



**AGENDA
CITY OF LAUREL
CITY COUNCIL MEETING
TUESDAY, JULY 26, 2022
6:30 PM
COUNCIL CHAMBERS**

NEXT RES. NO.
R22-37

NEXT ORD. NO.
O22-01

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 July 12, 2022.
- [2.](#) Amended Minutes for City Council Meetings Held on April 12th, April 26th, May 10th, May 24th, and June 14th

Correspondence

- [3.](#) Beartooth RC&D Correspondence - July 2022

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 July 22, 2022.
5. Approval of Payroll Register for PPE's through 7/20/2022 totaling \$250763.07.

Ceremonial Calendar

Reports of Boards and Commissions

- [6.](#) Budget/Finance Committee Minutes of June 28, 2022.
- [7.](#) Budget/Finance Committee Minutes of July 12, 2022.
- [8.](#) Emergency Services Committee Minutes of June 27, 2022.
- [9.](#) Park Board Minutes of July 14, 2022.
- [10.](#) Public Works Committee Minutes of June 20, 2022.

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

- [11.](#) Appointment of Richard Klose to Park Board for the remainder of a four-year term ending December 31, 2024.
12. Appointment of Casey Wheeler to the Human Relations Committee and Health Insurance Committee.
13. Motion to allow Council Member Klose to be absent from the City of Laurel for more than ten days. (LMC 2.12.060)
- [14.](#) Resolution No. R22-37: A Resolution Of The City Council Authorizing The Mayor To Execute A Revised Memorandum Of Understanding By And Between The City Of Laurel And The City Of Laurel Library Board Of Trustees
- [15.](#) Resolution No. R22-38: Resolution Approving The Final Plat Of Cherry Hills Subdivision 3rd Filing, An Addition To The City Of Laurel, Montana
- [16.](#) Ordinance No. O22-01: An Ordinance Amending Certain Chapters Of Title 14 Of The Laurel Municipal Code Relating To The Adoption And Enforcement Of Building, Energy Conservation, And Swimming Pool And Spa Codes For The City Of Laurel As Required By The State Of Montana
- [17.](#) Ordinance No. O22-02: An Ordinance Amending Section 1.28.040 Of The Laurel Municipal Code Relating To Technical Codes For The City Of Laurel

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

File Attachments for Item:

1. Approval of Minutes of July 12, 2022.

DRAFT

SCHEDULED MATTERS:

- **Appointment of Ethan Johnson, Kate Haesemeyer, and Katie Meier to the Laurel Volunteer Ambulance Service.**

Motion by Council Member Sparks to approve the Mayor’s appointment of Ethan Johnson, Kate Haesemeyer, and Katie Meier to the Laurel Volunteer Ambulance Services, 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.

- **Resolution No. R22-36: A Resolution Authorizing The Mayor To Execute All Contract And Related Documents With In Control, Inc. For the City Of Laurel Water Treatment Plant Improvements.**

Motion by Council Member Eaton to approve Resolution No. R22-36, seconded by Council Member Sparks. 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.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Public Works Committee will meet Monday at 6:00 p.m. in Council Chambers.

The Civil Attorney stated that she would respond to the letter the City and Council received regarding the extraterritorial zoning issue.

MAYOR UPDATES:

Mayor Waggoner gave a brief update on how the campground was doing. Thursday, the sign will be up.

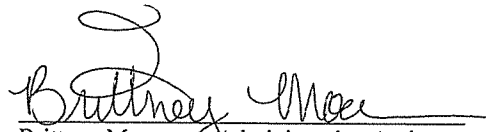
The Court Clerk and Accounts Payable Clerk positions have been recently filled and will start in August.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Council Member Wilke to adjourn the council meeting, seconded by Council Member Eaton. 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.

There being no further business to come before the council at this time, the meeting was adjourned at 6:40 p.m.


 Brittney Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 26th day of July 2022.

 Dave Waggoner, Mayor

Attest:

 Kelly Strecker, Clerk/Treasurer

File Attachments for Item:

2. Amended Minutes for City Council Meetings Held on April 12th, April 26th, May 10th, May 24th, and June 14th

MINUTES OF THE CITY COUNCIL OF LAUREL

April 12, 2022

A regular meeting of the City Council of the City of Laurel, Montana, was held in the Council Chambers and called to order by Mayor Dave Waggoner at 6:29 p.m. on April 12, 2022.

COUNCIL MEMBERS PRESENT: *Michelle BM* Emelie Eaton Heidi Sparks
Mike ~~Bruce McGee~~ Richard Herr
Scot Stokes Irv Wilke
Richard Klose ~~Don Nelson~~ *Bill Mauntzler BM*

COUNCIL MEMBERS ABSENT: Heidi Sparks

OTHER STAFF PRESENT: Kurt Markegard, Public Works Director
Karen Courtney, Building Official
Forrest Sanderson, KLJ

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

MINUTES:

Motion by Council Member Wilke to approve the minutes of the regular meeting of March 22, 2022, as presented, seconded by Council Member Klose. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

CORRESPONDENCE:

- Fire Monthly Report – March 2022
- Ambulance Monthly Report – February 2022
- Police Monthly Report – March 2022
- Building Department Monthly Report – March 2022

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS:

PUBLIC HEARING:

- Public Hearing: Resolution Of Annexation And Zoning For Approximately 270 Acres Of The Laurel Golf Club, As An Addition To The City Of Laurel, Yellowstone County, Montana.

Mayor Waggoner stated this is the time and place set for the public hearing on the City of Laurel's Resolution Of Annexation And Zoning For Approximately 270 Acres Of The Laurel Golf Club, As An Addition To The City Of Laurel, Yellowstone County, Montana.

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

Forrest Sanderson, KLJ Contracted Planner, briefly reviewed the attached Staff report.

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

Mayor Waggoner asked if there were any proponents.

Bryan Alexander, Sanderson Stewart 1300 Transtech Way, stated he was present to answer any questions on this project.

Mayor Waggoner asked again if there were any proponents.

Drake Webinger, 1001 Davis Circle, stated he is on the Laurel board and a building committee chairman. He thanked Council for entertaining this proposal. They are building a new clubhouse out

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there; it will be a nice facility. They will continue to support the Laurel community and look forward to working with the City.

Mayor Waggoner asked one (1) more time if there were any proponents. There were none.

Mayor Waggoner asked three (3) times if there were any opponents. There were none.

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

Mayor Waggoner closed the public hearing.

- **Public Hearing: Resolution Of The City Council Approving An Application For Special Review For Latitude Hospitalities, LLC, D/B/A Firebox Provisions, Authorizing The Operation Of A Bar/Tap Room And Sale And Consumption Of Alcohol On-Premises, Within An Existing Structure Located At Canon Creek Laurel Retail Center, 331 S. Washington Street, Suite A, City Of Laurel.**

Mayor Waggoner stated this is the time and place set for the public hearing on the City of Laurel's Resolution Of The City Council Approving An Application For Special Review For Latitude Hospitalities, LLC, D/B/A Firebox Provisions, Authorizing The Operation Of A Bar/Tap Room And Sale And Consumption Of Alcohol On-Premises, Within An Existing Structure Located At Canon Creek Laurel Retail Center, 331 S. Washington Street, Suite A, City Of Laurel.

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

Karen Courtney, Building Official, briefly reviewed the attached Staff report.

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

Mayor Waggoner asked two (3) times if there were any proponents. There were none.

Mayor Waggoner asked three (3) times if there were any opponents. There were none.

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

Mayor Waggoner closed the public hearing.

CONSENT ITEMS:

- **Claims entered through April 1, 2022.**
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Approval of Payroll Register for PPE 3/25/2022 totaling \$186,397.11.**
- **Approval of Payroll Register for PPE 4/8/2022 totaling \$196,747.05.**

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

Motion by Council Member Klose to approve the consent items as presented, seconded by Council Member Wilke. There was no public comment.

Council questioned if the claims and payroll could be approved given that the Budget/Finance Committee was canceled this evening. It was clarified that it was correct.

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:

- Emergency Services Committee Minutes of February 28, 2022.
- Public Works Committee Minutes of March 21, 2022.
- Tree Board Minutes of March 17, 2022.
- Emergency Services Committee Minutes of March 28, 2022.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Appointment of Benjamin Spencer to the Laurel Police Department.**

Motion by Council Member Eaton to approve the Mayor's appointment of Benjamin Spencer to the Laurel Police Department, 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.

- **Appointment of Lela Schlitz to the Library Board for the remainder of a five-year term ending June 30, 2024.**

Motion by Council Member Stokes to approve the Mayor's appointment of Lela Schlitz to the Library Board for the remainder of a five-year term ending June 30, 2024, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R21-11: Resolution Of Annexation And Zoning For Approximately 270 Acres Of The Laurel Golf Club, As An Addition To The City Of Laurel, Yellowstone County, Montana.**

Motion by Council Member Mize to approve Resolution No. R22-11, seconded by Council Member Eaton.

Drake Webinger, 1001 Davis Circle, stated there was concern that the Golf Course property would be subject to SIDs. The Golf Course property is not developed, nor is it developable.

Council noted that Public Works could not give a favorable recommendation in the Staff report. It was clarified that the City could not provide irrigation water for the entire Golf Course; they currently run off ditches. The City will provide potable water for the Club House only. If the City were to need to provide potable water for irrigation, those water rights would need to be assigned to the City. The area would not change, but the point of diversion would change to the City's intake. The waiver of protest is not asked for at this time. It was questioned if the extension of water and sewer would be the City's cost. It was clarified that the Golf Course would bare those costs.

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

- **Resolution No. R21-12: Resolution Of The City Council Approving An Application For Special Review For Latitude Hospitality, LLC, D/B/A Firebox Provisions, Authorizing The Operation Of A Bar/Tap Room And Sale And Consumption Of Alcohol On-Premises, Within An Existing Structure Located At Canyon Creek Laurel Retail Center, 331 S. Washington Street, Suite A, City Of Laurel**

Motion by Council Member Herr to approve Resolution No. R22-12, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R21-13: A Resolution Awarding The Bid And Authorizing The Mayor To Execute All Contract And Related Documents For The Project Known As H2S Rehabilitation Improvements.**

Motion by Council Member Mountsier to approve Resolution No. R22-13, seconded by Council Member Klose. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted nay. Motion failed 0-7.

- **Resolution No. R21-14: A Resolution Authorizing A Lease Agreement Between The City Of Laurel And Laurel American Legion Post #123, For The Construction And Use Of City Owned Property For A Parking Lot Near The City's Cemetery.**

Motion by Council Member Wilke to approve Resolution No. R22-14, seconded by Council Member Mountsier.

The City Attorney clarified that Council Member Klose does not need to recuse himself from this vote. He does not hold a financial interest in the American Legion or financially benefit from voting, and he has been advised that he can vote on this matter.

It was questioned if this parking lot would affect space at the Cemetery. There have been discussions about the Cemetery running out of room. It was clarified that this parking lot is located at the far north portion of the property, and it will be a very long time before the Cemetery reaches the parking lot.

There was no public comment. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R21-15: A Resolution Of The City Council Authorizing The Mayor To Execute The Independent Contractor Service Contract By And Between The City Of Laurel And Interstate Power State.**

Motion by Council Member Klose to approve Resolution No. R22-15, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R21-16: A Resolution Of The City Council Authorizing The Mayor To Execute The Standard Audit Contract Amendment By And Between The City of Laurel And Olness & Associates, P.C.**

Motion by Council Member Mize to approve Resolution No. R22-16, 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.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

It was questioned if the lease for the Laurel Dodgers would be coming before Council soon. It was clarified that they still needed to get some numbers before that can come forward to Council.

Council asked for clarification on the LIHWAP program. A constituent had questions about what she needed to pay on her water bill.

Council asked for an update on the issues brought forward by the business owner on E. Main Street.

MAYOR UPDATES:


Michele Braukmann, City Civil Attorney, stated that all Council Members had been informed of the personnel changes within the Finance Office. Kelly Strecker will be the Acting Clerk/Treasurer.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

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

There being no further business to come before the Council at this time, the meeting was adjourned at 7:03 p.m.


Brittney Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 26th day of April 2022.


Dave Waggoner, Mayor

Attest:


Kelly Strucker, Acting Clerk/Treasurer

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STAFF REPORT
LAUREL GOLF CLUB
Annexation and Initial Zoning

Applicant:

Laurel Golf Club
1020 Golf Course Road
Laurel MT 59044

The Laurel Golf Club represents 100% of the land ownership. Annexation pursuant to §7-2-4601 et. seq. MCA. (Annexation by Petition).

Request:

Laurel Golf Club. The Club, representing 100% of the ownership of lands involved, has Petitioned the City of Laurel for Annexation of approximately 270 acres of property adjacent to the City of Laurel with an initial Zoning Designation of Public (P) for concurrent review.

The subject property is generally described as that portion of Section 7, Township 2 South, Range 24 East, P.M.M., Yellowstone County, Montana, generally lying North of the Big Ditch but does not include the Golf Course Maintenance Facility. An annexation Exhibit, which is incorporated into this report by reference, has been submitted in support of the Petition and Requested Initial Zoning.

Process:

An earlier submitted version of this request with a smaller land area being annexed with an initial zoning designation of R-7500 has been withdrawn and will not be considered further as it has been replaced by this petition and initial zoning request.

The annexation petition and requested initial zoning has been scheduled for consideration and a public hearing by the Laurel – Yellowstone City County Planning Board and Zoning Commission for 5:35 p.m. on Wednesday, March 16, 2022. Though not yet scheduled the matter could be considered by the Laurel City Council at a Work Session on April 5 and taken up as an action item on April 12, 2022.

Analysis of the Request

- The Laurel Golf Club represents 100% of the land ownership involved in the petition.
- The Laurel Growth Policy does not designate the property as a 'growth area' of the city.
- The current use of the property is agricultural, recreational, and has a commercial use (Restaurant, Bar, Clubhouse).
- The requested zone City Public (P) provides for a variety of uses and is consistent with the requirements of R-08-22 that lands embraced by the city be assigned R-7500 or greater.

- The subject property currently is presumed to be zoned County Public or is un-zoned Yellowstone County.
- Part 46 annexation requires that the land use designation be 'consistent with the prevailing use of the property, consistent with the prevailing County Zoning Assignment, and/or consistent with the current growth policy'.
- The annexation by petition thresholds for annexation of Agricultural properties must be adhered to.
- In addition to the recreational and commercial uses of the property, a significant area of the lands would be considered as prime development property with the extension of urban scale services. In addition to the extension of urban scale services the City Zoning provides options for development that are not available to rural properties. These options include but are not limited to Planned Unit Developments
- The initial zoning must be considered under City Resolution R-08-22 (Annexation), the Laurel Municipal Code Title 17 (Zoning).
- The question of annexation and initial zoning must be heard by the Laurel – Yellowstone City County Planning Board and Zoning Commission.
- Is the requested annexation and initial zoning in the best interest of the City and Citizens of the City of Laurel.
- Any further development beyond the clubhouse will be required to do an analysis of the ability of the city to supply water and sanitary sewer to the development and pay for any associated costs to expand the city utility infrastructure.
- The city cannot supply irrigation water for the golf course.

Findings:

- ✓ The subject property is adjacent to the City of Laurel.
- ✓ The restrictions imposed on cities related to the annexation of agricultural properties under Part 46 have been met or exceeded.
- ✓ The City Council is not required to submit the question of annexation to the qualified electors of the area to be annexed as the petition is signed by 100% of the owners.
- ✓ The city may annex the agricultural properties as 100% of the ownership of same has petitioned the city for annexation.
- ✓ The driver for the annexation request is the desire of the Golf Course to construct a new larger Clubhouse. The existing onsite water and sanitary facilities do not meet the minimum requirements of the Montana Department of Environmental Quality for the proposed new clubhouse facility.
- ✓ The clubhouse facility incorporates on premise alcohol consumption and a restaurant the City of Laurel Zoning classifies these uses as 'Commercial' and subject to Special Review proceedings. The only district that contemplates the proposed new use as a permitted use is the Public (P) zoning and then only in association with the recreational facilities. It is for that reason that the entirety of the golf course is included in the petition for annexation and initial zoning.
- ✓ The golf course was not included as 'future growth area' in the Growth Policy adopted by the City of Laurel because the property has been used for agricultural production or as recreational properties with existing facilities that did not need, want, or desire to be included within the city. This all changed with the proposal to construct the new clubhouse and the DEQ determination that the onsite facilities were not approvable. The decision to not include the golf course and associated operations should not be construed as the city being unwilling to consider annexation,

further development, or growth of the City of Laurel to the west but rather an acknowledged of the restrictions imposed by Montana Law and the rights afforded to landowners or certain classified lands.

- ✓ The golf course itself is not being forced to be annexed into the city. The golf course is required to obtain the benefits of the Public Zoning assignment to provide for the operation of a restaurant/tavern as a permitted use.
- ✓ The proposed assignment of Laurel P meets all the statutory requirements of Part 46 annexation and zoning assignment.
- ✓ The Laurel P Zone is listed along with Commercial and Industrial land use assignments and is therefore determined to be a "greater than" R-7500 classification.
- ✓ The extension of city services will be at the owner's expense (R-08-22) and in accordance with the Annexation Agreement as approved by the City Council. In this agreement the City Council may waive certain 'required' improvements where full-scale development of the properties is not currently being contemplated. Frankly, the requirement of the construction of all the improvements contemplated by R-08-22 is not in the best interests of either the City of Laurel or the Owner at this time.
- ✓ The City Zoning provides options for development that are not available to rural properties. These options include but are not limited to Planned Unit Developments. These options and the exactions of infrastructure are most beneficial to the Owner, the City of Laurel, and all surrounding properties in conjunction with the proposed development of the property in the future.
- ✓ The Laurel Golf Club has existed at this location and ownership since the 1960's and has grown to be one of the premiere golf venues in the State of Montana. While change is sometimes difficult the City of Laurel and the Ownership of the Golf Club are the best custodians of the current and future growth and development potential of the property.
- ✓ The city has the ability to provide services to the clubhouse both existing and proposed but future development will require additional analysis on the part of the developer to determine what, if any, capital improvements are necessary to accommodate additional development.
- ✓ The City of Laurel does not have the ability to provide irrigation water for the golf course and does not anticipate the ability to provide same in the future.
- ✓ Given the lack of data to support annexation that would provide for significant residential and commercial development and the requirement of the city to guarantee the provision of services a favorable recommendation from Public Works on the request could not be obtained.

12 Point Test for Zoning:

- I. Is the zoning in accordance with the growth policy;
 - The proposed zoning is consistent with the prevailing County zoning on the property.
 - The Growth Policy identifies a portion of the proposed annexation as Public.
 - The golf course itself is classified as open/agricultural.
 - Resolution R-08-22 requires zoning assignment at annexation at R-7500 or greater.
 - The Public Zone being classified with the Commercial and Industrial zones meets the definition as 'greater than' R-7500.

Finding:

The requested zoning is in accordance with the Growth Policy.

- II. Is the zoning designed to lessen congestion in the streets;
 - The proposed zoning is consistent with the prevailing County zoning on the property.

