAYROLL QUARTERLY REPORTS (CONFIDENTIAL)	4 YEARS	2010-2015	1	
RM8	4 PG 54	RM-8 ITEM 4: MONTHLY TAX DISTRIBUTIONS	5 YEARS	2011-2013	1	
RM8	4 PG 45	RM-8 ITEM 4: DAILY CASH RECONCILIATION WATER OFFICE	5 YEARS	2011-2012	1	
RM8	7 PG 10	RM-8 ITEM 7: DOG LICENSES	3 YEARS	2015-2017	0.25	
RM8	4 PG 45	RM-8 ITEM 4: DAILY CASH RECONCILIATION WATER OFFICE	5 YEARS	2013-2015		

6. DISPOSAL AUTHORIZATION: Disposal for the above listed records is authorized. Any deletions or modifications are indicated.

Custodian/Records Manager

Name: Date:

Signature:

7. DISPOSAL CERTIFICATE: The above listed records have been disposed of in the manner and on the date shown in column g.

Name and Title:

Signature:

Item Attachment Documents:

16. Resolution No. R20-26: A Resolution Of The City Council Authorizing The Disposal Of City Records.

RESOLUTION NO. R20-26

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING
THE DISPOSAL OF CITY RECORDS.**

WHEREAS, the City of Laurel City Council previously set the retention schedules for city records, as per Schedule 8 of the Montana State Local Government Records Committee, Municipal Records Schedule; and

WHEREAS, certain city records constitute records that can be destroyed that are over ten years old (RM60) and such records have been identified as ready for disposal as provided on the attached retention schedules; and

WHEREAS, the adopted procedure to dispose of said records requires Council approval.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, that the City Council of the City of Laurel has reviewed the attached listing of records for disposal, and hereby directs the Clerk/Treasurer to proceed with the disposal of said records.

Introduced at a regular meeting of the City Council on May 12, 2020, by Council Member Herr.

PASSED and ADOPTED by the City Council of the City of Laurel, Montana, this 12th day of May 2020.

APPROVED by the Mayor this 12th day of May 2020.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

APPROVED AS TO FORM:

Sam Painter Civil City Attorney

Request for Records Disposal or Transfer Authorization

RM60

ENTITY: CITY OF LAUREL	PHONE: 406-628-7431 EXT 2	E-MAIL: CITYCLERK@LAUREL.MT.GOV
CONTACT: BETHANY LANGVE		
ADDRESS: 115 W 1ST ST LAUREL MT 59044		DISPOSAL NUMBER: ¹

E-MAIL COMPLETED FORM TO: SOSLocalGovtRecCom@mt.gov OR Mail to the Local Government Records Committee, c/o Department of Administration-Local Government Services, P.O. Box 200547, Helena, MT 59620-0547

***Confidential:** The local government entity must determine if records are confidential or sensitive and mark accordingly.

Schedule #	Item #	Page #	Description of Records (Include description from schedule along with the case # or other identifying information pertinent to your office)	Inclusive Dates		* Confidential	10 Year Rule	Disposal Approval (Committee only)		Agency Comments	Audit History or Committee Comments
				From	To			Yes	No		
4	4		Example: Bank Statements	10/2001	10/2002		X	X			
8	32	MR13	Example: Commission Records-Minutes	01/1950	10/1990		X	X		Microfilmed	
12	41e		Example: Marriage Licenses	08/1907	09/1972		X		X		
8	1	45	BANK STATEMENTS	01/2009	12/2010	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
8	13	77	QUARTERLY PAYROLL REPORTS	2005	2009	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	INCLUDE SSN	
8	5	46	PURCHASE ORDER BOOK	2005	2009	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
8	4	45	A/R ACTIVITY REPORTS AMBULANCE DEPT.	2001	2011	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	HIPAA INFO	
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

In accordance with 2-6-1202, 7-5-2132, 7-5-4124 and 20-1-212 and upon the order of the governing body, we the undersigned affirm the records listed on this disposal request are not subject to any litigation, legal or regulatory hold, and any financial records listed have been audited. See Notification on Central Registry (Ten Year Rule) below. Typed name below is acceptable as the signature.