- The proposed zoning along with the annexation agreement with the developer will not change the underlying use of the property.
- The Public zone does not allow for additional development of the property.
- Proposed development that would potentially impact roads and streets would require a traffic impact analysis and associated improvements.

Finding:

The requested zoning will not have a material impact on congestion in the streets.

- III. Is the zoning designed to secure safety from fire, panic, and other dangers;
- The proposed zoning is consistent with the prevailing County zoning on the property.
 - The Growth Policy identifies a portion of the proposed annexation as Public.
 - The golf course itself is classified as open/agricultural.
 - The construction of a new clubhouse facility that complies with the current International Commercial Code will unquestionable be safer than the existing facilities.

Finding:

The requested zoning will not have a material impact on safety from fire, panic, or other dangers.

- IV. Is the zoning designed to promote health and the general welfare;
- The proposed zoning is consistent with the prevailing County zoning on the property.
 - The Growth Policy identifies a portion of the proposed annexation as Public.
 - The golf course itself is classified as open/agricultural.
 - The construction of a new clubhouse facility that complies with the current International Commercial Code will unquestionable be safer than the existing facilities.
 - The connection of the facilities and properties at the time of development to the Laurel municipal water and wastewater systems will have positive impacts to public health and general welfare.

Finding:

The requested zoning will promote the public health and the general welfare.

- V. Is the zoning designed to provide adequate light and air;
- The existing zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.
 - The current proposal, Public, does not provide for residential or commercial development and tertiary approvals for zoning and subdivision will be necessary.
 - The existing development has more than adequate separation from surrounding uses.

Finding:

The requested zoning will provide adequate light and air.

- VI. Is the zoning designed to prevent the overcrowding of land;
- The existing zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.
 - The current proposal, Public, does not provide for residential or commercial development and tertiary approvals for zoning and subdivision will be necessary.
 - The existing development has more than adequate separation from surrounding uses.

Finding:

The proposed zoning will prevent the overcrowding of land.

- VII. Is the zoning designed to avoid undue concentration of population;

- The existing zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.
- The current proposal, Public, does not provide for residential or commercial development and tertiary approvals for zoning and subdivision will be necessary.
- The existing development has more than adequate separation from surrounding uses.

Finding:

The proposed zoning will prevent the undue concentration of population.

- VIII. Is the zoning designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- The zoning has primarily been requested to facilitate the construction of a new golf club house facility.
 - The requested zoning, without some overlay or modification, will not necessitate the installation of new or additional infrastructure.
 - It is anticipated that a significant portion of the property being annexed will be further developed. It is at that point the additional infrastructure as well as capacities will be evaluated.
 - Where the primarily open space use of the property will not be changed the demands of schools, parks or other public requirements will not be impacted.
 - Some of the public duties, such as police, will shift from Yellowstone County to the City of Laurel but the net effect is minimal.

Finding:

The requested zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Additionally, as the uses of the property change and the intensity of development changes, the city will be able to plan for and be prepared for the anticipated increased demands on their public systems.

- IX. Does the zoning give reasonable consideration to the character of the district and its peculiar suitability for particular uses;
- The requested zoning is essentially a replacement of the existing County Zoning with the closest compatible City Zoning District.
 - The property is owned and operated by the Laurel Golf Club and additional development is not anticipated in the near future.
 - The water and sewer infrastructure proposed with the annexation is adequate for the new club house facility.

Finding:

The requested zoning is in keeping with the character and historical uses of the property. It also provides for opportunities for additional development with suitable uses.

- X. Does the zoning give reasonable consideration to the peculiar suitability of the property for its particular uses;
- The requested zoning is essentially a replacement of the existing County Zoning with the closest compatible City Zoning District.
 - The property is owned and operated by the Laurel Golf Club and additional development is not anticipated in the near future.
 - The water and sewer infrastructure proposed with the annexation is adequate for the new club house facility.

Finding:

The requested zoning is in keeping with the character and historical uses of the property. It also provides for opportunities for additional development with suitable uses.

XI. Will the zoning conserve the value of buildings;

- The extension and availability of public water and sewer resultant from annexation and initial zoning will add value to buildings as they can be expanded replaced and new buildings potentially added in the future.
- Where the underlying zoning is a replacement of County for like City, it is not anticipated that there would be any effect on the value of surrounding buildings or lands.

Finding:

The value of existing buildings both on and adjacent to the requested zone will either be enhanced or not effected by the proposed zoning.

XII. Will the zoning encourage the most appropriate use of land throughout the municipality?

- The requested zoning is essentially a replacement of the existing County Zoning with the closest compatible City Zoning District.
- The property is owned and operated by the Laurel Golf Club and additional development is not anticipated in the near future but when development is proposed the adequate infrastructure, as well as land uses will be vetted via an open public process.

Finding:

The requested zoning provides for the most appropriate use of land in the municipality. It also provides for a significant amount of flexibility for a mixture of uses as contemplated by the District Regulations.

Conclusion:

The petition for annexation into the City of Laurel with the initial zoning assignment of Public (P) appears to be consistent with the requirements of Part 46 Annexation and City Council Resolution R-08-22. Additionally, the annexation, extension of services, and initial zoning assignment in the best interest of both the City of Laurel and the Laurel Golf Club.

CITY HALL
115 W. 1ST ST.
PUB. WORKS: 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 Building Official

INTRODUCTION

On Thursday, February 10, 2022, Latitude Hospitalities, LLC dba Firebox Provisions submitted a Special Review Application for onsite sales and consumption of alcohol within the Laurel Highway Commercial (HC) and Community Entryway Zoning District (EZD). The property involved in the request is the Firebox Kitchen and Tap Room, 331 South Washington Avenue, Suite A of the Canyon Creek Station, and is described as Laurel Industrial Park Subdivision, Lot 5A1, Block 2, Section 16, T. 2 S., R. 24 E., P.M.M., City of Laurel, Yellowstone County, Montana.

The project will be presented to the Laurel – Yellowstone City County Planning Board on March 16, 2022, with a recommendation to the Laurel City Council for final decision in early April.

PLANNER RESPONSIBILITY

- A. Consult with other departments of the City or County to evaluate the impact of the special review upon public facilities and services; ACCOMPLISHED
- B. Study each application with reference to its appropriateness and effect on existing and proposed land use, and reference to the comprehensive plan; ACCOMPLISHED
- C. Advertise twice in a newspaper of general circulation in the jurisdictional area of the Laurel – Yellowstone City County Planning Board; ACCOMPLISHED
- D. Notify by mail, the applicant or his agent at least five days prior to the date of the public hearing of the date, time and place of such hearing; ACCOMPLISHED
- E. Notify, by mail, all property owners within 300 feet of the exterior boundaries of the property subject to the special review of the date, time and location of the public hearing; ACCOMPLISHED
- F. After the public hearing and as part of the public record, report findings and conclusions and recommendations to the Zoning Commission.

STANDARD OF REVIEW Zoning Commission/City Council

- The request complies with the requirements of §17.68.040 of the City of Laurel Zoning;
- The request is consistent with the objectives and purpose of Title 17 of the Laurel Municipal Code;
- The proposed use is compatible with surrounding land use or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects;
- The zoning commission shall consider and may impose modification or conditions concerning, but not limited to:

- Street and road capacity,
- Ingress and egress to adjoining streets,
- Off-street parking,
- Fencing, screening and landscaping.
- Building bulk and location,
- Usable open space,
- Signs and lighting,
- Noise, vibration, air pollution and similar environmental influences.

VARIANCES REQUESTED

N/A. None Requested.

MINUTES OF THE CITY COUNCIL OF LAUREL

April 26, 2022

A regular meeting of the City Council of the City of Laurel, Montana, was held in the Council Chambers and called to order by Mayor Dave Waggoner at 6:30 p.m. on April 26, 2022.

COUNCIL MEMBERS PRESENT: Emelie Eaton Heidi Sparks
 BM Michelle ~~Bruce McGee~~ Richard Herr
 nize Irv Wilke *BM*
 Richard Klose ~~Don Nelson~~ *Bill Mountsier*

COUNCIL MEMBERS ABSENT: Scot Stokes

OTHER STAFF PRESENT: Nancy Schmidt, Library Director

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

MINUTES:

Motion by Council Member Wilke to approve the minutes of the regular meeting of April 12, 2022, as presented, seconded by Council Member Mountsier. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

CORRESPONDENCE:

- Ambulance Monthly Report – March 2022

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None.

PUBLIC HEARING: None.

CONSENT ITEMS:

- **Claims entered through April 22, 2022.**
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Approval of Payroll Register through PPE 4/22/2022 totaling \$193,588.33.**

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

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

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS:

- Budget/Finance Committee Minutes of March 22, 2022.
- Park Board Minutes of April 7, 2022.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Resolution No. R22-17: A Resolution Of The City Council Authorizing The Mayor To Execute The Amendment To Owner-Engineer Agreement, Amendment No. 2, By And Between The City Of Laurel And KLJ Engineering, Inc.**

Motion by Council Member Eaton to approve Resolution No. R22-17, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R22-18: A Resolution Of The City Council Authorizing The Mayor To Execute A Memorandum Of Understanding By And Between The City Of Laurel And The City Of Laurel Library Board Of Trustees**

Motion by Council Member Mize to approve Resolution No. R22-18, seconded by Council Member Eaton.

Nancy Schmidt, Library Director, supported this memorandum of understanding. The Library Board is also in support of this memorandum of understanding.

Council asked for clarifications made to section 5. The Civil Attorney went over those changes.

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

- **Resolution No. R22-19: A Resolution Of The City Council Authorizing The Mayor To Execute A Retention Fee Agreement By And Between The City Of Laurel And Olness & Associates, P.C.**

Motion by Council Member Herr to approve Resolution No. R22-19, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R22-20: A Resolution Of The City Council Authorizing The Removal Of Former City Of Laurel Clerk/Treasurer Bethany Keeler, F/K/A Bethany Langve, From All-City Accounts And Adding Acting City Of Laurel Clerk/Treasurer Kelly Strecker To All Such Accounts.**

Motion by Council Member Mountsier to approve Resolution No. R22-20, 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.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Council questioned if Riverside Park would be open this year. It was clarified that it would be open, and they are still working on getting the reservation system set up. They are also working on a rule board and a welcome board. Alicia Stickney with the DOJ retired in December. The City had been told if there were any funds leftover from the Exxon spill, they could potentially receive additional funds. They are hoping for another \$50k, which would be used for the signage.

MAYOR UPDATES:

On May 5th, work will begin in Kids Kingdom.

Public Works Department has been working to grate the area near Fir Field and is beginning work on a bike track.

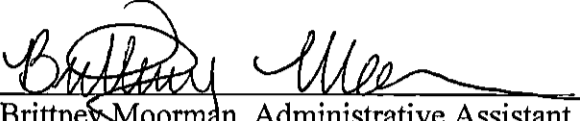
The City is exploring the option of partnering with LARC to open the pool. The YMCA notified the Public Works Director that if the City could find 5 or 6 lifeguards, they would run the pool for us.

UNSCHEDULED MATTERS: None.

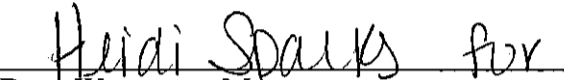
ADJOURNMENT:

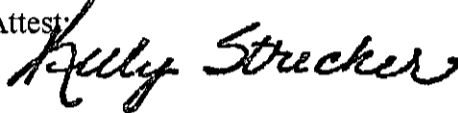
Motion by Council Member Wilke to adjourn the council meeting, seconded by Council Member Mountsier. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

There being no further business to come before the council at this time, the meeting was adjourned at 6:48 p.m.


Brittny Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 10th day of May 2022.


Dave Waggoner, Mayor

Attest:


Kelly Strecker, Clerk/Treasurer

MINUTES OF THE CITY COUNCIL OF LAUREL

May 10, 2022

A regular meeting of the City Council of the City of Laurel, Montana, was held in the Council Chambers and called to order by Council President Sparks at 6:30 p.m. on May 10, 2022.

COUNCIL MEMBERS PRESENT: ~~Don Nelson~~ Emelie Eaton Heidi Sparks
Michelle Mize ~~Bruce McGee~~ Richard Herr
Richard Klose Irv Wilke
~~Don Nelson~~ Bill Mountsier^E

COUNCIL MEMBERS ABSENT: Scot Stokes

OTHER STAFF PRESENT: Jean Kerr, City Judge

Council President Sparks led the Pledge of Allegiance to the American flag.

MINUTES:

Motion by Council Member Wilke to approve the minutes of the regular meeting of April 26, 2022, as presented, seconded by Council Member Mountsier. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

CORRESPONDENCE:

- Fire Monthly Report – April 2022
- Police Monthly Report – April 2022
- Building Monthly Report – April 2022

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None.

PUBLIC HEARING: None.

CONSENT ITEMS:

- **Claims entered through May 6, 2022.**
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Approval of Payroll Register for PPE 5/1/2022 totaling \$205,036.16.**
- **Council Workshop Minutes of April 5, 2022.**
- **Council Workshop Minutes of April 19, 2022.**

The Council President Sparks asked if there was any separation of consent items. There was none.

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

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS:

- Budget/Finance Committee Minutes of April 26, 2022.
- Cemetery Commission Minutes of April 20, 2022.
- Library Board Minutes of February 8, 2022.
- Library Board Minutes of March 8, 2022.
- Tree Board Minutes of April 14, 2022.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Appointment of Randy Hand to the Laurel Airport Authority for a five-year term ending June 30, 2027.**

Motion by Council Member Eaton to approve the Mayor's appointment of Randy Hand to the Laurel Airport Authority for a five-year term ending June 30, 2027, seconded by Council Member Mize. There was no public comment.

Council asked for clarification on the resident requirements to serve on this Board. It was clarified that this Board does not require its members to reside within the City limits.

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

- **Appointment of Phyllis Bromgard to the Tree Board for a three-year term ending June 30, 2025.**

Motion by Council Member Mize to approve the Mayor's appointment of Phyllis Bromgard to the Tree Board for a three-year term ending June 30, 2025, 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.

- **Appointment of Richard Herr to the Cemetery Commission for a two-year term ending June 30, 2024.**

Motion by Council Member Klose to approve the Mayor's appointment of Richard Herr to the Cemetery Commission for a two-year term ending June 30, 2024, seconded by Council Member Wilke. There was no public comment.

Council Member Herr recused himself from voting as this is his appointment.

A vote was taken on the motion. All six remaining council members present voted aye. Motion carried 6-0.

- **Appointment of Rick Musson to the Cemetery Commission for a two-year term ending June 30, 2024.**

Motion by Council Member Mountsier to approve the Mayor's appointment of Rick Musson to the Cemetery Commission for a two-year term ending June 30, 2024, 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.

- **Appointment of Wallace Hall to the Cemetery Commission for a two-year term ending June 30, 2024.**

Motion by Council Member Herr to approve the Mayor's appointment of Wallace Hall to the Cemetery Commission for a two-year term ending June 30, 2024, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R22-21: A Resolution Of The City Council Authorizing The Removal Of City Council Member Emelie Eaton From All-City Accounts And Adding City Council President Heidi Sparks To All Such Accounts.**

Motion by Council Member Eaton to approve Resolution No. R22-21, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R22-22: A Resolution Of The City Council Setting The Salary Of The City Court Judge Effective July 1, 2022, To January 1, 2026.**

Motion by Council Member Wilke to approve Resolution No. R22-22, seconded by Council Member Mountsier.

Judge Kerr requested that this item be tabled until all items of her request had been considered.

Council questioned the proper way to move forward with this motion while considering the Judge's request. It was clarified that Council needed to vote on the question before it. Council could request that this item be brought back at a later date.

A roll call vote was taken on the motion. Council Members Eaton, Klose, and Herr voted aye. Council Members Mize, Mountsier, Wilke, and Sparks voted no. Motion failed 3-4.

- **Resolution No. R22-23: A Resolution Of The City Council Authorizing The Council President Sparks To Execute All Agreements Necessary To Secure Insurance Benefits With Unum For City Of Laurel Employees**

Motion by Council Member Mize to approve Resolution No. R22-23, 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.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT):

There was a presentation made at the last Park Board meeting regarding the City pool. It is in poor condition, and it will not be open this year and may not be able to be repaired.

COUNCIL DISCUSSION:

Council noted that they had asked about the use of two parks located in downtown for parking at last week's meeting. It has been clarified that those parks are private property, and the City does not have control over the use of those parcels. They would like this added to the next Workshop agenda under downtown parking.

Council requested an update on the S. 4th Street bid opening. It was clarified that would be on next week's Workshop agenda.

Council requested an update on W. Railroad Street.

Council requested that the Judge's wage be brought back to a future Workshop.

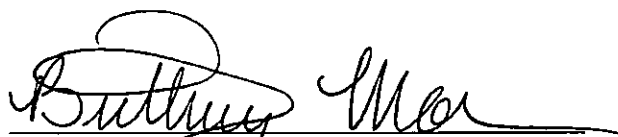
MAYOR UPDATES:

UNSCHEDULED MATTERS: None.


ADJOURNMENT:

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

There being no further business to come before the Council at this time, the meeting was adjourned at 6:57 p.m.


 Brittney Moorman, Administrative Assistant

Approved by the Council President Sparks and passed by the City Council of the City of Laurel, Montana, this 24th day of May 2022.


 Dave Waggoner, Mayor

Attest:



Kelly Strecker, Clerk/Treasurer

MINUTES OF THE CITY COUNCIL OF LAUREL

May 24, 2022

A regular meeting of the City Council of the City of Laurel, Montana, was held in the Council Chambers and called to order by Mayor Dave Waggoner at 6:31 p.m. on May 24, 2022.

COUNCIL MEMBERS PRESENT: ^{BM} Emelie Eaton Heidi Sparks
Michelle Mize ~~Bruce McGee~~ Richard Herr
Richard Klose Irv Wilke
~~Don Nelson~~ ^{BM} Bill Mauntzler

COUNCIL MEMBERS ABSENT: Scot Stokes

OTHER STAFF PRESENT: None

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

MINUTES:

Motion by Council Member Wilke to approve the minutes of the regular meeting of May 10, 2022, as presented, seconded by Council Member Sparks. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

CORRESPONDENCE:

- Beartooth RC&D May 2022 Correspondence.

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None.

PUBLIC HEARING: None.

CONSENT ITEMS:

- **Claims entered through May 20, 2022.**
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Approval of Payroll Register for PPE 5/15/2022 totaling \$205,036.16.**

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

Council clarified that the payroll correct payroll total is \$193,410.11. The listed total was the last payroll total.

Motion by Council Member Klose to approve the consent items as presented, seconded by Council Member Sparks. 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:

- Poppy Day Proclamation
- Mayor Waggoner read the Poppy Day Proclamation.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):

Karl Dan Koch, 320 Colorado Avenue, spoke regarding striping the handicap parking lot in Thomson Park.

SCHEDULED MATTERS:

- **Appointment of Lynn Galovatti and Bridger Fournier to the Laurel Volunteer Ambulance.**

Motion by Council Member Eaton to approve the Mayor's appointment of Lynn Galovatti and Bridger Fournier to the Laurel Volunteer Ambulance, seconded by Council Member Sparks. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R22-24: Resolution Authorizing Owner's Request To Seek Annexation Of A Parcel Of Property Located At 1702 E. 8th Street, Laurel MT, Pursuant To The City Of Laurel Annexation Policy.**

Motion by Council Member Sparks to approve Resolution No. R22-24, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R22-25: A Resolution Awarding The Bid And Authorizing The Mayor To Execute All Contract And Related Documents For The Project Known As South 4th Street Reconstruction Project.**

Motion by Council Member Herr to approve Resolution No. R22-25, seconded by Council Member Sparks. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R22-26: A Resolution Of The City Council Authorizing The Mayor To Execute An Extension Of The Agreement Between The City Of Laurel And Yellowstone County For A Satellite Yellowstone County Treasurer's Office, Motor Vehicle Division**

Motion by Council Member Eaton to approve Resolution No. R22-26, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R22-27: A Resolution Of The City Council Authorizing The Mayor To Execute An Independent Contractor Service Contract With True North Contracting**

Mayor Waggoner stated this small service contract is for installing the 30 picnic tables at Riverside Park.

Motion by Council Member Mize to approve Resolution No. R22-27, 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.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Council noted that Code Enforcement has been doing a good job.

There will be a Memorial Day ceremony at the City Cemetery at 9:00 a.m. There will also be a ceremony at noon at the National Cemetery.

Council was reminded that this is a 5 Tuesday month. There is not Council meeting next week.

K. Dan Koch, 320 Colorado Avenue, briefly spoke on his desire for the handicap parking lot to be oiled and striped.

MAYOR UPDATES:

Mayor Waggoner stated Riverside Park is very close to being opened again.

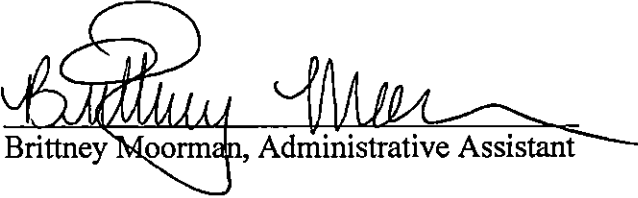
Mayor Waggoner apologized to Council if the recent article in the Laurel Outlook regarding the pool made Council the scapegoat. That was not his intention. City Staff are still looking at various options to be able to repair the pool.

UNSCHEDULED MATTERS: None.

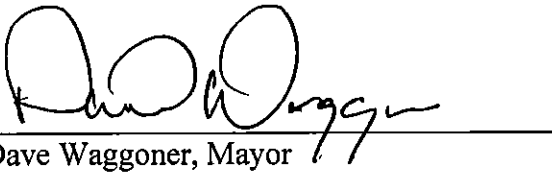
ADJOURNMENT:

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

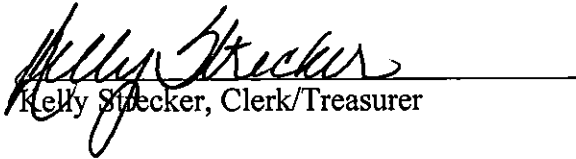
There being no further business to come before the council at this time, the meeting was adjourned at 6:55 p.m.


Brittney Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 14th day of June 2022.


Dave Waggoner, Mayor

Attest:


Kelly Stecker, Clerk/Treasurer

MINUTES OF THE CITY COUNCIL OF LAUREL

June 14, 2022

A regular meeting of the City Council of the City of Laurel, Montana, was held in the Council Chambers and called to order by Mayor Dave Waggoner at 6:29 p.m. on June 14, 2022.

COUNCIL MEMBERS PRESENT: *Michelle Mize* ^{PBM} Emelie Eaton Heidi Sparks
~~Bruce McGee~~ Richard Herr
Casey Wheeler Irv Wilke
Richard Klose ~~Don Nelson~~ *Bill Mountsier KS*

COUNCIL MEMBERS ABSENT: None

OTHER STAFF PRESENT: Kurt Markegard, Public Works Director
Kelly Strecker, Clerk/Treasurer (Left 6:57)
Stan Langve, Police Chief
Amber Hatton, Accounts Payable (Left 6:57)
Juliane Lore, City Prosecutor
Michele Braukmann, Civil City Attorney

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

MINUTES:

Motion by Council Member Wilke to approve the minutes of the regular meeting of May 24, 2022, as presented, seconded by Council Member Sparks. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

CORRESPONDENCE:

- Police Monthly Report – May 2022
- Fire Monthly Report – May 2022
- Reappointment of Judy Goldsby to the Laurel City/County Planning Board
- Resignation of Dennis Eaton from the Laurel Urban Renewal Agency

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None.

PUBLIC HEARING.

- **Public Hearing: Resolution Of The City Council Approving An Application For Special Review For S2 Properties, Llc, D/B/A Your Pie, Authorizing The Sale And Consumption Of Beer And Wine On Premises, Within An Existing Structure Located At 102 South 1st Avenue, City Of Laurel, Mt.**

Mayor Waggoner stated this is the time and place set for the public hearing on the City of Laurel's Resolution Of The City Council Approving An Application For Special Review For S2 Properties, L.L.C., D/B/A Your Pie, Authorizing The Sale And Consumption Of Beer And Wine On Premises, Within An Existing Structure Located At 102 South 1st Avenue, City Of Laurel, MT.

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

Kurt Markegard, Public Works Director, briefly reviewed the attached Staff report.

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

Mayor Waggoner asked if there were any proponents.

Parker Swenson, 4116 Corbin Drive, stated he brought designs and is available to answer any questions.

Mayor Waggoner asked two (2) additional times if there were any proponents. There were none.

Mayor Waggoner asked three (3) times if there were any opponents. There were none.

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

Mayor Waggoner closed the public hearing.

- **Public Hearing: Resolution Of The City Of Laurel City Council Granting A Variance From The City's Zoning Regulations To Allow The Property Owner To Construct An Addition On The Home At 319 3rd Avenue, Laurel Mt, Which Shortens The Twenty-Foot Setback To A Six-Foot Setback**

Mayor Waggoner stated this is the time and place set for the public hearing on the City of Laurel's Resolution Of The City Of Laurel City Council Granting A Variance From The City's Zoning Regulations To Allow The Property Owner To Construct An Addition On The Home At 319 3rd Avenue, Laurel Mt, Which Shortens The Twenty-Foot Setback To A Six-Foot Setback.

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

Kurt Markegard, Public Works Director, briefly reviewed the attached Staff report.

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

Mayor Waggoner asked if there were any proponents.

Cassie Page, 319 3rd Ave, clarified that the addition would be straight back from the house but would be six feet from the sidewalk. She is in favor of this variance.

Mayor Waggoner asked two (2) additional times if there were any proponents. There were none.

Mayor Waggoner asked three (3) times if there were any opponents. There were none.

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

Mayor Waggoner closed the public hearing.

CONSENT ITEMS:

- **Claims entered through June 10, 2022.**
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Approval of Payroll Register for P.P.E. 5/29/2022 totaling \$211,291.94.**

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

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

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS:

- Budget/Finance Committee Minutes of May 24, 2022.
- Park Board Minutes of May 5, 2022.
- Emergency Services Committee Minutes of April 25, 2022.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Appointment of Casey Wheeler to the Vacant Ward 3 Seat.**

Motion by Council Member Sparks to approve the Mayor's appointment of Casey Wheeler to the vacant Ward 3 seat, seconded by Council Member Wilke. There was no public comment.

Council Member Eaton stated there was an ex-parte communication between Council Members after the last Council meeting. There was concern over how this appointment was brought forward and whether Mr. Wheeler would be included by his father, who works for the City.

Mayor Waggoner reminded Council that each of them is one of eight, and it takes all eight to pass a resolution or ordinance.

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

Mr. Wheeler was sworn into office.

- **Appointment of Josh Featherly to the Laurel Police Department.**

Motion by Council Member Herr to approve the Mayor's appointment of Josh Featherly to the Laurel Police Department, seconded by Council Member Wilke. 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.

- **Appointment of Kurt Markegard as Building Official.**

Motion by Council Member Sparks to approve the Mayor's appointment of Kurt Markegard as Building Official, seconded by Council Member Wilke. 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.

- **Appointment of Kelly Strecker to Clerk/Treasurer.**

Motion by Council Member Mize to approve the Mayor's appointment of Kelly Strecker to Clerk/Treasurer, seconded by Council Member Eaton. 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.

- **Motion to allow Council Member Mize to be absent from the City of Laurel for more than ten days. (LMC 2.12.060)**

Motion by Council Member Eaton to approve Council Member Mize to be absent from the City of Laurel for more than ten days, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. Council Members Sparks, Herr, Wilke, Mountsier, Klose, Wheeler, and Eaton voted aye. Council Member Mize abstained. Motion carried 7-0.

- **Resolution No. R22-28: A Resolution Of The City Council Authorizing The Mayor To Execute An Extension Of The Prosecutor Attorney Contract By And Between The City Of Laurel And Lore Law Firm, P.L.L.C.**

Motion by Council Member Sparks to approve Resolution No. R22-28, seconded by Council Member Wilke. 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. R22-29: A Resolution Awarding The Bid And Authorizing The Mayor To Execute All Contract And Related Documents For The Project Known As The Wtp Lift Well Replacement.**

Motion by Council Member Herr to approve Resolution No. R22-29, seconded by Council Member Wilke. 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. R22-30: A Resolution Of The City Council Authorizing The Mayor To Execute The Agreement For Provision Of Fire Services By And Between The City Of Laurel And The Laurel Airport Authority**

Motion by Council Member Wilke to approve Resolution No. R22-30, seconded by Council Member Sparks. 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. R22-31: A Resolution Of The City Council Authorizing The Mayor To Execute The Agreement For Provision Of Fire Services By And Between The City Of Laurel And Yellowstone Boys And Girls Ranch**

Motion by Council Member Eaton to approve Resolution No. R22-31, seconded by Council Member Sparks. 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. R22-32: Resolution Of The City Council Approving An Application For Special Review For S2 Properties, Llc, D/B/A Your Pie, Authorizing The Sale And Consumption Of Beer And Wine On Premises, Within An Existing Structure Located At 102 South 1st Avenue, City Of Laurel, MT.**

Motion by Council Member Klose to approve Resolution No. R22-32, seconded by Council Member Wilke. 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. R22-33: Resolution Of The City Of Laurel City Council Granting A Variance From The City's Zoning Regulations To Allow The Property Owner To Construct An Addition On The Home At 319 3rd Avenue, Laurel Mt, Which Shortens The Twenty-Foot Setback To A Six-Foot Setback**

Motion by Council Member Mize to approve Resolution No. R22-33, seconded by Council Member Wilke. 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. R22-34: Resolution Authorizing The Mayor To Reinstate An Encroachment Permit For Newkirk Real Estate-Montana, L.L.C., D/B/A Thomae Lumber.**

Motion by Council Member Eaton to approve Resolution No. R22-34, seconded by Council Member Sparks. 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.

ITEMS REMOVED FROM THE CONSENT AGENDA:

Fire Chief Peters gave a brief update on the flooding around Laurel. He has been helping organize evacuation locations should they be needed. Many communities have been affected by this flooding event.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Public Works Committee will meet Monday at 6:00 p.m. in Council Chambers.

Council noted that they had a lot of takeaways from the M.M.I.A. training last week. They asked that a 3-minute time be installed in Council Chambers to assist with public comments.

This past weekend was a ceremony to honor four fallen firemen. The ceremony was very moving.

MAYOR UPDATES:

Riverside Park is closed at this time. The river is at its height in 2011, and the riprap seems to be held thus far. City Staff will continue to monitor critical infrastructure.

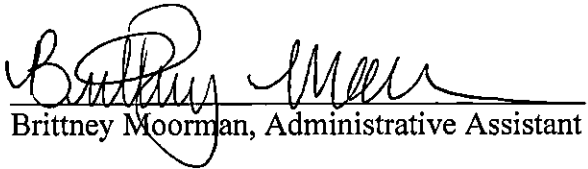
Mayor Waggoner sent City Staff to Joliet to assist with their efforts to protect against flooding.

UNSCHEDULED MATTERS: None.

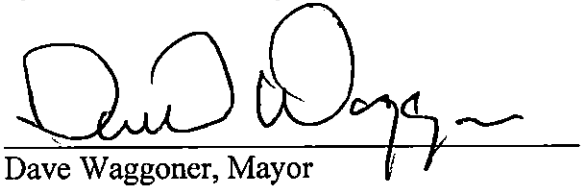
ADJOURNMENT:

Motion by Council Member Sparks to adjourn the council meeting, seconded by Council Member Eaton. 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.

There being no further business to come before the Council at this time, the meeting was adjourned at 7:17 p.m.

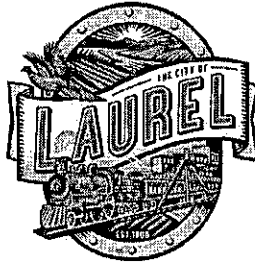

Brittny Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 28th day of June 2022.


Dave Waggoner, Mayor

Attest:


Kelly Strecker, Clerk/Treasurer



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board and Zoning Commission
FROM: Kurt Markegard
PROJECT: Special Review Application for "Your Pie" 102 South 1st Avenue
DATE: May 16th, 2022

DESCRIPTION OF REQUEST

An application for Special Review was submitted by S2 Properties LLC. for the property at 102 S. 1st Avenue in Laurel. The property owner plans to renovate the currently vacant commercial building to operate a new food establishment. The property is located within the Highway Commercial (HC) zoning district, as well as the Community Entryway Zoning District (CEZD) and the SE 4th Street Overlay District. The Laurel Municipal Code requires all cocktail lounges, restaurants, bars and taverns located in the Highway Commercial (HC) zoning district to go through the Special Review process prior to the start of operations. An approval of the special review application would allow the sale of beer and wine within a restaurant.

Owner: S2 Properties LLC.
Legal Description: East Yellowstone Sub, S16, T02 S, R24 E, BLOCK 31, Lot 1 - 6, less highway
Address: 102 S 1st Ave, Laurel, MT 59044
Parcel Size: 20,405sqft
Existing Land Use: Commercial, currently vacant building
Proposed Land Use: Restaurant
Existing Zoning: Highway Commercial (HC), Community Entryway Zoning District (CEZD), SE 4th Street Overlay District

BACKGROUND AND PROCEDURAL HISTORY

- Randy and Parker Swenson contacted the Planning department about opening a new restaurant called "Your Pie" in March 2022 in the former location of "Taco John's".
- Kurt Markegard visited the Billings location of "Your Pie" and realized that they serve beer at their restaurant. Kurt called and informed Randy and Parker that they would need a special review for alcohol sales as part of their restaurant in Laurel.
- Parker Swenson submitted the application for special review on April 29, 2022.

- May 18, 2022: Public Hearing scheduled at the Planning Board and Zoning Commission for the Special Review.

STAFF FINDINGS

- The applicant has applied for the operation of a restaurant that will serve alcohol at the property of 102 S 1st Avenue.
- The application contains all the necessary information to move forward to review by Planning Board and City Council.
- The proposed used of the building is changing from a restaurant to a restaurant that will sell alcohol.
- The building is near other establishments operating with alcohol beverage licenses.
- The applicant seeks to renovate a currently vacant commercial building and place it into productive use.

PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

LMC 17.68 – Special Review Procedures, contains the review criteria for the decision-making process for Special Review applications.

- A. *After presentation to the zoning commission of the request for special review by the applicant, the zoning commission shall make a recommendation to the city council to:*
 1. *Grant the application for special review;*
 2. *Deny the application;*
 3. *Delay action on the application for a period not to exceed thirty days; or*
 4. *Grant the application subject to conditions and recommendations and give the reasons therefor.*
- B. *Before approving a special review use, the zoning commission shall find that the contemplated use(s):*
 1. *Complies with all requirements of this section;*
 2. *Is consistent with the objectives and purposes of this title and the Laurel comprehensive planning process;*
 3. *Is compatible with surrounding land use or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects;*
 4. ***Further the zoning commission shall consider and may impose modifications or conditions concerning, but not limited to the following:***
 - a. *Street and road capacity,*
 - b. *Ingress and egress to adjoining streets,*
 - c. *Off-street parking,*
 - d. *Fencing, screening and landscaping,*
 - e. *Building bulk and location,*
 - f. *Usable open space,*
 - g. *Signs and lighting,*

h. Noise, vibration, air pollution and similar environmental influences.

The following actions are to be taken by City Council:

17.68.50 - City council action.

- A. Before taking action on an application for special review, and after presentation of the zoning commission's report, the city council may hold a public hearing on the application.
- B. The zoning commission may recommend to the council whether to hold a public hearing or not. In the event the city council holds its own public hearing on the application, then the recommendations of the zoning commission and the notice of public hearing before the city council shall both be published twice in the newspaper of general circulation in the jurisdictional area of the Laurel-Yellowstone city-county planning board with the first publication being at least fifteen days prior to the hearing.

RECOMMENDATIONS

The Planning Department recommends the Planning Board and Zoning Commission approve the Special Review with the following conditions:

1. Any applicable permits, including but not limited to building permits, sign permits, and right-of-way permits must be applied for within twelve (12) months of special review approval.
2. A signage plan shall be provided to the Planning Department and Building Department that conforms to the requirements of the Laurel Sign Code and signage requirements of the overlay districts wherein the property is located.
3. Construction of any improvements to the site and building must be completed within twelve (12) months of special review approval.
4. The operation of the site shall not be done in such a manner as to be a nuisance.
5. Any use of the property not specifically included in this approval or allowable within its underlying zoning district shall be deemed a violation of the laurel Zoning Code.
6. Any subsequent use or change of use associated with this special review shall submit additional documentation to the City for subsequent processing and approval or denial.

ATTACHMENTS

1. Special Review Application Packet and Form
2. Adjacent Property Owners Map (300ft)
3. Adjacent Property Owners List (300ft)
4. Site Overview
5. Mailing Labels
6. LMC 17.68 – Special Review Procedures
7. Public Notice for Special Review Public Hearing

THE WIDTH OF THIS ENTRY IS 13'.
WITH THE 'YOUR PIE' SIGNAGE
BEING 16'-8" IT WILL NOT FIT. IS
THERE AN ALTERNATE SIGN WE
CAN PUT HERE?



4/20/2022

To Whom It May Concern:

We, Austin & Cassie Page, are submitting a request for a variance. Our home is located at 319 3rd Avenue and was constructed in 1925. The home and garage were put onto the lot before current zoning laws were in place and both are setback 6' on the side adjacent to the street. Our current home has 5 bedrooms and 1 6'X7' bathroom. We are seeking to add an additional bathroom onto the back of our house. We will be going directly back between our current home and garage. Our current home sits 6ft from the sidewalk. This addition would also be 6ft from the sidewalk. The current zoning requirements are causing unique hardships on our unique situation as they require us to be setback 20'. If we were to move things 20' in it would put this addition into the middle of our yard, almost bypassing our home completely.