Authorized Local Government Representative: Name: THOMAS C NELSON Title: MAYOR	Date: 05/12/2020	Phone: 406-628-8456 EXT 1
Records Custodian: Name: BETHANY LANGVE Title: CLERK/TREASURER	Date: 05/12/2020	Phone: 406-628-7431 EXT 2

LOCAL GOVERNMENT SUBCOMMITTEE SIGNATURES REQUIRED FOR DISPOSAL APPROVAL

Department of Administration Committee Member: Name: Signature:	Date:
Montana Historical Society Committee Member: Name: Signature:	Date:
Local Government Committee Member: Name: Signature:	Date:

NOTIFICATION ON CENTRAL REGISTRY

Per MCA 2-6-1205, public records listed on this form that more than ten (10) years old and are approved for disposal may not be destroyed until they have been listed on a central registry and offered to various agencies and the public for 60 days.

Request for Records Disposal or Transfer Authorization have been listed on the central registry. Completed by Name: _____ Signature: _____	Unclaimed records may be disposed 60 days after this date:
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------

TEN YEAR RULE:
 Public records more than ten (10) years old approved for destruction may not be destroyed for 60 days after the date listed on the central registry.

Certificate of Transfer/Destruction/Disposition Comments

I hereby attest that I have destroyed, transferred or retained records as designated by the Local Government Subcommittee. If transferred, I have noted in the "Comments" field above, the entity to which the records have been relocated.

Name: _____ **Title:** _____ **Date:** _____
Signature: _____

Item Attachment Documents:

17. Resolution No. R20-27: Resolution Approving Change Order #1 To The City's Contract With Hardrives Construction, Inc. Authorizing Additional Work For City Of Laurel's 2020 Pavement Maintenance Project And To Authorize The Mayor To Sign Change Order Documents On The City's Behalf.

RESOLUTION NO. R20-27

RESOLUTION APPROVING CHANGE ORDER #1 TO THE CITY'S CONTRACT WITH HARDRIVES CONSTRUCTION, INC. AUTHORIZING ADDITIONAL WORK FOR CITY OF LAUREL'S 2020 PAVEMENT MAINTENANCE PROJECT AND TO AUTHORIZE THE MAYOR TO SIGN CHANGE ORDER DOCUMENTS ON THE CITY'S BEHALF.

WHEREAS, the City of Laurel previously entered into a contract with Hardrives Construction, Inc. for completion of the project known as the 2020 Pavement Maintenance Project; and

WHEREAS, the contract that was awarded was significantly less than the City's available budget, thus enabling the City to add additional work to the project while remaining within budget; and

WHEREAS, the City's Engineers, KLJ, prepared the attached Change Order for the City Council's consideration and approval which details the additional work to be performed and the additional cost; and

WHEREAS, City Staff recommends approval of the Change Order since it is in the best interest of the City to obtain the additional needed work while remaining within the original budget.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Laurel, Montana, the Change Order, attached hereto and incorporated herein, is hereby approved, and the Mayor and City Clerk are authorized to execute the Change Order and any further documents required to effectuate the Change Order on the City's behalf.

Introduced at a regular meeting of the City Council on May 12, 2020, by Council Member _____.

PASSED and APPROVED by the City Council of the City of Laurel this 12th day of May 2020

APPROVED by the Mayor this 12th day of May 2020.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer, Clerk-Treasurer

Approved as to form:

Sam Painter, Civil City Attorney

Change Order

No. 1

Date of Issuance: May 6, 2020

Effective Date: May 6, 2020

Project: 2020 Pavement Maintenance	Owner: City of Laurel	Owner's Contract No.:
Contract: Crack Sealing and Chip Sealing of Streets		Date of Contract: April 08, 2020
Contractor: Hardrives Construction		Engineer's Project No.: 1904-01874

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Contractor is to perform additional work utilizing existing bid item costs for the following streets: Improvements on Bernard St, SE 4th ST, S. 8th Ave., Foundation Ave., PayneS Dr., Duval Dr. Els Dr., Davis Circle, Topeka Dr., Milwaukee Rd., 9th Ave., 10th Ave., 11th Ave., 13th Ave., Ann's Place, Betty Ave., and Cherry Hills Drive per the attached Exhibit

Attachments (list documents supporting change):

Revised Sheet ST1, Scope of Work

CHANGE IN CONTRACT PRICE:

CHANGE IN CONTRACT TIMES:

Original Contract Price:

\$495,000.00

Original Contract Times: Working days Calendar days

Substantial completion (days): September 1st 2020

Ready for final payment (days): September 15th, 2020

Increase from previously approved Change Orders No. X to No. X:

\$0.00

Increase from previously approved Change Orders No. X to No. X:

Substantial completion (days): 0

Ready for final payment (days): 0

Contract Price prior to this Change Order:

\$495,000.00

Contract Times prior to this Change Order:

Substantial completion (days): September 1st, 2020

Ready for final payment (days): September 15th, 2020

Increase of this Change Order:

\$248,569.57

[Increase] [Decrease] of this Change Order:

Substantial completion (days): 0

Ready for final payment (days): 0

Contract Price incorporating this Change Order:

\$743,569.57

Contract Times with all approved Change Orders:

Substantial completion (days): _____

Ready for final payment (days): _____

RECOMMENDED:

By: [Signature]
Engineer (Authorized Signature)

Date: 5/5/20

ACCEPTED:

By: _____
Owner (Authorized Signature)

Date: _____

ACCEPTED:

By: _____
Contractor (Authorized Signature)

Date: _____



**ENGINEER'S OPINION OF CHANGE ORDER COST
2020 Pavement Maintenance**

Various Locations Throughout the City of Laurel

City of Laurel, MT

May 5, 2020



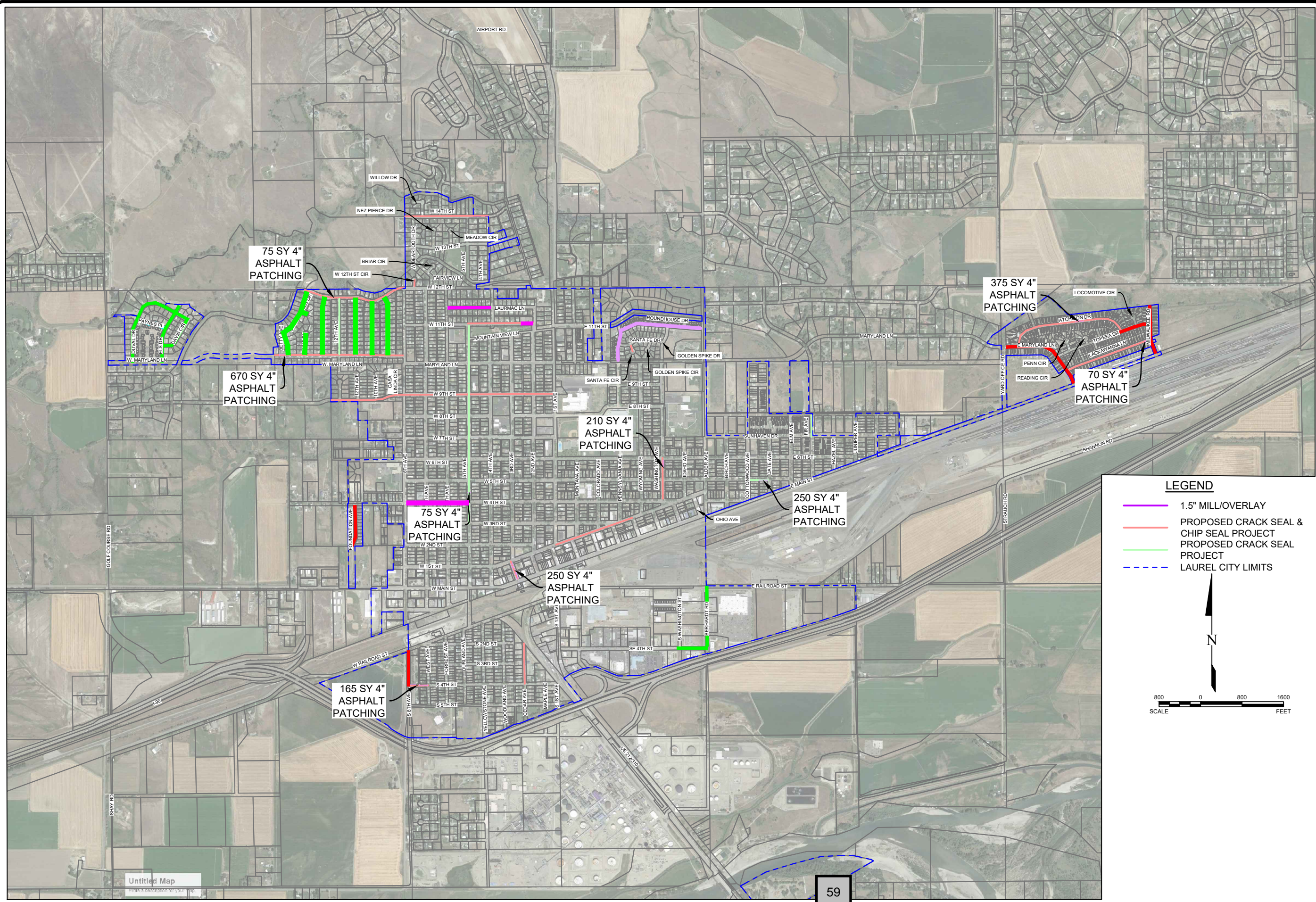
(PRELIMINARY)