We are well within our allotted lot coverage amounts and even upon the completion of the addition we would still be within our lot coverage allotment with over 300 sq ft left over. These new setback regulations are the only issue with us proceeding. Since these setbacks were created after our home was in place we are asking that you grant us a variance so that we may complete and remedy these issues within our home.

Thank You,

Cassie & Austin Page

File Attachments for Item:

3. Beartooth RC&D Correspondence - July 2022



CONFLICT OF INTEREST POLICY

Purpose

The purpose of the conflict of interest policy is to protect Beartooth Resource, Conservation and Development Area, Inc's interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or director of the organization or might result in a possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of in a possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and chartable organizations.

Interested Person

Any director, principal officer, or member of a committee with governing board delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.

Procedures

1. RELATIONSHIPS WITH SUPPLIERS, CUSTOMERS AND COMPETITORS

If you hold any position, on the Board of Directors, or employment, or own or acquire, directly or indirectly, a substantial beneficial interest in any concern you have reason to believe may supply goods or services to, or purchases from, or compete with Beartooth RC&D you are required to disclose the full details concerning such interest or relationship. In such circumstances, a conflict may arise if you are in a position to influence decisions with respect to any Beartooth RC&D transaction and if your interest or relationship is such that it might bring into question your continued ability to make independent impartial judgments in the best interest of Beartooth RC&D. If such a instance does arise where it is determined there is a conflict of interest the individual involved must recuse themselves from the procurement process.

2. GIFTS OR FAVORS

Acceptance of money, gifts or favors from any individual or concern which you have reason to believe may transact business, or may seek to transact business, with Beartooth RC&D will constitute a violation of this policy, unless such gift or favor involves no more than an ordinary social amenity. All offers of gifts or favors of more than nominal value should be immediately reported to your supervisor.

3. PROPRIETARY AND OTHER CONFIDENTIAL INFORMATION

Unless duly authorized, you may not provide information to any outside organization or individual about bids, specifications, financial data or transactions, product features, process details or other matters (including computer-generated information of any nature), where such disclosure involves confidential or proprietary information or might otherwise be contrary to the best interests of Beartooth RC&D.

4. USE OF COMPANY ASSETS AND RESOURCES

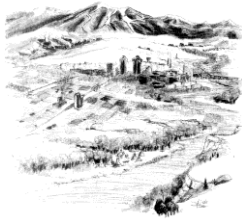
You may not engage in activities during work time, or use or cause to be used, Beartooth RC&D facilities, equipment, (including any computer resources), materials or supplies for your personal convenience or profit; nor may you take advantage in this manner of outside individuals or organizations doing business, or seeking business, with Beartooth RC&D. Beartooth RC&D resources also may not be utilized for non-profit organizations such as trade professional associations without appropriate management approval.

Affirmed by the following:

Board Member Printed Name

Board Member Signature

Date



Beartooth

RESOURCE CONSERVATION AND DEVELOPMENT AREA, INC.
ECONOMIC DEVELOPMENT DISTRICT

Procurement Policy

6/15/22

Beartooth RC&D Area, Inc. (BRCD) believes in an open, fair and competitive procurement process. Our goal is to utilize open, fair and competitive procurement practices to insure that the BRCD obtains the greatest possible value for our public and private investors. Value is a combination of quality, timeliness, effectiveness and cost.

Compliance

At all times, the procurement processes utilized by BRCD shall conform to federal and state procurement laws and regulations. Procurement practices shall also comply with BRCD Financial Policy, Employee Manual, and other policies.

The office manager/Executive Director position has spending authority up to \$500.00. Expenses over \$500.00 up to \$10,000.00 shall be presented to the Executive Committee for review and approval/disapproval.

Competitive Process

For procurement of any goods or services expected to cost in excess of \$10,000, the process utilized shall be Request for Proposal or Bid, 3 Bids, or Request for Qualifications. For each of these processes, a point scoring system will be utilized to select the firm offering the best value to BRCD, including consideration of quality, timeliness, effectiveness and cost.

Procurement of goods and services expected to cost less than \$10,000 shall be done in such a way as to insure that BRCD obtains the greatest possible value.

Request for Proposal or Bid

For any purchase of goods or services expected to cost in excess of \$20,000, a Request for Proposal (RFP) or Request for Bid (RFB) shall be publicly issued. The RFP or RFB shall include a clear scope of the work, schedule, and skills and experience required. A scoring committee comprised of at least three persons will score the responses. The Chairman shall approve the RFP or RFB prior to issuance, and membership of the scoring committee.

3 Bids

For any purchase of goods or services expected to cost \$10,000-\$20,000, BRCD may opt to secure three bids rather than issue an RFP or RFB. A minimum of 3 written bids will be secured from vendors. A scoring committee comprised of at least three persons will score the three bids. The Chairman or Vice Chairman shall approve the use of the 3 bids process, and membership of the scoring committee.

Request for Qualifications

A Request for Qualifications (RFQ) may be issued for procurement of ongoing or intermittent need for professional services when individual projects are expected to cost in excess of \$10,000. The RFQ shall be publicly issued and detail the skills and experience required. A scoring committee comprised of at least three persons will score the responses. The Chairman or Vice Chairman shall approve the RFQ prior to issuance, and membership of the scoring committee.

Selection

When utilizing an RFP, RFB, 3 Bid or RFQ process, the scoring shall rank firms in numerical order. Once scoring is complete, BRCD will attempt to negotiate a contract with the highest scored firm. If negotiations are unsuccessful, negotiations will be attempted with the second highest scoring firm and so on until an acceptable contract has been agreed to.

BRCD shall always reserve the right to cancel the procurement prior to execution of a contract. A contract shall be executed within six months of date of issuance of an RFP.

Liability

All vendors shall be required to provide copies of their liability and workers compensation insurance policies prior to the execution of a contract with BRCD.

Beartooth Document Retention and Disposal Policy

At all times the Beartooth document retention and disposal policy shall conform to federal and state guidelines. State and Federal program document retention guidelines shall supersede Beartooth guidelines when there is a policy conflict.

Financial Documents

Beartooth will follow the record retention guidelines set forth by the accounting firm that conducts annual audits for our organization.

Revolving Loan Fund

The Beartooth Revolving Loan Fund will follow the most restrictive records retention policy of the four entities that provided capital to the fund, US Economic Development Agency, Montana Department of Commerce CDBG, Montana Board of Investments, and USDA Intermediary Relending Program.

EDA guidelines have a three year retention requirement

Program and Project Documents

All program and project documents including timesheets not covered by the RLF policy or the Financial Documents policy above, relating to funding sources and personnel will be held for six years at which time they will be purged. This policy can only be superseded by a state or Federal funding agencies directly funding program and project activities.

Beartooth RC&D Area, Inc.

Board of Director's Meeting Agenda

Meeting 1:00 P.M.

Beartooth RC&D 128 S Main St, Joliet, MT

Thursday, July 21st, 2022



<p>1:00 pm</p> <p>2:30 PM</p>	<p><u>Meeting Called to Order</u></p> <p>Pledge of Allegiance, Introduction of Members and Guests</p> <p>Lunch</p> <p>Review March Board Minutes</p> <p><u>Congressional Updates</u> Josiah Porcel (Sen. Tester) Tory Kolkhorst (Sen. Daines) Cade Overstreet (Rep. Rosendale)</p> <p><u>Treasurer/Financial Reports</u></p> <ol style="list-style-type: none"> 1. Treasurer Update 2. RC&D Financials 3. RLF Financials <p>Staff Compensation Beartooth Holiday Schedule CEDS UPDATE USDA Signature</p> <p><u>Staff Reports – Program/Project updates</u></p> <ol style="list-style-type: none"> 1. Food/Ag Program – Joel Bertolino 2. Revolving Loan Fund – Nan Knight 3. Economic Development/ CRDC – Jacy Head 4. Operations Support- Myrna Lastusky <p><u>Regional Roundup</u> – <i>News and updates from regional members on projects and activities in key CEDS categories... (see topics on next page)</i></p> <p><u>Next Beartooth RC&D Area, Inc. Board of Directors Meeting</u></p> <p>September 15th, 2022 Red Lodge, MT</p> <p>Adjourn</p>	<p>Chair</p> <p>Chair, All</p> <p>Chair, All</p> <p>Van Ballegooyen Bertolino Head, Lastusky Head</p> <p>Bertolino Knight Head Lastusky</p> <p>Roe et al</p>	<p>Action</p> <p>Information</p> <p>Information Action Action</p> <p>Information Action Information Action</p> <p>Information Information Information Information</p> <p>Information</p> <p>Information</p>
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Beartooth RC&D Area, Inc. Board of Director’s Meeting MINUTES May 19th, 2022

Agenda

<p>1:00 pm</p> <p>2:30 PM</p>	<p><u>Meeting Called to Order</u></p> <p>Pledge of Allegiance, Introduction of Members and Guests</p> <p>Review March Board Minutes</p> <p><u>Congressional Updates</u> Maddie Alpert (Sen. Tester) Tory Kolkhorst (Sen. Daines) Cade Overstreet (Rep. Rosendale)</p> <p><u>Treasurer/Financial Reports</u> 4. Treasurer Update 5. RC&D Financials 6. RLF Financials</p> <p>CEDS UPDATE BSTF Signature</p> <p><u>Staff Reports – Program/Project updates</u> 5. Food/Ag Program – Joel Bertolino 6. Revolving Loan Fund – Nan Knight 7. Economic Development/ CRDC – Jacy Head 8. Operations Support- Myrna Lastusky</p> <p><u>Regional Roundup</u> – <i>News and updates from regional members on projects and activities in key CEDS categories.... (see topics on next page)</i></p> <p><u>Next Beartooth RC&D Area, Inc. Board of Directors Meeting</u> <i>July 21st, 2022 - Beartooth RC&D Carbon County</i></p> <p>Adjourn</p>	<p>Chair</p> <p>Chair, All</p> <p>Chair, All</p> <p>Head, Lastusky Head</p> <p>Bertolino Knight Head Lastusky</p> <p>Roe et al</p>	<p>Action</p> <p>Information</p> <p>Information Action Action</p> <p>Information Action</p> <p>Information Information Information Information</p> <p>Information</p> <p>Information</p>
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ATTENDANCE

Board of Directors Meeting March 17, 2022 Minutes

Members Present:

Joel Bertolino, BRCD
Nan Knight, BRCD
Jacy Head, BRCD
Myrna Lastusky, BRCD
Ryan Van Ballegooyen, Billings Job Service
Holly Higgins, First Interstate Bank of Hardin
Lorene Hintz, Big Sky EDA SBDC
Dan Lowe, Big Horn County Conservation District
Scott Miller, Carbon County Commissioner
Larry Keltner, FIB Hardin President

Meeting Called to Order at 1:00 pm.

Pledge of Allegiance, Introduction of Members and Guests

Review January Board Minutes

- Scott Miller motioned to approve the minutes. Holly Higgins seconded. Motion passed.

Executive Committee Nominations

- Jeff McDowell no longer has time to serve, but will continue as an alternate. Ryan, Melanie, and Marissa are all willing to continue serving, and no one else was nominated.
- Motion to keep current Executive Committee officers: Ryan motioned, Lorene seconded. Motion carried.

Congressional Updates – No one attended

Treasurer/Financial Reports

1. Treasurer Update
 - a. See the attached report.
 - b. If you would like to review the audit report, give Nan your email and she will send it to you.
 - c. Pg. 12: RLF updates on loans:
 - i. 2 in Big Horn
 - ii. 2 in Stillwater
 - iii. Closed a loan in Yellowstone yesterday – with a concrete company and great people to work with. 20-year loan but they will probably pay it off sooner.
 - iv. Carbon County has a loan pending – will bring us up to 3. Will hopefully be closed at the beginning of April.
 - v. 2 in Sweet Grass
 - d. At bottom is where bank accounts are sitting at end of February – what we have to lend out.
 - e. 2 “troublemakers”: Nan was able to get in touch with one lender and is working with them to get the money from that loanee (they must give half the money up front and then remainder will be paid off in

monthly increments). Another one has an inter-creditors agreement with Yellowstone Bank, so we are sitting pretty good with it.

2. RC&D Financials

- a. Beartooth Books (p 13): Showing what ins and expenses are moving out.

3. RLF Financials

- a. A \$200,000 loan for Yellowstone County and a \$210,000 loan for Carbon County are both set to close this month.
- b. RLF funding inquiries have been very active.
- c. EDA de-federalization application is completed and accepted; just waiting on EDA signature.
- d. One of Stillwater County loans was paid off in January.

- Dan motioned to approve the financial updates; Holly seconded. Motion carried.

CEDS Update (Jacy)

- Had most recent CEDS Committee meeting this week and have goals pretty well in place.
- Working on Evaluation Framework and Strategies / Projects for the next 5 years.
- Myrna & Jacy have been working on Summary Background, have SWOT Analysis completed, and overall moving forward. But in May we will need to definitely prioritize to work on CEDS a LOT.
 - Need to have it pretty much complete by July 1st, then open it for a 30-day window for public comment. Then have another 30-day window to address all public comments and address to EDA how we responded to every single public comment. Not many in the past, but we need to be ready for that. Must submit to EDA by September.
- Keep fingers crossed that EDA is happy with everyone now. CEDS 5-year update came up a year early for us because EDA wants to get all Economic Development Districts on the same timeline. Many other EDDs have asked for extensions to finish their CEDS.
 - Joel: We don't want to ask for an extension unless we absolutely have to because it just prolongs the pain.
 - Jacy: Yes, we are going to just do our best on it.
 - Ryan/Joel: The CEDS is a great outline or roadmap for needs and projects in our region. Joel said Jacy & Myrna have done a great job of outreach and that is continuing as we work through the CEDS.
- Jacy: Tara Mastel with the Extension is working on a study of migration patterns – where are all these people moving from and where are our people moving to. I'm hoping she can come to Red Lodge in September and want to incorporate that study.
 - If anyone knows of good studies, pass them on to Jacy.
 - Joel: Bureau of Economic Research has some good data on this, also – in and out migration with estimates.
 - Ryan: California and Colorado. Californians moved to Colorado at one point because it was like Montana, but now they want to move to Montana b/c it's like CO used to be – at least until they saturate us, too.
 - Scott: Growth happened after the census. From 2010-2020, Carbon County only grew by 400 people, which isn't accurate.
 - Ryan & Scott discussed the water issue around Bozeman – one of the main concerns of those commissioners right now.
 - Ryan: 40% of real estate transactions are by a holding company and not an individual right now.
 - Joel: And Bozeman's growth record isn't just based on the state but on the country.
 - Lorene: We don't want their MHI either – about \$800,000
 - Ryan: \$3800/month for a 2-bedroom apartment
 - Lorene: They are doing a great job on the CEDS. Keep it up!

Staff Reports – Program/Project updates

Food & Ag Program (Joel)

1. Working through Growth Through Ag grants. Several applicants made it to the second round. Pioneer Meats got improved for improvements to their plant.
2. Worked through ARPA Value-Added Ag Grants – quite a few meat plants applied to add space and capacity. Will hear back on those in a couple weeks. Up to \$500,000.
3. Growth Through Ag Projects & ARPA Value-Added Producer Grants
 - i. Yellowstone Valley Farms – Reuben Stahl in Laurel
 1. Joel & Nan visited with Reuben Stahl outside of Laurel – trying to add space to his greenhouse. Good-sized operation he’s been doing for 15 years.
 - ii. Mill Creek Farms – Josh Sian in Pompey’s Pillar
 - iii. Blue Creek Marbled Beef – Nels Pearson in Blue Creek south of Billings
 1. Really mind-blowing operation. Invited Lorene to tour that with them. Hope to be up and running in July. Set it up so they can add on to it easily. Should help direct marketers and raise production level.
 2. Scott asked if anyone is processing Bison? Joel said Stillwater Packing does. Blue Creek is likely just doing beef (no pork), but possibly yaks, maybe bison?
 - iv. Carbon County Meats – Sabina Giovetti in Belfry
 1. Joel toured recently. They opened last summer. Have had so much demand, they want to build a larger one at a different location. Possibly use the current one for just wild game.
 - v. Toews Family Farms – Aaron Toews in Hardin
 1. Been growing grain for years and decided to bag it; surprised with demand and needs a bigger place. Looking for funding options.
 - vi. Prime Meats – Lamont Herman in St. Xavier
 - vii. Primitive Meats – Kelsey Grice in Worden
 1. Put them in touch with an engineer
4. Doing more outreach each month with Lane Gobbs. Visited Meadowlark Brewing in Billings. Fascinating! Huge microbrewery.
 - i. Lorene was there yesterday with SBDC and he has 9 tanks he is brewing. Not open yet, but is getting very close – maybe waiting on licensing.
 - ii. Joel: He’s trying to get a full liquor license.
5. Ongoing Projects
 - i. Basin Inc – Judy Edwards in Big Timber
 - ii. Yellowstone Valley Food Hub – Schahczenski in Billings
 - iii. 406 Bovine LLC – Bryan Elliot in Laurel
 1. Still trying to raise money for Ag Tech product line – facial recognition for livestock; hardest part is initial entry of photos.
 2. Lorene: Mainly for registered cattle? Additional marketing piece – people will know where their meat came from; can follow an animal throughout entire life.
 - iv. Stillwater Packing Co/Emmett’s Meats – Jason Emmett in Columbus
 1. Joel will visit them & bring Carbon County Meats along to help them get more info.
 - v. Pioneer Meats – Brian Engle in Big Timber
 1. Invested \$600,000 in that facility. Toured them in Nov.
 - vi. Big Sky Beef – Gary Guessman
 1. Large processing facility
 - vii. Becky’s Berries – Becky Stahl in Absarokee
 - viii. F Bar 3 Vineyards – Kasey Felder in Laurel
 1. Toured this recently

6. Beartooth FADC initiated contact with:
 - i. Kathy Bauer – Roberts – ways to add value for a small ag operation
 - ii. North 40 Ag – Huntley
 - iii. Robin Whalen – Columbus – referred to us by Veterans Business Outreach Center
 - iv. Patrick Certain – Billings – local vegetable farm operation
 - v. Bio Economy Solutions – Hardin
 - vi. Miller’s Custom Meats – possible processing in Joliet

2. Economic Development/CRDC (Jacy)

1. EDA CARES Act – continuing through June 2022
 - i. Myrna meets with Deb Brown, Watch Parties, Bozeman Trail meetings
 1. \$3380 left of CARES money, and we got it approved to use for some mapping work on Bozeman Trail. Myrna recently met with DOC and others to discuss these efforts.
 - ii. Big Sky EDA – using funding for trainings and other work. Myrna is working with our EDA rep, Caroline, and BSEDA on possible extension so they can complete an industry study on TIF Districts. Waiting to hear more from BSEDA.
 - iii. Received final housing study from Cushing Terrell and CT will be presenting to Montana Housing Coordinating Team in April.
2. BSTF
 - i. Red Lodge Pea Cannery – hopefully wrapping up in April. Will get funds from DEQ once we finalize with High Plains Architects.
 - ii. Stillwater County Industrial Park Feasibility Study – KLJ was selected for the project’s contractor; hope to execute contracts by March 25th. Moving along well.
3. ARPA
 - i. Jacy continues to attend the meetings for updates
4. USDA RCDI Grant – create Economic Dev position in BHC
 - i. Interviewed 4 different applicants, but they weren’t suited for the position so it remains open until filled. 1 more applicant came in since. Once someone is hired we will be training them.
5. CEDS
 - i. Creating draft document, meeting with CEDS Strategy Committee, and doing remaining public outreach, getting input and incorporating it.
 - ii. Anticipated completion of first final document will be June & open for public comment for 30 days.
6. Reporting: April is busy month
 - i. EDA Partnership Planning Grant – similar to CEDS Annual update
 - ii. 1st Qtr CRDC Report
 1. Almost approved with 4th qtr reports from CRDC
 - iii. BSTF
 1. Qtr reports for 2 grants
 - iv. 1st qtr reports for RCDI grant

3. RLF (Nan) – see notes above from Treasurer’s Report

1. Defederalization
 - i. Everything is submitted, but it’s been delayed due to ARPA stuff going. We should be able to sign off in the next month.

Regional Roundup:

Scott Miller, Carbon County Commissioner

1. Marijuana has hit MT. Carbon County is leading the way on resolutions. With the recent issue of the marijuana shop in Roberts, we didn’t shut the guy out or run his business out – we put a resolution together to put ordinances in, which were required distances from churches/schools, etc. He already had a commercial

business, so he didn't need a commercial license to put it in. Our resolutions were to prevent shacks from popping up next to schools. We have a Green County Commissioner Team to let others know what is happening. It's up to the people of Carbon County (we live in America!).

2. We have a Health Dept that works for the people. 3 new people that are nurses and are hiring 3 more people. All the schools are on board with MOU to have health nurses in the schools, have school nurses to provide shots and other care. Many people were scared of County Health officer before, so now have County Health Dept that works for the people.
 - a. Dane Lowe asked if nurses were operating under a doctor. Scott said yes, they are. Nurse can also send them to regular provider and confirm that prescriptions are correct, lining people up with Medicare/Medicaid, getting children healthcare, etc.
3. County hired some new people because some people were doing 8 jobs.
4. This summer they're hiring an engineer to provide guidance on the courthouse, sheriff's department, and fairgrounds to provide for growth in the future. We don't have the facilities now so we need to look forward.
5. Big Sky Rail Authority has started to really pick up. Board President has been in DC and met with Transportation Secretary. Ramping up to provide services across the country. It's coming faster than Scott thought it would happen. Passenger Rail Authority may be here in the next 2 years. Money is coming faster. Will take a BIG number. They have to inspect tracks since it's passenger – different weight for passenger vs. freight. Will go through Denver. Once Transportation Authority passes it, Amtrak will be rolling. Everyone is on board, but big government is slowing things down.
 - a. No major upgrades needed – just inspections and upgrading some older track – and where/how to put the depots in. Yellowstone County doesn't want it, but other counties are very excited about it. Will bring money to the state but will cost the federal government a lot of money.
6. Just had Ski Joring in Red Lodge.
7. Renaissance Faire in June – 7,000 people will be coming (10,000 in entire county!)

Dan Lowe, Big Horn County Conservation District

1. Invasive Aquatic Station – in middle of hiring Board-approved applicant. Unique because the position is from daylight to dark. Supposed to start April 15th.
2. National Association of Conservation Districts Conference in Orlando this year – Dan has been to about half of these conferences. Great opportunity to talk to other people and see what is happening in other regions since there are people from all over U.S. and U.S. territories even. There were many young Native American people there who are taking an active role in their areas, which was a breath of fresh air.

Holly Higgins, First Interstate Bank of Hardin

1. Now have 3 places to buy coffee in town (and rolls!).
2. Annie's Deli is now in downtown.
3. Police Force is now up and running. Hired 6 deputies. Some issues between County Sheriff's Office and the City Police and dispatch and who acts on which calls.
 - a. Article in paper today about the division between the departments.
4. Concern over inflation with Custom Combiners – for farmers who don't own a combine. This is one of most expensive things usually, but with gas inflation, who knows what this will cost this year. Some farmers have such big farms they are unable to help neighboring farms out.
 - a. Scott: Hay shortage due to drought has made hay very expensive, so many people need to sell the cattle because they can't feed them . . . ripple effect.
 - b. Joel: Herd is decreasing. If we have another drought many won't make it. Might be able to survive one, but not two in a row.
 - c. Holly: People were struggling already, so inflation is really hurting.
 - d. Scott: It's not just the oil the war is impacting – a lot of food came out of Ukraine, which is similar to war in Iraq.

Lorene Hintz, Big Sky EDA Small Business Development Center

1. Veterans Training coming up on Tuesday

2. Celebrated SBDC Day yesterday – national day started by the center in Helena. Bought a big Costco cake and went to 14 businesses and served cake to employees. Fun day!
 - a. _____ = little restaurant started during Covid and then expanded. There were 11 employees there for lunchtime.
3. Rise & Restore 1-day business workshop – Nikki Edmonds is keynote speaker, panel, 2 breakout sessions, showing Edge of Plains documentary over lunch, at 3:00 there are optional tours – Swanky Roots, Red Ox, Cauty Boots, then Beer & Bingo at night. Join them for a great day.
4. Ask Lorene to tell you about her grandkids and their State Basketball Championships! ☺

Next Beartooth RC&D Board of Directors Meeting: May 19, 2022 – Stillwater County

2:33: Adjourn

Revolving Loan Fund Books- February 2022

Loan Client Review

<u>County</u>	<u># of loans</u>	<u>\$ Loaned out</u>
Big Horn	2	\$166,176.89
Stillwater	2	\$145,779.59
Yellowstone	7	\$343,486.16
Carbon	2	\$17,946.55
Sweet Grass	2	\$161,730.90

- A \$200K loan for Yellowstone County & A 210K for Carbon County set for closing this month.
- RLF funding inquiries has been very active.
- EDA De-federalization application completed an accepted, waiting on EDA signature.
- One of Stillwater County loans paid off in January.

Bank Balances as of February 2022 Total available for lending

Bank of Joliet- EDA	\$78,964.78	78,964.78
Bank of Joliet-CDBG	\$426,940.59	226,940.59
Bank of Joliet- IRP	\$157,117.43	37,117.43
Bank of Joliet-Fromberg	\$31,238.77	<u>31,238.77</u>
		\$374,261.57

**Beartooth RC&D
Board Meeting Minutes
May 19, 2022 – 1:00 pm
Columbus Fire Hall**

Ryan Van Ballegooyen, Billings Job Service
Commissioner Melanie Roe, Sweet Grass County
Joel Bertolino, BRCD
Nan Knight, BRCD
Myrna Lastusky, BRCD
Jacy Head, BRCD
Bob Van Oosten, Stillwater County Conservation District
Holly Higgins, First Interstate Bank of Hardin
Commissioner Sidney Fitzpatrick, Big Horn County
Tina Toyne, Big Horn County
Danny Choriki, Billings City Council
Commissioner Steve Riveland, Stillwater County
Commissioner Scott Miller, Carbon County
Lorene Hintz, SBDC
Kayla Vokral, SBDC
Brent Moore, City of Red Lodge
Dan Lowe, Big Horn County Conservation District

Meeting Called to Order: Board Chairman Ryan Van Ballegooyen

Pledge of Allegiance, Introduction of Members and Guests

Review March Board Minutes (Action): Holly Higgins motioned to approve the minutes. Melanie Roe seconded. Motion carried.

Congressional Updates: None present

Treasurer/Financial Reports (Nan Knight)

1. Treasurer Update – pp 9-11

- RLF Update – got another proposal for Yellowstone. Hopefully will close next month for a car wash in Laurel.
- 16 current loans
- In 1st position on a new loan in Carbon County
- Still waiting on de-federalization
- Received payoff for Stillwater County loan (TOC) at beginning of May
- RLF funds are getting a little low with all the activity we've had - \$262, 916 available – not including funding for the car wash
 - Sidney asked who the Big Horn County loans were
 - Chiropractor and Dill Properties that is closed now

2. RC&D Financials (Action)

- See page 12 Beartooth Books
- See below for Action on RC&D Financials.

3. RLF Financials (Action)

- Ryan said for the first time in his 10 years we are starting to ask if we need to request more RLF money. So far the Executive Committee has decided there are other things we can focus our attention on right now, but it's exciting to think about.
 - Nan said she is going to be helping Jacy with a big project that is exciting and will involve all the counties. More info down the road.
 - Sidney got contacted from Commerce. Bed tax in MT is almost \$4 Billion (for one year!). There is a lot of money available for tourism activities. \$1 million earmarked to tribes. Keep in mind for upcoming projects.
 - Holly asked if we know the percentage the loans are up.
 - Nan is getting ready to close her 3rd loan since coming on board in November. Another one in the works that is in Yellowstone County – more community development and would be from EDA de-federalized money.
 - Joel: in the previous 24 months, we had only 1 approved, so there has been a lot more activity.
- **Melanie Roe motioned to approve the Beartooth RC&D/RLF financials. Scott Miller seconded. Motion carried.**

CEDS UPDATE (Jacy Head)

- We're doing pretty well and shouldn't need too much more input from you all. Myrna and I have the data we need and just need to compile it and build the actual document.
- Must put out for public comment by the end of July and will keep you updated.
- Ryan asked about the survey Myrna put out on goal prioritization
 - Myrna: We got **great** response, so thank you, everyone!
- Brief discussion on the excellent CEDS Committee meetings & input
- BSTF Signature (Action) – Jacy will be signatory and Nan will also
 - Any objections? None
 - **All in favor to let Jacy and Nan sign for necessary paperwork – motion carried.**

Staff Reports – Program/Project updates

Food/Ag Program – Joel Bertolino

- Long report, but it's been busy. Had a call from Weston Merrill, Dept of Ag, who wanted input from Joel and was putting together a tour for the Governor's office to tour businesses who have received funding. Joel and Weston developed a tour plan and got to many businesses.
 - Started at Becky's Berries, then went to Midland Bull Test, then Blue Creek Marbled Meat, Ranch House Meat, Grains of Montana, and Yellowstone Valley Food Hub. They next day they went to a ranch outside of Billings (High 5 Meats) and Swanky Roots.
 - Photos at end of report from that tour.
- GTA / Value-Added Ag Grants
 - New England Chowder Co – Craig Rief, Big Timber
 - Been in business 18 years on the east coast. Have a line of soups they market across the US and internationally.
 - Visited about equipment needs and grant sources and where they can source local ingredients.
 - Potatoes and herbs in local greenhouses.

- Use of bones from meat processors to make broth.
 - He owns the building they are in.
 - Melanie said Colter Todd at the brewery has been involved, but she doesn't know too much about it.
 - Joel said the equipment they have is fantastic.
- BioEconomy Solutions – Victor Garlington, Hardin
 - Worked on and off last several months
 - Representing investors to develop camelina plant outside of Hardin
 - Looking at potential funding packages, loans
 - Most interested in designing a rail spur for their project. Joel put them in touch with an engineering firm that has a lot of expertise in this. They have been happy with this firm.
 - Joel will get a tour of that fairly soon.
 - Sidney asked if it was on Black Creek – Joel said he was looking at 2 different sites and wasn't sure what he settled on (maybe Dunmore?)
 - Sidney discussed a group that took over some farmland and wonders if it's the same group. Possibly.
- Oswald Farms – Melissa Oswald, Joliet
 - Have a feedlot and started developing relationships with local consumers and a bar and steakhouse. Raise beef and direct sell to steakhouses and other local consumers.
 - Want to expand and build a retail facility on Hwy 310. Joel helped them put together a grant app.
 - Want to include other local products there too.
- Meadowlark Brewing – Travis Peterson, Billings
 - Joel toured their new facility on the west end of Billings.
 - Should be a great business and great help to barley and hop growers of MT.
- Ranch House Meats / Pure MT Meats – Tonya Flowers, Huntley
 - Helped develop their ARPA app.
 - Received \$200K for their operations.
 - Processing plant and also a retail place.
- Ongoing Projects
 - Mill Creek Farms – Josh Sian, Pompey's Pillar
 - Heifer development facility. Unfunded ARPA app.
 - Blue Creek Marbled Meat – Nels Pearson, Billings
 - Took tour – see picture
 - Received \$300K for new project
 - Have 1.3 million into it
 - Hope to be ready in July
 - Joel referred them to Dept of Ag for the tour; lots of press for that tour
 - Fantastic facility – maybe best in MT
 - Yellowstone Valley Farms – Reuben Stahl, Laurel
 - Trying to expand his sweet basil business
 - Sells directly to Sysco and FSA
 - Put in ARPA proposal; not funded
 - Carbon County Meats – Sabina Gioveti, Belfry
 - Working on and off with them
 - Small meat plant
 - Unsuccessful grant apps but are looking to expand their facility and Joel arranged tours and meetings with other meat processors.
 - Brian Engle of Pioneer Meats also connected them with many other meat processors at an event he put together.
 - Scott asked if they were moving to Bridger – not sure on that yet.
 - Prime Meats of MT – Lamont Herman, St. Xavier
 - Unapproved funding but still looking
 - Trying to retail in BHC and YC
 - Holly said he is trying to get in Al Sargent's building on Main Street.
 - Primitive Meats – Kelsey Grice, Worden
 - Startup. Put in touch with engineer for new meat plant
 - Joel helped with grant app and they received \$150K
 - Will be meeting with them again for next plans
 - Basin, Inc – Judy Edwards, Big Timber
 - Direct market beef business

- Received Value-added grant last year
 - Pulled out of grant apps this year
 - Yellowstone Valley Food Hub – Michelle Schahczenski, Billings
 - Trying to finish up last GTA grant they received
 - Growing and have some space needs
 - 406 Bovine – Bryan Elliot, Laurel
 - Joel will be meeting with him soon
 - Facial recognition app for beef cattle
 - He’s been in feedlots in TX, OK, and KS promoting his product and collecting data.
 - Stillwater Packing/Emmett’s Meats – Jason Emmett, Columbus
 - They hosted us and talked with Giovettis of Carbon County Meats – very helpful
 - Discussed their incinerator and some issues they’ve had with that. High cost of getting rid of hides
 - Pioneer Meats – Brian Engle, Big Timber
 - \$50K GTA grant money
 - \$150K of ARPA
 - Becky’s Berries – Becky Stahl, Absarokee
 - Hosted Dept of Ag
 - Great story behind her business
 - Has some expansion plans for a line of freeze-dried berries and will need to purchase some new equipment for that.
- List of businesses Joel has had contact with recently and more pics from Dept of Ag tour.
- Ryan: Joel just mentioned \$870K that went to our counties. Some others he didn’t mention amounts, but money is going to them, too.
 - Joel: The ARPA funds were a one-time opportunity and glad some of them took advantage of it.

Economic Development/ CRDC – Jacy Head

- Finishing out EDA CARES money
 - Deb Brown – providing Watch Parties, Bozeman Trail project. Myrna doing many efforts with that.
 - Big Sky EDA funded Economic Response and Recovery Team – provided collaboration and trainings for region
 - Cushing Terrell Regional Housing Study – have final report from them
- Big Sky Trust Fund – 2 projects
 - Red Lodge Pea Cannery – finished in April. Paynes (owners) are going to create an art gallery, book store, and a coffee shop.
 - Stillwater Industrial/Business Park Feasibility Study – hired KLJ and had first kickoff meeting with Comm. Riveland and Steph Ray. Going well.
- ARPA – still educating self on the opportunities and attending trainings
- USDA RCDI Grant in Big Horn County – great news: Tina Toyne was recently hired for the EDD position there and Jacy will be working with her.
 - Quarterly report was submitted.
- CEDS – gave an update earlier. Have to be done by end of July for public comment, then 30 days to respond to comments before submitting in September.
- Reporting for grants – all quarterly, semi-annual, and annual reports were completed
- Red Lodge Workforce Housing Committee – using a recording of our Regional Housing Study for one of their events.
- Helping Hands Food Bank in Hardin – DEQ Petroleum Brownfields eligibility has been completed and Targeted Brownfields Grant is submitted.
- MEDA Spring Conference is next week. Jacy is attending. Dept of Commerce has asked all CRDC to come early to discuss changes in their programs
- RCDI grant was submitted for RLACF – Robin Adams is leaving and they are looking for a Workforce Housing Manager to replace Robin. If this grant application is approved, the new housing manager would break out from the community foundation (RLACF) and create a separate nonprofit. The process will include training to become a loan processor and workforce housing training.
 - Danny Choriki said Billings has a moderate group looking into workforce housing and also downtown housing. They and BSEDA have made workforce housing a priority for the foreseeable future.
 - Jacy said Workforce Housing will be a big part of the CEDS.

- Danny said they have put in 2 mills for prevention of problems around public safety and discussing what to do with cannabis excise tax. Will probably go towards prevention – breaking poverty cycle, public safety issues, and so on.
- Joel asked about the regional housing study cited recently
 - Jacy: KULR8 had an article/news segment on the \$114,000 affordability gap in Carbon County and cited our housing study.

Operations Support- Myrna Lastusky

- Working with Jacy on CEDS
- Bozeman Trail project: meetings, communications, mapping progress, National Historic Trail designation/feasibility study efforts & letters of support.
 - Looking into doing some presentations in various communities with trail rides from one stop to the next (possibly horse/wagon, possibly bike or . . .?). Let Myrna know if your community might be interested to be part of this event. Summer 2023.
- Joliet Committees: working with a couple groups to revitalize Main Street. Jammin’ Out in Joliet is on June 25th 10 am – 11 pm. DJ music, band, vendors, games for kids, etc.

Regional Roundup

- Infrastructure
 - Housing
 - Transportation
 - Broadband
- Economy
 - Upturns or downturns in industry sectors
 - New business openings (or closures)
- Communication
 - Marketing and outreach
- Services
 - Health care
- Natural Resources
 - Agriculture
 - Energy
- Human Capital
 - Workforce
 - Education

Heidi Sparks, City of Laurel

- Lost our treasurer last month. A clerk stepped up and is filling the role. Many process changes.
- Building code gal gave notice, Planner resigned earlier this year . . . so lots going on from staffing perspective.
- Projects:
 - Bid for S. 4th reconstruction from 1st (hwy) to South Pond. Pretty big deal. 1 of first steps to rebuilding south side infrastructure
 - West Railroad Road project on State Dept of Transportation schedule. Approved by DOT and they are starting the design phase. Great to see progress in older infrastructure needs.
- Annexations: Golf course getting new clubhouse and working to annex around that.
 - Joel said there’s a lot of commercial growth in Laurel right now.
- Heidi said City Brew is coming in where old Burger King was. Also, a Chinese restaurant.