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	TOTAL PRICE
101	Mobilization	1	LS	\$8,400.00	\$8,400.00
102	Taxes, Bonds & Insurance	1	LS	\$2,500.00	\$2,500.00
103	Construction Traffic Control	1	LS	\$15,000.00	\$15,000.00
104	Crack route & Seal	38320	LF	\$1.00	\$38,320.00
105	CHFRS-wP Asphalt seal & Chip Coat - 3/8" Gradation	12830	SY	\$2.15	\$27,584.50
106	SS-1 or SS-1h Asphalt Tack Coat Fog Seal	1700	GAL	\$3.40	\$5,780.00
107	4" Asphalt Concrete Pavement Patching - Type B - Surface Course	1701	SY	\$61.00	\$103,761.00
108	Asphalt Mill (1-1/2" @ 2%	1475	SY	\$ 2.20	\$ 3,245.00
109	Asphalt Overlay	372	TON	\$ 83.50	\$ 31,062.00
110	Adjust Manhole	6	EA	\$ 400.00	\$ 2,400.00
111	Adjust Water Valve	11	EA	\$ 325.00	\$ 3,575.00
112	Striping Berhardt Rd W/Paint	1	LS	\$ 915.78	\$ 915.78
113	Striping Berhardt Rd W/Epoxy	1	LS	\$ 1,526.29	\$ 1,526.29
114	Overlay Fabric	3600	SY	\$ 1.25	\$ 4,500.00
				Subtotal	\$248,569.57
				Engineering	\$ 35,000.00
				Total	\$283,569.57

* Does not include the Counties proposed improvements to West 14th Street or the improvements at the intersection Highway 310 and SE 4th ST.



NO.	DATE	REVISION
1	5/6/2020	CHANGE ORDER NO. 1 ADDITIONS
DRAFTED REW		
REVIEWED MS		
PROJECT NUMBER 1904-01874		
ISSUE DATE 02/2020		



LEGEND

- 1.5" MILL/OVERLAY
- PROPOSED CRACK SEAL & CHIP SEAL PROJECT
- PROPOSED CRACK SEAL PROJECT
- - - LAUREL CITY LIMITS

N

800 0 800 1600
SCALE FEET

2020 PAVEMENT MAINTENANCE

CITY OF LAUREL
LAUREL, MT

SCOPE OF WORK

Item Attachment Documents:

18. Ordinance No. O20-02: An Ordinance Amending Title 2 Chapter 2.60 Of The Laurel Municipal Code Relating To The City's Police And Police Commission.

ORDINANCE NO O20-02

AN ORDINANCE AMENDING TITLE 2 CHAPTER 2.60 OF THE LAUREL MUNICIPAL CODE RELATING TO THE CITY'S POLICE AND POLICE COMMISSION.

WHEREAS, the City Council desires to keep the Laurel Municipal Code current by modifying and updating chapters, sections and subsections to address situations and problems within the City and to remain in accordance with Montana law; and

WHEREAS, the City's Chief of Police and Captain prepared the amendments below to the Laurel Municipal Code to remain consistent and in accordance with the State of Montana's Laws adopted by the legislature and contained in the Montana Code Annotated (2019).

WHEREAS, the City's Chief of Police and Captain prepared, reviewed, and is recommending the following amendments for adoption into the existing Title 2 as noted herein.

**Chapter 2.60
POLICE DEPARTMENT**

Sections:

2.60.010 Mayoral authority.

2.60.015 Police arrest authority.

2.60.020 Composition and nomination of same.

2.60.030 Chief of police– Duties.

~~2.60.040 Assistant chief of police.~~

~~2.60.050 Police duties.~~

~~2.60.060 Special policemen.~~

2.60.070-040 Reserve ~~and auxiliary police forces~~ Officers Authorized.