- IGA is leaving and becoming Albertsons.
- Former Taco Johns building is becoming Your Pie Pizza.
- Anytime Fitness is coming in the former Helena building that has a sign up now

Scott Miller, Carbon County

- Chris Stovall, clerk and recorder, is retiring in July. 2 people running for that office in July. There will be a small gap between retirement and new hire.
- Not many houses to buy unless you have some millions to spend.
- Hwy 212 – project the State is kicking off through the S-curve by the rest area. Lots of Amish with buggies, horses, and bikes and people drive way too fast here. Really hard to see them and worried about catastrophes.
 - Planning to widen the shoulders to help with issue
 - This will go through to Red Lodge
- Big Sky Rail Authority
 - We care most about it going south through Carbon County. Need billions of dollars to get it going. Will bring lots of jobs, but it takes money to do it.
 - Much further along than Scott thought it would be – maybe only 2 years from getting this going. Feds are pushing to get this moving.
 - Sidney: That was our transportation back in the day – RR went to Denver and other locations.
- Marijuana: Carbon County isn't putting it back on the ballot. Bridger, Red Lodge, Roberts have dispensaries. Dealing with it as we can. Not enough people have done a petition to put back on the ballot – we'll wait for the people to tell us what they want.
- Wind Farm is rolling well – we got \$4.6 million from that and are pushing it out over 30 years to maintain roads.
- Health Dept is running great – 7 new employees, and they are in the school system and senior centers now. Working with the people. Before we had a contract with Beartooth Clinic – got rid of that and now the nurses, director, and everyone works FOR the people of Carbon County. People are loving this. Went to Seniors Aging Council yesterday and this Health Dept is getting us back in the direction we need to be.
- Northwestern – power lines
- Hiring 2 more road crew, one more Health Dept employee.
- Population is growing – new people moving in, new businesses, lots of growth. Nothing huge, but lots of growth.

Brent Moore, Red Lodge

- City pool project will be wrapped up in late June to open in July.
- Housing production with new developments, apartment complex.
- Last few years have been a lot of change.

Steve Riveland, Stillwater

- Housing shortage – not much for sale
- Exciting progress on new fairgrounds – Facilities Capital Improvement team decide to move forward on a building plan. Hope to break ground real soon.
- Planning for Law & Justice Center – hope to kick off in the next 18-24 months. \$13.5 million project.
- Wind Farm breaking ground in July – plan to use impact funds for roads.
- Down to 2 commissioners in seat – one resigned a couple weeks ago.
- Quite a bit of turnover in our organization. New Emergency Service Specialist David Stamey is getting up and rolling.

Danny Choriki, City of Billings

- Marijuana – last year it was 8-3 to put it on the ballot; this year it would be 5-6 against. Such a crazy issue.
- Housing – couple things we've figured out:
 - In 2020 during the explosion of people moving in, 18% of purchasers were investors.
 - Trying to get a handle on how much short-term rentals are impacting us.
 - Trying to maintain the housing stock we have. Code enforcement is moving toward a more proactive model. Some new hires will be for code enforcement.
 - Group of people have come together to try to do downtown housing projects and tie the medical corridor in with that.
 - Have seen many companies come in (like Coca-Cola) using Billings as a regional transportation hub. Lot of money coming into town. A \$30M project is coming in south of interstate. Coca-Cola will also be creating a bottling plant and will create a total of 120 jobs.
 - Joel asked if an Amazon warehouse was coming in – no, but there's a new Costco being built at Zoo interchange.
 - Sidney asked about a box store in the Heights plus a new corridor into the Heights.
- Trying to do an intensive planning project for the Hwy 3 inner belt loop project and then also do it for the bypass on the north side of the Heights. A TIF in the Heights would make a lot of sense. In south Billings, they had a bunch of undeveloped land and were able to pull people into that TIF district, which will be funding \$25M for a new recreation center.
 - Sidney said the county part of the Heights is really getting built up.

Sidney Fitzpatrick, Big Horn County:

- Introduced Tina Toyne, the brand new BHC Economic Development Director.
- Running for 3rd term. Opposition is County Sheriff that is in office.
- Since coal went away in BHC, we've had to get creative about changing our attitude because we had coal royalties to handle all the costs for so long. Coal royalties built everything and now it's gone away. Only have one mine left – Spring Creek, which is now doing great and will stabilize our royalties. Holly is our banker and we are trying to develop some of the money and spread it out and invest it. No more free stuff – it will cost a fee for a cattle guard, etc. Everything coal money took away now needs to be rethought.
 - They had an appraisal of a trailer lot at \$157K. Sidney wanted to be the realtor and put \$165K on it. Just sold it for almost \$200K. Now that money can go back into the capital improvement plan. Now they have Tina to help rethink some of these things and bring Hardin back from being a ghost town.
- City of Hardin police and other things have been challenging items.
- Our key word is sustainability – how do we sustain things for future generations?
- Lot of meth problems. Child murdered in BHC. Jail is packed full – 60-70 inmates in our 35-bed unit. Last week 5 young native men committed suicide.
- Sidney represents both Crow and Northern Cheyenne in Big Horn County.
- Represents Busby where they are going way too fast on the highway.
- Dan LaFonte is a butcher and wants to buy Clayton's place by True Value and make it a butcher shop. Right now he's catering weddings. Sidney will send him our way.
- Holly said S-Ranch Meats mainly process meat for their own label, but they have done some 4-H processing.
- Shipton's moved in a year ago. It is really thriving. Farmers doubted when it moved in to Hardin, but they are real happy with it now. They get Wyoming folk coming up to save on sales tax and they stop in Hardin instead of going to Billings.
- Put marijuana on ballot. Have one dispensary coming next to the cemetery by Larry's and another one is right on the reservation line and a 3rd one is trying to come.
 - Holly said the one's revenue is \$400K/month.
 - Scott said Carbon has ordinances to limit marijuana dispensing to solid buildings, not tents and shacks that can pop up overnight and disappear.

Holly Higgins, First Interstate Bank of Hardin:

- Not much to add from Sidney's.
- Chinese restaurant closed – the Purple Cow. City of Hardin doesn't want marijuana, but owner of Chevy supposedly bought the place and wants to open a dispensary. Holly thinks that fell through. Tina thinks the gas station next to it bought it to expand.

Lorene Hintz/Kayla Vokral, SBDC

- Building project is almost done – supposed to move in June. Plenty of hang-ups along the way, but they will let us know when grand opening happens.
- Fiber lines coming into Billings – people will have a choice between Spectrum and another fiber optics in the next 3 years.
- 2 weeks ago had a workforce summit – speaker from Gallup on how to keep employees and creating a culture other employees want to join.
- Economy is growing, but a big chunk of the workforce has retired.
- Launching a summer internship program – 16- to 19-year-olds put in applications, and businesses put in potential jobs. Program will launch in June. Youth will have a few days of training to learn about being in a professional environment and then start their jobs.
- Lane Gobbs did Lean Lego Training with them. Businesses learned how to put their line together.
 - Joel mentioned that we worked on a Food Venture Program grant that Kayla brought to our attention. It will provide more Montana-grown beef and food to schools.
 - 12-week course for food professionals is available. Could be for producers who want to package their own beef or someone who wants to open a food truck or . . . Once they pass they go into the program's Facebook group and the value continues as they share info with each other.
 - Kayla has wanted to do this for a year and partnering with Joel got them the money they needed.

Bob Van Oosten, Stillwater Conservation District

- Pretty quiet lately on most fronts.
- Soil moisture is less than last year at this time. Need serious rain between now and Memorial Day.
- Mostly repairing previous flood damage – no big projects.
- Have had a lot of fiber optic and power lines going under streams. Bob lives 8 miles north of the interstate and has fiber optic to his house.

Dan Lowe, Big Horn County Conservation District

- Working on an invasive species of grass called ventenata. It's like a cancer. Not palatable, has sharp edges, eats up resources. They are educating people on identification and eradication.
- Check stations are up and running to keep mussels and other invasive species out of water.
- Dan understands how tough it must be for Sidney to represent two reservations – they don't always get along.
- Prairie dogs are invading and creating problems for local landowners. Working on education and management.

Melanie Roe, Sweet Grass County

- They are in the same housing boat as everyone else.
 - Half the houses are empty – only used a couple weeks per year.
- A couple new subdivisions are going in.
- Houses that were \$200K a few years ago are now \$600K and are selling in days.
- Transportation corridor – haven't decided to join Big Sky Rail Authority yet.
- Broadband is going crazy – fiber is running everywhere. It's also going up East Boulder road which will

interfere with Mine traffic. It goes in and out of Park County and Sweet Grass County, so that's an issue, too.

- New businesses:
 - Mexican restaurant was open for 2 weeks & is now closed due to no employees available.
 - Other restaurants have limited hours because there isn't enough workforce.
 - Meat Producers Convention – Brian Engle brought people in, filled every hotel, restaurants cooked . . . it was a great event for the community.
- Workforce and affordable housing are the biggest challenges.
- Dan Lowe said that everyone in the room had mentioned problems in their communities, BUT everyone is very positive, and when we overcome problems, we are stronger. The difference between *ordinary* and *extraordinary* is **extra**, and he sees that with this group.

Ryan Van Ballegooyen, Billings Job Service

- 1200-1500 unemployed in Yellowstone County (people actively looking for work). There are 4200 job postings just that Ryan knows about.
- If you are competing for those employees, you'd better figure out what makes you special. Get creative with hours, benefits, whatever will get employees on board.
- Baby boomers worked really hard for a long time and finally get to retire. Loyalty to family was their number 1 value. For young folks today, their #1 value is also loyalty to family, but not in working more hours and putting food on the table; it's "give me more time with my family." Different solution, but it's the **same value**. Keep that in mind.
 - Sidney: I've seen where they work 4-day weeks and have 3-day weekends.
 - Ryan: In New Zealand, you are in trouble if you work more than 40 hours / week in the medical field. The rest of world is ahead of us on the idea of working less hours. Give people a work-life balance, and we all need to find that. MT has high drinking, drug, suicide rates because many people work way too hard.
 - Steve said they hired a couple department heads who want to negotiate a lot to get good people in. They are competing with private industry that pays more than government usually, so you have to offer other benefits.
- Sidney: Want to toot Holly's horn – she's a new business owner in Hardin. She bought the carwash.

Next Beartooth RC&D Area, Inc. Board of Directors Meeting: July 21st, 2022 - Beartooth RC&D

Meeting adjourned at 3:15 pm.

Revolving Loan Fund Books- April, 2022

Loan Client Review

<u>County</u>	<u># of loans</u>	<u>\$ Loaned out</u>	
Big Horn	2	\$34,847.60	
Stillwater	1	\$153,834.92	
Yellowstone	8	\$554,907.43	
Carbon	3	\$230,255.33	
<u>Sweet Grass</u>	<u>2</u>	<u>\$169,052.08</u>	Total:
	16	\$1,142,897.85	

- One new \$165K loan for Yellowstone County set to close in June. (2nd position on commercial property for a Car wash/ Business building).
- New loan closed in Carbon county (1st position for a commercial building)
- EDA De-federalization still waiting on EDA signature.
- One of Stillwater County loans paid off in April.

Bank Balances as of February 2022 Total available for lending

Bank of Joliet- EDA	\$88,009.57	\$88,009.57
Bank of Joliet-CDBG	\$231,279.89	\$66,276.89
Bank of Joliet- IRP	\$174,352.99	\$54,352.99
Bank of Joliet-Fromberg	\$31,238.77	<u>31,238.77</u>
		\$262,916.34

Beartooth Books- Reporting Ending April 2022

	<u>Budgeted</u>	<u>Actual</u>	<u>% of budgeted</u>
Income			
AG-FOOD AND AG CENTER	45,000	11,235	24.97%
AG-MCDC	500	0	0.00%
SPECIALTY BLOCK	40,000		0.00%
BOARD - EDA SPONSOR DUES	56,979	43,005	75.48%
BOARD-INTEREST INCOME	400		0.00%
BOARD-FOUNDATION MONEY	3,300	3,529	106.93%
RLF-STAFF REIMBURSE	18,000	0	0.00%
RLF-ORIG FEES	5,000	4,190	83.80%
CRDC	71,000	17,961	25.30%
MISC- GRANT ADMIN\$	12,750	3,380	26.51%
EDA- GRANT	70,000	35,000	0.00%
EDA- CARES	100,000	100,000	0.00%
NOT BUDGED INCOME		7,140	0.00%
TOTAL INCOME	422,929	225,440	53.30%

Expense			
TOTAL STAFF EXPENSE	233,104	76,384	32.77%
COMMUNICATIONS	6,000	2,500	41.67%
EQUIPMENT & VEHICLE	8,520	1,270	14.91%
CONTRACTUAL	20,000	57,355	286.77%
SUPPLIES	12,900	4,188	32.47%
TRAVEL	11,080	685	6.18%
OTHER	10,420	12,899	123.79%
RESERVE	-		
EXPENSE TOTAL	302,024	155,282	51.41%

Account Balances

Bank of Joliet-Building Account	\$4,477.43
Bank of Joliet- Savings Account	\$64,636.64
Bank of Joliet- Checking Account	\$198,720.83

Revolving Loan Fund Books- June, 2022

Loan Client Review

<u>County</u>	<u># of loans</u>	<u>\$ Loaned out</u>	
Big Horn	2	\$175,965.61	
Stillwater	1	\$153,198.20	
Yellowstone	8	\$552,634.04	
Carbon	2	\$208,410.02	
<u>Sweet Grass</u>	<u>2</u>	<u>\$166,371.53</u>	Total:
	16	\$1,256,579.40	

- EDA funds are finally de-federalized.
- Looking into new loan funding options
- “Two” New Yellowstone county loans 7/13/22

Bank Balances as of June, 30 2022 Total available for lending

Bank of Joliet- EDA	\$95,382.83	\$95,382.83
Bank of Joliet-CDBG	\$237,799.12	\$39,865.40
Bank of Joliet- IRP	\$167,944.76	\$67,944.76
Bank of Joliet-Fromberg	\$31,277.51	<u>\$31,277.51</u>
		\$234,470.50

Beartooth Books- Reporting Ending June 2022

	<u>Budgeted</u>	<u>Actual</u>	<u>% of budgeted</u>
Income			
AG-FOOD AND AG CENTER	45,000	22,471	49.93%
AG-MCDC	500	0	0.00%
SPECIALTY BLOCK	40,000	8,372	0.00%
BOARD - EDA SPONSOR DUES	56,979	47,151	82.75%
BOARD-INTEREST INCOME	400		0.00%
BOARD-FOUNDATION MONEY	3,300	3,529	106.93%
RLF-STAFF REIMBURSE	18,000	0	0.00%
RLF-ORIG FEES	5,000	4,190	83.80%
CRDC	71,000	35,922	50.59%
MISC- GRANT ADMIN\$	12,750	12,380	97.10%
EDA- GRANT	70,000	35,000	0.00%
EDA- CARES	100,000	100,000	0.00%
NOT BUDGED INCOME		7,140	0.00%
TOTAL INCOME	422,929	276,154	65.30%

Expense			
TOTAL STAFF EXPENSE	233,104	113,860	48.84%
COMMUNICATIONS	6,000	4,038	67.29%
EQUIPMENT & VEHICLE	8,520	2,211	25.96%
CONTRACTUAL	20,000	156,452	782.26%
SUPPLIES	12,900	4,291	33.26%
TRAVEL	11,080	1,107	9.99%
OTHER	10,420	10,556	101.31%
RESERVE	-		
EXPENSE TOTAL	302,024	292,515	96.85%

Account Balances

Bank of Joliet-Building Account	\$4,477.99
Bank of Joliet- Savings Account	\$64,668.87
Bank of Joliet- Checking Account	\$151,022.49

Beartooth RC&D Staff Project Update

July 2022

FOOD AND AG CENTER PROJECTS

Beartooth FADC

Beartooth FADC activities have been focused on assisting producers with the Growth Through Ag Grant and Loan program and waiting on the Montana Value Added ARPA grant funding as well as conference calls with the Dept of Ag. Beartooth FADC worked with our regional MMEC and SBDC to develop an outreach tour of Swanky Roots and Wilcoxins Ice Cream. Beartooth FADC has worked with the other Food and AG Centers to develop an application for the USDA Local Food Promotion Program that would provide funding for the FADC network to promote Montana Beef in Montana Schools. Part of the funding would also be used in development a collaborative state wide training for food entrepreneurs with the SBDC network. Beartooth is now finishing the final reporting for the Department of Ag for the fiscal Year.

Growth Through Ag Projects and ARPA Value Added Ag Grant

Beartooth FADC has worked with several businesses interested in Growth Through Ag grants some of these will have an opportunity to be granted funding and we will continue to assist them in completing their business expansion projects.

New England Chowder Co

Location- Big Timber, MT

Contact- Craig Rief

Craig Rief has been in the soup business for 18 years on the East Coast and decided to move his business to Big Timber where he has owned a building for several years. Beartooth FADC visited his new location in June with Lane Gobbs they are now fully operational. We discussed the local Agricultural commodities he is using in his recipes and where he could source some local products as well as the addition of local products in the future. Some design tweaks for his process and the Made in Montana program. The business markets its soups nationwide and internationally and will be looking at funding for equipment in the future.

BioEconomy Solutions

Contact- Victor Garlington

Location- Hardin, MT

Victor Garlington is the contact for BioEconomy Solutions a firm interested in investing in the development of a Safflower Oil Seed processing operation in Big Horn County. Beartooth FADC has worked with them on exploring funding sources and put them in contact with an engineering firm locally that will be able to assist them with the design of infrastructure on their site. Beartooth FADC will be touring their location in the coming months.

Oswald Farms

Contact- Melissa Oswald

Location- Joliet, MT

Oswald Farms in Joliet has been marketing their beef locally through direct sales and wholesale through local restaurants, they are looking to expand and develop a retail store on highway 310 so Beartooth FADC worked with them on the development of a USDA Value Added Producer Grant for operating capital they have submitted and we have discussed putting in for a Growth Throug Ag Grant as well.

Meadowlark Brewing

Contact- Travis Peterson

Location- Billings, MT

Meadowlark brewing is finishing the construction of a brewery on the west end of Billings, we toured their facility with MMEC representative Lane Gobbs and discussed the local ingredients they use in their product line.

Ranch House Meats/ Pure MT Meats

Contact- Tonya Flowers

Location- Huntley, MT

Ranch House Meats began processing and retailing their branded meats in Billings and expanded their operation when they bought a meat plant in Miles City where their locally grown hogs and beef are processed and they shipped to their plant outside of Billings for further processing and distribution. Beartooth FADC assisted them with the development of a successful ARPA grant for \$200,000.00 for upgrades to their operation. They also hosted a tour of their retail facility for the MT Department of Agriculture staff in April.

On Going Projects

Mill Creek Farms

Contact- Josh Sian

Location-Pompeys Pillar

Josh Sian manages Mill Creek Farms they farm and ranch in Yellowstone county and operate a value added feedlot where they specialize in heifer development for other producers offering a custom feeding program tracking their weights, carcass traits and reproduction suitability.

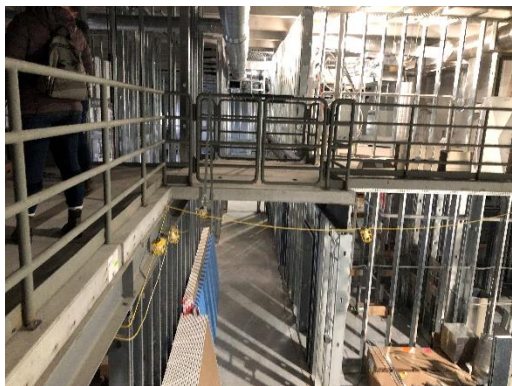
Blue Creek Marbled Beef

Contact-Nels Pearson

Location-Blue Creek South of Billings

Blue Creek Marbled beef are developing a state inspected meat processing plant South of Billings they are under construction and expect it to be a 2-3 million dollar project. Beartooth FADC assisted this business in

applying for the Value Added ARPA grant for construction and equipment costs. The business receive the ARPA funding for \$300,000.00. Their new plant is located next to their feedlot, which they are now expanding as well to include more pens for finishing beef, we plan to continue to assist them with any grants that will assist them with this project, they hope to be ready to open for business this summer. Blue Creek Marbled Meats hosted the Department of Ag Staff and the Governor on a tour of their new facility in April.



Yellowstone Valley Farm

Contact-Reuben Stahl

Location-Laurel

Reuben Stahl has a family greenhouse business growing basil and selling to FSA and Sysco, he would like to



add another greenhouse to keep up with increased demand this last year

Carbon County Meats-

Contact-Sabina Giovetti

Location-Belfry

Sabina and Shane Giovetti have built a custom exempt meat processing plant in Belfry, MT and opened this Fall, they have been busy but have a need to expand already especially their cooler space, Beartooth FADC took a tour of their facility in Belfry, discussed potential funding sources and worked with them on their plans to expand their business, we arranged tours of two area meat plants to look at their process and layout.

Prime Meats of MT

Contact-Lamont Herman-

Location- St Xavier Big Horn County

Lamont Herman has a cattle ranch and is looking to add profit by finishing some beef having then processed and packaged and then selling directly to consumers and restaurants. He began direct selling over a year ago and the demand has grown he is now looking for increased cooler space to store his processed products before they are delivered and other delivery equipment. Beartooth FADC assisted this business in the development of an application for the ARPA funding through the Department of Agriculture. Their application was not approved however they have developed a retail location in Hardin to sell their beef products.

Primative Meats

Contact- Kelsey Grice

Location- Worden, MT

Kelsey Grice and her husband are looking for funding assistance through the GTA grant to help them with construction costs and equipment for their start up meat processing business. This Business also applied for an ARPA Value Added Ag Grant, Beartooth FADC put the business in contact with a local engineering firm to discuss the plans for their plant. Their application was approved for \$150,000.00, Beartooth FADC has been in contact with the owners they are very busy this summer and may wait for the cost of construction to come down before starting the project.

Basin Inc

Contact- Judy Edwards

Location – Big Timber, MT

The Hagerman family raises natural grass fed beef in Sweet Grass County and is developing a fresh beef business that will add value to their beef production business. These products will be marketed as grass-fed locally grown beef. Beartooth FADC is assisted this business with a successful USDA Value Added Producer Grant application to help them expand their business to increase the number of animals processed and sold in an effort to meet increased demand for local beef. Beartooth FADC assisted them with developing a GTA application. Beartooth FADC will Follow up with this business.

Yellowstone Valley Food Hub

Contact- Michelle Schahczenski

Location-Billings, MT

The Yellowstone Valley Food Hub is looking to expand their business and add space for aggregating locally produced foods. Beartooth FADC assisted them with applying for a Growth Through Ag Grant that was approved for \$20,000.00 to expand. Beartooth FADC has reached out to follow up with this business and determine any further needs; they are still working with the department of Ag on their GTA project and have needed to change their initial project scope. The Department of Agriculture toured their facility in April and Beartooth FADC has worked with them on a USDA LFPP grant that would help fund add staff and expand their wholesale sales and deliveries.

406 Bovine LLC
Contact- Bryan Elliott
Location-Laurel, MT

406 Bovine LLC has worked with Beartooth staff and is nearing the commercialization and launch of his Ag Tech product. Bryan Elliott has developed a facial recognition software that can be used on computer and iphones to track livestock. He has produced a youtube video outlining his product that can be viewed via this link. <https://youtu.be/kTwkhUj9leA> Beartooth will continue to assist this business as needed. Beartooth FADC followed up with 406 Bovine to give them the updates on the status of state and federal funding sources. Bryan had been granted investments from two entities that have developed funds specifically for supporting new technologies such as facial recognition. He does have interest from a large Agricultural business in investing in the business he is trying to raise 3- 5M in order to fully launch and commercialize the product. Beartooth FADC also provided information on the USDA guaranteed loan programs that they would be eligible for and did research on any food security programs available. Bryan has been touring feedlots in Southern Texas Oklahoma and Kansas testing his app Beartooth FADC will be conducting follow up visits with this business this summer.



Stillwater Packing Co/ Emmett's Meats

Contact- Jason Emmett

Location- Columbus, MT

Stillwater Packing has been working through an increase in business due to the supply chain bottlenecks shifting some buyer interest to smaller plants like theirs. Beartooth FADC staff has visited the business to discuss upcoming funding opportunities. We have visited about potential future funding needs, the difficulties they are having with their incinerator and workforce, they are having a difficult time finding workers. Beartooth has posted their job openings on our Facebook Page. Stillwater Packing was helpful in providing a tour of their facility to Carbon County meats owners and discussing their process, equipment and layout.

Pioneer Meats

Contact- Brian Engle

Location- Big Timber, MT

Pioneer Meats purchased another meat processing location in Big Timber that will allow them to process wild meat at one location while expanding their beef, pork, bison and lamb processing at their main facility. Beartooth FADC staff will continue to work with Pioneer to utilize any new funding opportunities in completing their expansion; they received \$50,000 from the Growth Through Ag grant and \$150,000 from the ARPA grant for its expansion of their new location. They were also helpful in hosting a tour of their facility with the Montana Meat Processors Association attended by the owners of Carbon County Meats.



Becky's Berries- Absarokee, MT

Contact- Becky Stahl

Location-Absarokee

Becky has purchased a new commercial freezer needed to keep up with increased demand for her products she said her business has been very busy this summer and fall. She has also recently was able to secure a contract with western sugar to get bulk sugar for her operation increasing her efficiency and profitability with a local product. Beartooth FADC has been working with Becky on a long range expansion plan, and she is expanding her business to include a line of freeze dried berries.

Beartooth FADC initiated contact with the following businesses

- Kathy Bauer- Roberts
- North 40 Ag- Huntley
- Justine Kougl- Huntley
- Brett Clause- Columbus
- Mac Dean- Red Lodge
- Doggie Style Gourmet Treats- Billings, MT
- Jessica Jane Hart Swift Buckets- Billings, MT
- Agrika Foods- Billings, MT
- Carbon County Watershed- Joliet, MT
- Courtney Long- Red Lodge, MT
- NuFood- Beartooth Region
- J and S Farms- Huntley, MT
- Wilcoxins Ice Cream
- Swanky Roots
- Big Timber Meat Plant Dan Snyder

Beartooth FADC Outreach



Blue Creek Marbled Meats



Wilcoxins Ice Cream



Swanky Roots

Economic Development Director Report for July 2022

7/21/2022

- Economic Development/ CRDC
 - EDA CARES Act – ended in June 2022
 - Deb Brown- watch parties and Bozeman Trail
 - Big Sky EDA- ERRT
 - Cushing Terrell-regional housing study is complete; hard copies will be distributed to stakeholders
 - BSTF
 - Pea Cannery – possible tour with Sofia for Red Lodge board meeting
 - Stillwater County Industrial/Business Park Feasibility Study – KLJ held a kickoff meeting; project continuing forward despite recent challenges.
 - Possible two new clients for BSTF projects: Babcock & Miles and laundromat in Hardin
 - ARPA & DOC program updates – MEDA; tourism reliant businesses impacted by recent flood in Stillwater & Carbon County are eligible for some grant funds
 - USDA RCDI Grant – Tina Toyne is new EDD for Big Horn County
 - CEDS- will be available for public comment August 1; must be submitted September 30th
 - All reporting is complete for July: BSTF 2nd Qt Reports, USDA 2nd QT Report, CRDC 2nd Qt Report, MT Community Foundation report on 2 grants for COVID; next reporting period will be October
 - Helping Hands Food Bank in Hardin- kickoff call is complete with EPA and DEQ; it determined the need for a Phase II assessment and cleanup
 - Annual CRDC meeting- upcoming

Frequently Used Acronyms

BEAR – Business Expansion and Retention
BIA – Bureau of Indian Affairs
BLM – Bureau of Land Management
BRCD – Beartooth RC&D
BSEDA – Big Sky Economic Development Association
BSTF – Big Sky Trust Fund
CDBG – Community Development Block Grant
CRDC – Certified Regional Development Corporation
CEDS – Comprehensive Economic Development Strategy
CTEP – Community Transportation Endowment Program
EDA – Economic Development Administration
EDD – Economic Development District
ESRI – Environmental Systems Research Institute, Inc.
GIS – Geographic Information Systems
GPS – Global Positioning System
HOME – Montana Home Investment Partnerships Program
HUD – US Department of Housing and Urban Development
IRP – Intermediary Relending Program
LESA – Land Evaluation Site Assessment
MBI – Montana Board of Investments
MDOC – Montana Department of Commerce
MDOL – Montana Dept. of Labor
MDOT – Montana Dept. of Transportation
MDFWP – Montana Dept. of Fish, Wildlife and Parks
MEDA – Montana Economic Developers Association
NADO – National Association of Development Organizations
NCOC – National Carbon Offset Coalition
NHS – Neighborhood Housing Services
NRCS – Natural Resource Conservation Service
RBEG – Rural Business Enterprise Grant
RBOG – Rural Business Opportunity Grant
RC&D – Resource Conservation & Development Area, Inc.
RCDI – Rural Community Development Initiative
RD – Rural Development (a division of USDA)
RCPP- Regional Conservation Partnership Program
RLF – Revolving Loan Fund
RTA – Resource Team Assessment
SBA – Small Business Administration
SBDC – Small business Development Center
TIFD – Tax Increment Finance District
TSEP - Treasure State Endowment Program
USDA – United States Department of Agriculture
USFS – United States Forest Service

File Attachments for Item:

6. Budget/Finance Committee Minutes of June 28, 2022.

Amber Hatton
Accounts Payable

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

File Attachments for Item:

7. Budget/Finance Committee Minutes of July 12, 2022.

**Minutes of City of Laurel
Budget/Finance Committee
Tuesday, July 12, 2022**

Members Present: Richard Klose – Chair Emelie Eaton
Heidi Sparks

Others Present: Kelly Strecker, Amber Hatton, Mayor Dave Waggoner, Marvin Carter

The meeting was called to order by the Committee Chair at 5:30 pm.

Public Input: There was no public comment

General Items –

1. Review and approved June 28, 2022, Budget and Finance Committee meeting minutes. Heidi Sparks moved to approve the minutes of the June 28, 2022. Emelie Eaton seconded the motion, all in favor, motion passed 3-0.
2. Review and approve purchase requisitions – There were none to approve.
3. Review and recommend approval to Council; claims entered through July 8, 2022. Emelie Eaton had previously reviewed the claims and check register for claims entered through July 8, 2022. Heidi Sparks seconded the motion, all in favor, motion passed 3-0.
4. Review and approve the June 2022 Utility Billing Adjustments. Heidi Sparks moved to approve the June 2022 Utility Billing Adjustments. Emelie Eaton seconded the motion, all in favor, motion passed 3-0.
5. Review and approve Payroll Register for the pay period ending June 26, 2022, totaling \$236,540.71. Heidi Sparks motioned to approve the payroll register for the pay period ending June 26, 2022, totaling \$236,540.71. Emelie Eaton seconded the motion, all in favor, motion passed 3-0.
6. Review and approve Financial Statements from January 2022. Emelie Eaton moved to approve the Financial Statements from January 2022. Heidi Sparks seconded the motion, all in favor, motion passed 3-0.

New Business – None

Unfinished Business – None

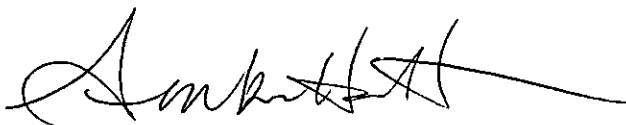
Other Items –

7. Review Comp/OT reports for the pay period ending June 26, 2022.
8. Mayor Update – Mayor Waggoner would like to hire Prothmam, a company that would help recruit a City Planner. The cost of this service is \$6500.00 per month plus advertising fees.
9. Clerk/Treasurer Financial Update. Clerk/Treasurer provided the committee with an update on financial activities. Clerk/Treasurer also updated the committee of new hires for the Accounts Payable department, Court Clerk, and Ambulance department.

Announcements –

10. The next Budget and Finance Committee meeting will be held on July 26, 2022 at 5:30pm.
11. Heidi Sparks will be reviewing claims for the next meeting.

Respectfully submitted,



Amber Hatton
Accounts Payable

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

File Attachments for Item:

8. Emergency Services Committee Minutes of June 27, 2022.



**MINUTES
CITY OF LAUREL
EMERGENCY SERVICES COMMITTEE
MONDAY, JUNE 27, 2022**

The Emergency Services Committee meeting was called to order at 6:00pm on Monday, June 27, 2022 by Chair Heidi Sparks

Members Present: Heidi Sparks- Chair, Richard Klose, Bill Mountsier, Bruce McGee, Jamie Swecker

Others Present: Fire Chief Brent Peters, Police Chief Stan Langve, Ambulance Director Lyndy Gurchiek

Public Input: None

General Items

1. Approval of Emergency Services Committee minutes of May 23, 2022. Richard Klose moved to approve the minutes, Bill Mountsier seconded- Motion carried 5-0

New Business

2. Update from Emergency Departments
 - a. Fire Department Chief Peters- Report attached
 - i. Things are starting to pick up, a lot of responses during the flooding event, especially along the Clarks Fork. Flooding stage seems to have passed and now moving into wildfires. Wildfire by container site last week. Stage 1 fire restrictions for Yellowstone County beginning July 1st. Does not see any additional restrictions for within city limits.
 - ii. Bill asked what Stage 1 is- Chief Peters stated Stage 1 is no open burning, so no open burning within the county. Stage 2 is additional restrictions
 - b. Police Department Chief Langve- Report attached
 - i. Trying to fill Sergeant positions and Instructor positions to assist with department training. High call volume for DUI.
 - ii. Staffing up for the July 4th festivities.
 - iii. Thefts are steady and consistent, should be receiving the quarterly update on opioid overdoses. There was a rash of an individual doing some tagging, does not appear to be an organized effort, appears to be a single individual.
 - iv. Richard asked why we don't have a left turn arrow under the underpass- Chief Langve stated the State had been petitioned a few years ago but it has not gone anywhere. Chief Langve also brought up the traffic study for Main Street that had been previously discussed. Heidi stated would follow up with the mayor on the status of the traffic study since this was under the previous administration.
 - v. Bill asked about fentanyl, is this being mixed with anything other than meth? Chief Langve stated it is being mixed with everything.
 - vi. Bruce asked about pumping up the reserve force to assist with the shift work of the full-time officers when there is only one person on. The sheriff's department is not always available to assist during those times. Chief Langve stated that the reserves could be utilized, but the overnight shifts are a harder sale to the reserves to get assistance. The department is getting busier, and an electrical

scheduling system, city-wide would help with some of these issues. This would also be applicable to city events, etc. as well. Jamie stated the Police Chief and the mayor need to have conversations with the county commissioners to discuss the needs of the sheriff's office covering and assisting out in Laurel when there are staffing shortages on shift. Bill asked if there was any additional support received other than the sheriff's department. Chief Langve stated we do have mutual aid agreements with the neighboring areas, such as Carbon County, Stillwater County, etc.

- vii. Jamie stated the county is changing radio frequencies and that is going to have an impact on our Emergency Services Departments. Chief Peters stated that City of Laurel will no longer have a direct communication to Billings because of this change, and just learned about it within the last month or so. Jamie stated this is going to cause more communication issues for the various departments. Chief Peters stated this is something the City of Billings decided to do. Jamie stated this is now going to require additional assistance and reliance on dispatch for the communication gaps. Chief Langve stated this is a hurdle of technology and required licensing on the radios and frequencies.
- c. Ambulance Director Lyndy Gurchiek- April and May Reports attached
 - i. Sleeping quarters are just about done, painting is being completed
 - ii. Completing training on new volunteers
 - iii. Had talked previously in this committee about hiring seasonal EMTs and did get approval on this program. It has been a little slow getting started but should be a good program once it gets off the ground
 - iv. Budget related items- Director Gurchiek is updating the stipends during this budget cycle and hoping that this will get approved through the budget process.
 - v. The department was pulled for a Medicaid Audit, so busy working on that.

Old Business- None

Other Items

- 3. Jamie brought up the fire chief position again and wants this to be pursued. Feels that this should be part of the committee's role and looking at this position moving to a full-time position versus a volunteer position. What is the follow up on this discussion from the conversation with the council at the workshop on June 21, 2022.

Announcements

- 4. Next Meeting will be Monday, July 25, 2022, at 6:00pm in Council Chambers

Meeting adjourned at 6:54pm

File Attachments for Item:

9. Park Board Minutes of July 14, 2022.

July 14, 2022

Laurel Park Board Meeting

Started 5:30 PM by Irv Wilke, Richard Herr, Jon Rutt, Phyllis Bromgard, Richard Klose, Paul Kober, Matt Wheeler, and Mayor Dave Waggoner.

Public Comment:

No Visitors or comments

Approved minutes from June 2, 2022 meetings Phyllis motioned, Richard H 2nd.

New Business:

JC Hall rates and Rules for Rentals – Rates are for 24 hrs. Could add to website for renting. Richard H motioned to add rental buildings in parks to website. Phyllis 2nd. Some discussion followed on how this could be done and it was approved.

Discussion on the blacking out of dates for Lion's Club and Shooting Sports on the rental site ensued. The city will hire a cleaning company to clean up the JC Hall to start out with a standard for future renting.

Paul motioned to allow the Lion's Club to lock the small storage room and Richard H 2nd. Motion was approved.

Old Business:

Tennis Court update: None

Splash Park at Thompson Park: Funding and information discussed.

Dirt Track update: None

American Legion Building at Riverside Park: Work is progressing on demo in preparation for rebuild.

Riverside Park Update: Picnic tables finished. Septic lines for American Legion Building to be replaced by Schessler. Shower Building may be salvageable. Inspection soon. Some discussion on the good and bad of working towards a Historic District and what can and can't be done. Rod and Gun Club building is a good candidate for a museum or public use. Camping has generated over \$5000 since started. Some questions were raised about damage to the walls inside the JC Hall that looked like BBs. Irv inspected the backstops Shooting Sports is using and inspected the damage. He determined the damage was old and the backstops were proper. Hoof it Tour by the Western Heritage Center did not get the proper permits when they hosted a tour at Riverside Park. Buildings at Riverside are on separate meters.