2.60.045 Termination of Reserve Officers.

2.60.080-050 ~~Reserve and auxiliary~~ Auxiliary Officers Authorized ~~police forces– Police chief authority.~~

2.60.090-060 ~~Reserve and auxiliary~~ Auxiliary Officers ~~police forces~~– Powers and duties.

2.60.100-070 Police commission– ~~Appointment– Terms and conditions of office.~~

~~2.60.110 Police commission— Rules and regulations.~~

~~2.60.120 Mayor to refer appointments.~~

~~2.60.130 Applicants— Examination required.~~

~~2.60.140 Presentation of charges— Police commission jurisdiction.~~

~~2.60.150 Police commission— Trial procedure.~~

~~2.60.170 Police commission decision— Enforcement— Appeal.~~

~~2.60.180 Suspension— Discharge— Power and authority.~~

~~2.60.190 Temporary police duty— Mayoral authority.~~

2.60.~~200-080~~ Police commission— Officers.

2.60.~~210-090~~ Police officers' retirement system.

2.60.010 Mayoral authority.

The mayor ~~shall have~~has charge of and supervision over the police department. The mayor shall appoint all the members and officers of the department. Subject to the provisions of this part, the mayor may suspend or remove any member or officer of the force. The mayor shall make rules, not inconsistent with the provisions of this part, the other laws of the state, or the ordinances of the city council, for the government, direction, ~~He shall enforce the observance of all ordinances that regulate the~~ management, and discipline of the police force.

(Prior code § 2.20.010)

2.60.015 Police arrest authority

All police officers of the city of Laurel shall have the power to make arrests of persons committing crimes or charged with crimes:

1. Within the limits of the city; and
2. Within five miles thereof; ~~and.~~
- ~~3. Along the line of water supply of the city.~~

(Ord. 00-3, 2000)

2.60.020 Composition and nomination of same.

The mayor shall nominate, and with the consent of council, appoint one chief of police, ~~one assistant chief of police,~~ and such subordinate officers of the police force as may be required.

(Prior code § 2.20.020)

2.60.030 Duties Chief of police—~~Duties.~~

~~It is the duty of~~ (1) The chief of police:

A. ~~To Shall~~ execute and return all process issued by the city judge, or directed to him/her by any legal authority, and ~~to attend upon~~ must be present and assist the city court regularly;

B. ~~To Shall~~ arrest all persons guilty of a breach of the peace or for the violation of any ~~municipal city~~ ordinance, and bring them before the city judge for trial;

C. ~~To have~~ Must have charge and control of all ~~policemen~~ police officers, subject to ~~such~~ rules ~~as that~~ may be prescribed by resolution or ordinance, and ~~to~~ report to the council all delinquencies or neglect of duty or official misconduct of ~~policemen~~ police officers for action of the council; and

D. Shall perform other duties that the council may prescribe.

~~D.(2)~~ The chief of police has the same powers as a constable in the discharge of his/her duties, but he/she must not serve a process in any civil action or proceeding except when the city is a party;.

~~E.(3) Quotas for investigative stops, citations, or arrests may not be established and may not be used in evaluating police officers. To perform such other duties as the council may prescribe.~~

(Prior code § 2.20.030)

2.60.040 ~~Assistant chief of police.~~

~~The assistant chief of police shall be under the direct supervision and control of the chief of police and shall, in the absence or disability of the chief of police, perform the duties of that officer.~~

(Prior code § 2.20.040)

2.60.050 ~~Police duties.~~

~~The police officers of the city shall carry out the orders of their superior officers and observe the rules and regulations prescribed for the discipline of the police force. Within the limits prescribed by law, they shall do all things necessary for the prevention and detection of crime in the city.~~

~~(Prior code § 2.20.050)~~

~~2.60.060 Special policemen.~~

~~Whenever the mayor considers it necessary to increase the police force, he may employ suitable persons as special policemen.~~

~~(Prior code § 2.20.060)~~

~~2.60.070-040 Reserve and auxiliary police forces~~Officers Authorized.

~~A local government may authorize reserve officers. A person who meets minimum standards for appointment as a peace officer may be appointed as a reserve officer. The chief of police shall recommend and the council shall approve membership in the reserve police force and the auxiliary police force. The number of persons enrolled in the reserve police force and auxiliary police force shall be set by the council.~~

~~(Prior code § 2.20.120)~~

~~2.60.045 – Termination Of Reserve Officers.~~

~~Reserve officers serve at the pleasure of the chief of police and may be terminated at any time by the chief of police by written notification without any cause.~~

~~(Prior code §)~~

~~2.60.080-050 Reserve and auxiliary~~Auxiliary police forces~~Officers Authorized – Police chief authority.~~

~~A local government may authorize auxiliary officers only on the orders and at the direction of the chief law enforcement administrator of the local government. The chief of police shall be responsible for the training and conduct of the reserve police force and auxiliary police force, and shall prepare rules and regulations governing the conduct and use of such reserve police force and auxiliary police force, subject to the approval of the mayor.~~

~~(Prior code § 2.20.130)~~

~~2.60.090-060 Reserve and auxiliary~~Auxiliary Officers~~police forces – Powers and duties.~~

The ~~reserve police force and auxiliary police force~~ Auxiliary Officers, under the direction of the chief of police and the mayor, shall aid the regular police department in any manner the police chief and mayor deem advisable in protection of the inhabitants and property of the city. The ~~reserve police force and auxiliary policemen~~ Auxiliary Officers, when on duty, shall have all the powers and be subject to the discipline of a regular police officer of the city pursuant to state law.

(Prior code § 2.20.140)

~~2.60.100-070~~ Police commission—~~Appointment—Terms and conditions of office.~~

~~These code sections are supplementary to the provisions of Title 7, Chapter 32, Part 41, MCA, and §7-32-4151 through §7-32-4164 as they relate to the authority, procedures, and rules of the Police Commission. The mayor shall nominate, with the consent of the council, three residents of the city, who shall have the qualifications required by law to hold a city board to be known by the name of "police commission," and who shall hold office for three years. One member of such board must be appointed annually at the first meeting of the council in May of each year.~~

(Prior code § 2.20.150)

~~2.60.110~~ Police commission—~~Rules and regulations.~~

~~The police commission shall make rules and regulations necessary to implement and administer the commission, not inconsistent with this code, and shall have such other and further powers as is provided by ordinance or statute.~~

(Prior code § 2.20.160)

~~2.60.120~~ Mayor to refer appointments.

~~The mayor shall not make any appointment to the police force until an application for such position on the police force has been filed with the mayor, and by him referred to the police commission, and such applicant has successfully passed the examination required to be held by the police commission and a certificate from the police commission filed with the mayor that the applicant has qualified for such appointment.~~

(Prior code § 2.20.170)

~~2.60.130~~ Applicants—~~Examination required.~~

~~A. All applicants for positions on the police force, whose application shall have been referred to the police commission, shall be required successfully to undergo an examination before the police commission, and to receive a certificate from the commission that the applicant is qualified for the appointment for the probationary period on the police force.~~

~~B. The police commission shall examine all applicants as to their age, legal, mental, moral and physical qualifications, and their ability to fill office as a member of the police force. It shall also be the duty of the police commission subject to the approval of the mayor, to make such rules and regulations regarding such examinations not inconsistent with this code or the laws of the state of Montana.~~

~~C. Any applicant who shall make any false statement to the police commission as to his age or other qualifications required, at his examination before the police commission, shall be subject to suspension or dismissal from the police force, after trial.~~

~~(Prior code § 2.20.180)~~

~~**2.60.140 Presentation of charges—Police commission jurisdiction.**~~

~~A. The police commission shall have the jurisdiction, and it shall hear, try and decide all charges brought by any person or persons against any member or officer of the police department, including any charge that such member or officer is incompetent, or by age or disease, or otherwise, has become incapacitated to discharge the duties of his office, or has been guilty of neglect of duty, or of misconduct in his office, or of conduct unbecoming a police officer or has been found guilty of any crime, or whose conduct has been such as to bring reproach upon the police force.~~

~~B. Any charge brought against any member of the police force must be in writing in the form required by the police commission and a copy thereof must be served upon the accused officer or member at least fifteen days before the time fixed for hearing such charge.~~

~~(Prior code § 2.20.190)~~

~~**2.60.150 Police commission—Trial procedure.**~~

~~A. The police commission shall hear, try and determine the charge according to the rules of evidence applicable to courts of record in the state of Montana. The accused shall have the right to be present at the trial in person and by counsel, and to be heard, and to give and furnish evidence in his defense. All trials shall be open to the public.~~

~~B. The chairman, or acting chairman, of the police commission, shall have the power to issue subpoenas, attested in its name, to compel the attendance of witnesses at the hearing and any person duly served with a subpoena is bound to attend in obedience thereto, and the police commission shall have the same authority to enforce obedience to the subpoena, and to punish the disobedience thereof, as is possessed by a judge of the district court in like cases, provided however, that punishment for disobedience is subject to review by the district court of Yellowstone County.~~

~~C. The police commission shall, after the conclusion of the hearing or trial, decide whether the charge was proven or not proven, and shall have the power, by a decision of a majority of the~~

~~commission, to discipline, suspend, remove or discharge any officer who shall have been found guilty of the charge filed against him.~~

~~(Prior code § 2.20.200)~~

~~**2.60.170 Police commission decision—Enforcement—Appeal.**~~

~~A. When a charge against a member of the police force is found proven by the board, the mayor must make an order enforcing the decision of the board, and such decision or order shall be subject to review by the district court of Yellowstone County on all questions of fact and all questions of law.~~

~~B. The district court of Yellowstone County shall have jurisdiction to review all questions of fact and all questions of law in a suit brought by any officer or member of the police force within a period of sixty days after the decision of the police commission or order of the mayor has been filed with the city clerk treasurer.~~

~~(Ord. 02-9, 2002; Ord. 97-2 § 4 (part), 1997; prior code § 2.20.220)~~

~~**2.60.180 Suspension—Discharge—Power and authority.**~~

~~A. The mayor or chief of police, subject to the approval of the mayor, shall have the power to suspend a policeman or any officer for a period of not exceeding ten days in any one month, such suspension to be with or without pay as the order of suspension may determine. Any officer suspended, with or without pay, is entitled to appeal such suspension to the police commission and the commission shall hear, try and decide all charges brought by any person or persons against any member or officer of the department.~~

~~B. No officer or member of the police force shall be discharged without a hearing or trial before the police commission.~~

~~(Prior code § 2.20.230)~~

~~**2.60.190 Temporary police duty—Mayoral authority.**~~

~~The mayor shall have the power and authority at any time when he deems it expedient to employ not to exceed two persons at one time for a period not to exceed thirty days to do police duty who are not members of the police department.~~

~~(Prior code § 2.20.240)~~

2.60.200-080 Police commission– Officers.

A. At the first regular meeting of the police commission in the month of May of each year, following new appointments by the city council, the members of the police commission shall select a chairman to serve a term of one year.

B. The police commission may employ a secretary or may designate one of its own members to act as such. The secretary shall keep the minutes of the commission's proceedings, shall be custodian of all papers pertaining to the business of the police commission, shall keep a record of all examinations held, and shall perform such other duties as the commission shall prescribe.

C. The city attorney shall be the legal adviser to the police commission, and commission and shall approve all action of the commission as to form.

~~(Prior code § 2.20.250)A. At the first regular meeting of the police commission in the month of May of each year, following new appointments by the city council, the members of the police commission shall select a chairman to serve a term of one year.~~

~~B. The police commission may employ a secretary or may designate one of its own members to act as such. The secretary shall keep the minutes of the commission's proceedings, shall be custodian of all papers pertaining to the business of the police commission, shall keep a record of all examinations held, and shall perform such other duties as the commission shall prescribe.~~

~~C. The city attorney shall be the legal adviser to the police commission, and shall approve all action of the commission as to form.~~

(Prior code § 2.20.250)

2.60.210-090 Police officers' retirement system.

The police department ~~of the city of Laurel, Montana,~~ shall be under, subject to and within the provisions of the municipal police officers' retirement system (statewide plan) laws of the ~~state~~ State of Montana, as set forth in Title 19, ~~Chapters 2 and 9,~~ M.C.A. and all amendments thereto. The ~~said~~ police department retirement system shall be managed, conducted, governed and controlled ~~as in said~~ pursuant to state law and this section ~~provided.~~

(Ord. 98-3 § 1, 1998)

This Ordinance shall become effective thirty (30) days after final passage by the City Council and approved by the Mayor.

Introduced and passed on first reading at a regular meeting of the City Council on May 12, 2020, by Council Member _____.

PASSED and ADOPTED by the Laurel City Council on second reading this ____ day of _____, 2020, upon motion of Council Member _____.

APPROVED BY THE MAYOR this ____ day of _____, 2020.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

APPROVED AS TO FORM:

Sam Painter, Civil City Attorney