Lighting and electrical at Riverside Park: The city has approved \$3650 worth of lighting to be installed at Riverside Park. This is the start of upgrades to the electrical at the park.

Other Items:

Russell Park may get a new playground similar to Kids Kingdom if the storm drainage project moves forward.

Next meet is August 4, 2022.

Meeting adjourned at 6:30

Jon Rutt

File Attachments for Item:

10. Public Works Committee Minutes of June 20, 2022.



**AGENDA
CITY OF LAUREL
PUBLIC WORKS COMMITTEE
MONDAY, JUNE 20, 2022**

The Public Works Committee meeting was called to order at 6:00pm on Monday, June 20, 2022, by Committee Chair, Heidi Sparks.

Members Present: Heidi Sparks- Chair, Irv Wilke- Vice Chair, Bill Mountsier, Emelie Eaton, Dan Koch

Others Present: Dave Waggoner- Mayor, Kurt Markegard- Public Works Director

Public Input: None

General Items

1. Approval of Minutes from May 16, 2022- Bill Mountsier made a motion to approve the minutes of May 16, 2022. Motion was seconded by Emelie Eaton. Motion carried 5-0 to approve the minutes.

New Business

2. Emergency Call Out Report- Report attached
3. KLJ Report- Report attached
 - Items to Note:
 - Delay on S 4th St Reconstruction- delay is due to issues receiving materials. However, with the delay in materials, will now be looking at completing the entire project in 1 calendar year (2023). Construction will begin in Spring 2023; no additional days have been added to the contract for actual workdays
 - City submitted a grant request for a Zoning grant to help cover expenses to re-write the City's Zoning Codes
 - Emelie asked about the current re-write of zoning along with the distribution of duties. Kurt stated Code enforcement was moved to Police and all funding was pulled into that budget. This does not include updating the city ordinances. The city is looking at the position and job description of the previous building officer to update in order to post the job opening.
 - Dave stated both the City Planner and the City Building Inspector positions will be posted this week

Old Business

Other Items

- Flood Event 2022 updates
 - Kurt stated no impact to the WWTP, but the WTP did have an impact. No water restrictions were in place, but had some issues with mud and debris being pulled in. Did use sandbags (approximately 40-50) and had to

backwash in order to clean out the pumps. Only overflowed the pond for the backwash one time. When the sed-basins were installed, the refinery came off of treated water, which helped the city avoid water restrictions during this event.

- Dave stated the filters normally get about 50 hours of use before needing to be cleaned out, but during the flood event the filters were needing to be cleaned every 10-12 hours.
 - Irv asked when the campground at the park reopened. Dave stated the campground was reopened on Thursday. Kurt stated water did come into the park, was coming up from the ground, and was up to the back door of the American Legion building. They were able to prevent flooding of all the buildings- had the road grater out there to move dirt to redirect the water. The berm assisted in preventing the park and Thiel Rd from completely flooding.
 - Dave stated we are not on the new intake; it is currently plugged from the flooding. Kurt stated a house floated down the river and was out by the new intake area.
 - Dave stated the mayor of Fromberg reached out to Laurel for assistance. Kurt and Matt ran out there to determine the need. Approximately $\frac{3}{4}$ of the houses flooded and they are in the process of gutting the flooded houses. We will be offering a dumpster container, but at this time we don't have the staffing to assist with the cleanup. We will haul the dumpsters for them, and the City of Billings is helping with the dumping fees for anything from Fromberg.
 - Before the flooding event, the Italian drain collapsed at the BBWA (Billings Bench Water Association). This is an irrigation system that feeds into Lake Elmo. Kurt was researching the issue of the ownership for the drainage pipe, and also discovered there is a City of Laurel water pipe that runs under the BBWA property. An easement for the road was obtained, but at this time there is no easement for the waterline, so the city will most likely be seeking an easement for the water line.
- Thompson Park parking lot discussion
 - Kurt looked at the parking lot, there is a low spot in the parking lot, and high ground water. Believes this could be an easy fix by cutting into the asphalt and filling in the low spot with a boulder pit to assist in dissipating the water. Because of the high ground water, the water in and around the parking lot will continue to be an issue. The only solution would be to extend a storm drain to that area. Working on the painting in the parking lot but struggling with staffing shortages and now vacation season.

Announcements

Next Meeting will be Monday, July 18, 2022, at 6:00pm in Council Chambers

Meeting adjourned at 7:45pm

Emergency Call Out for June 20, 2022, Public Works Committee Meeting

5-19-2022 Emergency Locate 1415 East Railroad Street

5-21-2022 Emergency Locate 417 S. 1st Ave

5-21-2022 Water Shut Off 403 East 5th Street for leak

5-31-2022 Water Shut Off 2702 Lackawanna broken pipe

6-3-2022 Water Shut Off 211 Woodland for leak



2022 Pavement Maintenance Project (4th Street Reconstruction)

(KLJ #2104-00862)

Reason for Project: To provide yearly maintenance and improvements to the City of Laurel Roads Network.

Project Scope: Miscellaneous annual pavement maintenance design, bidding and construction in locations throughout the City of laurel

Current Status:

- Project Bid Opened on 5.5.22
- Contracts Executed 6.8.22
- Suspend Work Order issued 6.8.22 (Contractor to begin in Spring of 2023)

Water System PER (KLJ #2104-00147)

Reason for Project: To update the Preliminary Engineering Report that was completed in April 2014 with the most current information.

Project Scope: To Update the existing computer model for the water distribution system; Review pressure zone, tank and booster station alternatives; Analyze up to 3 different sites for a new water tank and explore funding alternative for all potential projects.

Current Status:

- Waiting on information from City

5th Ave. Water Re-Route (KLJ #2104-00118)

Reason for Project: To abandon the existing waterline between W. 11th and W. 12th Streets that crosses existing properties without an easement.

Project Scope: Abandonment of a 12" waterline that connects 11th St. to 12th St north of 5th Ave. in Laurel. A new 12" waterline will connect at the intersection of 5th Ave. and 11th St, route east to 4th Ave. and then north to 12th St. where it will turn back west and connect at the original connection point along 12th St.

Current Status:

- Project is Complete
- Contractor completed punch list
- Recommendation of retainage release sent on 4.29.22



Southside Stormwater Study (KLJ #2004-01470)

Reason for Project: Analyze Laurels South side to determine needed improvements for stormwater.

Project Scope: : To complete a stormwater master plan for the areas south of the train tracks and west of Highway 212.

Current Status:

- Completed, need to discuss next steps in resolving outfall.

WWTP Screw Pump B Replacement (KLJ #2004-01359)

Reason for Project: To replace screw pump B at the Laurel Wastewater Treatment Plant.

Project Scope: Reconstruction and rehabilitation of the Archimedes Screw Pump “B” at the City of laurel Wastewater Treatment Plant.

Current Status:

- Project Bid July 1st
- Project Award July 13th
- Anticipated equipment delivery, the week of May 23rd
- Project completion, July 2022

WTP Lift Well Replacement (KLJ #2004-01487)

Reason for Project: To replace a lift well at the Laurel Water Treatment Plant.

Project Scope: Reconstruction and rehabilitation of the lift well at the City of Laurel Water Treatment Plant.

Current Status:

- 100% review with Nathan completed February 8th
- DEQ approval received March 14th
- Project is being advertised
- Pre-Bid conference was held on May 12th
- Bid opening is scheduled for May 19th
- Waiting for Award by the City Council
- Construction to take place late fall and winter

Sanitary Sewer H₂S Remediation (KLJ #1804-00122)

Reason for Project: Buildup of H₂S within the WW collection system has led to deterioration of manholes and other system components.



City of Laurel Project Status Update
June 15, 2022



Project Scope: Complete design and construction administration to address H₂S build-up in the system.

Current Status:

- Survey completed
- Design underway
- DEQ Submittal Approved
- MDT Submittal Approved
- Bid Opening February 24th
- Recommendation of Award February 28th.
- City decided not to award project.

Laurel Planning Services (KLJ #1804-00554)

Reason for Project: KLJ has been retained to provide City of Laurel planning services as needed.

Project Scope: Planning services may include; subdivision, zoning, development, floodplain hazard management, miscellaneous reviews and other related work. KLJ will prepare staff reports, recommendations, and attend meetings upon request.

Current Status:

- Zoning Regulations Update. To be scheduled
- Subdivision Regulations Update. In house project
- Annexation of Lance Hull. At Planning Board 6/15/2022
- Beehive Minor Subdivision. At Planning Board 6/15/2022
- West Interchange Plan. Local match not budgeted
- Planner/Project Transition. Ongoing
- Lazy KU Subdivision 2nd Filing. Element and Sufficiency Reviews. Waiting on additional information.

Laurel Capital Improvement Plan (KLJ # 2104-00649)

Reason for Project: KLJ has been retained by the City of Laurel to develop a 5-year Capital Improvement Plan (CIP).

Project Scope: The CIP is primarily a planning tool for annual budgeting to assist Departments and the Governing Body establish project priorities and funding.

Current Status:

- *Task Order executed*
- *Kick-off meeting Department Heads*
- *Initial structure of CIP generated*



City of Laurel Project Status Update
June 15, 2022



- *Department Heads contacted for additional projects.*
- *Document is being drafted.*
- *A meeting with City Department Heads needs to be scheduled in late November.*
- *The document will be presented to a City Council Work Session*
- *A Public Hearing before the City Council needs to be scheduled.*

Other Notes and Information

Other potential projects have been identified during recent conversations between City staff and KLJ. City Public Works staff and KLJ task leaders meet bi-weekly to discuss current and future projects. As these are tentative, the timing and extent of KLJ's services are TBD, unless noted otherwise.

Anticipated FY22 Projects

1. West Railroad Street Reconstruction- Proposal submitted
2. Water System Planning
 - a. Booster station rehabilitation or replacement (task order forthcoming)
 - b. Water storage tank Preliminary Engineering Report
3. 7th Street reconstruction
4. Waterline extension out to Golf Course Road
5. Updates to Zoning regulations
6. Updates to Subdivision Regulations
7. West Interchange Neighborhood Plan

Other Potential Future Projects

1. West Side TIFF

File Attachments for Item:

11. Appointment of Richard Klose to Park Board for the remainder of a four-year term ending December 31, 2024.

MAY 06, 2022

Mayor Dave Waggoner

I would like to be considered to be a member of the city of Laurel park board.

City council member

Richard A. Klose Sr.

Richard A. Klose Sr.

File Attachments for Item:

14. Resolution No. R22-37: A Resolution Of The City Council Authorizing The Mayor To Execute A Revised Memorandum Of Understanding By And Between The City Of Laurel And The City Of Laurel Library Board Of Trustees

RESOLUTION NO. R22-37

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE A REVISED MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF LAUREL AND THE CITY OF LAUREL LIBRARY BOARD OF TRUSTEES

BE IT RESOLVED by the City Council of the City of Laurel, Montana,

Section 1: Background. The City Council previously approved a Memorandum of Understanding by and between the City of Laurel and the City of Laurel Library Board of Trustees. After consultation between the Civil City Attorney, the Library Board of Trustees, and the City’s insurance provider (“the MMIA”), the parties have made revisions to the original Memorandum of Understanding. A revised Memorandum of Understanding by and between the City of Laurel and the City of Laurel Library Board of Trustees is attached hereto and fully incorporated herein.

Section 2: Approval. The revised Memorandum of Understanding by and between the City of Laurel and the City of Laurel Library Board of Trustees, a copy attached hereto and incorporated herein, is hereby approved.

Section 3: Execution. The Mayor is hereby given authority to execute the revised Memorandum of Understanding on behalf of the City.

Introduced at a regular meeting of the City Council on the 26th day of July, 2022, by Council Member _____.

PASSED and APPROVED by the City Council of the City of Laurel the 26th day of July, 2022.

APPROVED by the Mayor the 26th day of July, 2022.

CITY OF LAUREL

Dave Waggoner, Mayor

ATTEST:

Kelly Strecker, Clerk-Treasurer

APPROVED AS TO FORM:

Michele L. Braukmann, Civil City Attorney

**SERVICE AGREEMENT AND MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF LAUREL AND THE
CITY OF LAUREL LIBRARY BOARD OF TRUSTEES**

This Service Agreement and Memorandum of Understanding (“Agreement”) is entered into this ___ day of July, 2022 between the City of Laurel, Montana, a municipal corporation of the State of Montana (hereinafter “the City”), through its Mayor, and the City of Laurel Library Board of Trustees (hereinafter “the Library Board” or “the Library”), together referred to hereafter as “the parties”.

RECITALS

WHEREAS, the City has established a free public library, the City of Laurel Public Library (“Library”) for the use of the citizens under regulations as prescribed by the Library Board, subject to approval of the City (LMC 2.80.010 et al; § 22-1-309, MCA);

WHEREAS, the Library Board has exclusive control of the expenditure of the public library funds subject to a budget approved by the City as well as other duties and authority set for and governed by (§ 22-1-309, MCA and § 22-1-310, MCA);

WHEREAS, to address the ability of the City to provide general liability, workers’ compensation, and health insurance coverage for the Library, and to make clear the rights and obligations by and between the City and the Library Board, the parties desire to create this Memorandum of Understanding regarding the City and the Library’s respective rights and obligations, specifically as they relate to personnel management, such as to ensure that they are clearly-defined and understood.

UNDERSTANDING OF THE PARTIES

NOW, THEREFORE, in consideration of the mutual agreements and covenants herein contained, the parties agree as follows:

1. PURPOSE: The purpose of this Agreement is to provide stability and a framework of the roles, responsibilities and relationships of the City and Library Board as it relates to the efficient operation and management of the Library for the benefit of the community.

2. TERM: This Agreement shall commence for the fiscal year beginning July 1, 2022 and shall continue through and include June 30, 2023. The Agreement will automatically renew for each subsequent fiscal year unless one party provides written notice to the other at least ninety (90) days prior to the end of the term, of its intention to not renew the same.

3. OBLIGATIONS OF THE CITY:

3.A. Insurance Coverage: The City agrees to provide general liability, property, workers’ compensation, and health insurance coverage for the Library and Library employees.

3.B. Personnel Costs: The City agrees to cover all costs of general liability, property, workers' compensation, and health insurance coverage for the Library and Library employees.

3.C. Payroll and Accounting: The City agrees to handle the payroll and accounting for the Library.

4. OBLIGATIONS OF THE LIBRARY BOARD:

4.A. Annual Budget: The Library Board will prepare an annual budget for approval by the City in accordance with state law (§ 22-1-309(6), MCA).

4.B. Public Entity and Open Meeting Laws: The Library Board agrees to comply with all laws pertaining to public entities including open meetings.

5. ADDITIONAL OBLIGATIONS

5.A. The City agrees to provide property coverage for the Library building, and the City agrees to provide property coverage for the contents of the library.

6. OPERATION OF THE LIBRARY:

6.A. Library Board Authority: The Library Board shall have the authority to determine the policy for the operation and care of the Library; prepare budgets; authorize expenditures; determine the selection of materials; and negotiate contracts and agreements as set forth in § 22-1-309, MCA. The Library Board further agrees to provide the City with timely notice of all policy modifications or changes, including providing any written documentation which accompanies and/or supports such modifications or changes.

6.B. Execution of Contracts/Agreements: Per MCA 22-1-309 (3), the Library Board may contract for Library services. The Mayor has the right to consult with the Library Board about any contracts and agreements for the Library.

6.C. Personnel Management: Pursuant to § 22-1-310, MCA, the Library Board oversees employees at the Library. In recognition of Library employees also being City employees, the Library Board agrees to the following:

6.C.1 Employee Status and Policy: Library employees are employees of the City. The parties acknowledge and understand that as employees of the City, all applicable City policies shall apply, including but not limited to, the City personnel policies.

The Library must notify the City of any change in status of any/all Library employees. This notification must be completed in a timely manner so that required timelines/deadlines can be met for completion of forms and notification of appropriate agencies.

6.C.2. Appointment and Hiring. The Library Board shall have the authority and

responsibility for hiring, appointment, termination, and disciplinary proceedings of the Library Director and, in coordination with the Library Director, Library employees. The Library Board and Library Director shall follow City personnel policies and procedures for hiring and appointment and shall seek the guidance of the Civil City Attorney in ensuring that the hiring process is legal and follows City protocol.

6.C.2.a. Administrative Status and Supervision of Library Director and Employees. The Library Director shall have the administrative status of a City Department Head and shall report to and be supervised by the Library Board. The Library Director will attend Department Head meetings and will communicate regularly with the Mayor.

The Library Board has the authority and responsibility for evaluating the performance of the Library Director. The Library Director will supervise any Library employees and is responsible for Library employees' performance evaluations.

The Library Board and Library Director shall follow City policy and procedures for supervision, handling grievances, discipline and/or termination. The Library Director and/or Library Board agrees to confer with the Civil City Attorney and the Mayor during a grievance or termination process. The City may contact the Civil City Attorney and/or the City's coverage provider for guidance and will report back to the Library Director and/or Library Board on appropriate action. The Library Director and Library Board agree to follow the recommendations of the Civil City Attorney and/or the City's coverage provider.

If there is a disagreement about the handling of a personnel management issue, the City, Library Board, and Library Director agree to follow the recommendations of the Civil City Attorney and/or the City's coverage provider. All parties agree to act in good faith and in the best interests of the Library and citizens of the City in resolving any disagreements.

6.C.2.b. Execution of Library Operation and Policies. The Library Director shall manage the operations of the Library and be responsible to the Library Board for the execution of the Library Board's policies. The Library Director and employees agree to follow the payroll and accounting procedures of the City.

6.C.2.c. Salary. The Library Board will fix Library employee salary and any annual adjustments within the approved budget. The Library Board will work with the City to determine a salary structure.

6.D. Building. The Library building is owned by the City. The Library Board sets policy and works with the Library Director and staff on the use of the space. The Library Board agrees to confer with the Mayor when any major changes or building fixes are planned.

7. MODIFICATIONS: Any modifications sought to be made to this Agreement shall be agreed to by both parties and will be memorialized in writing, signed by both parties.

8. NOTICE: Any notice required or permitted under this Agreement shall be deemed sufficiently given or serviced if sent by mail or hand delivered to:

City of Laurel
Attn: City Mayor
PO Box 10
Laurel, MT 59044

City of Laurel Library Board
Attn: Laurel Library Board
PO Box 10
Laurel, MT 59044

Either party may, by written notice at any time during the term of this Agreement, designate a different address to which notices hereunder shall subsequently be sent. Written notice hereunder shall be deemed to have been given as of the time the same is deposited in the United States mail.

9. TIME OF ESSENCE: Time shall be of the essence of this Agreement and all the terms, covenants and conditions hereof shall be performed at or before the times herein set forth. Any forbearance on the part of either party in the enforcement of the terms and conditions of this Agreement shall in no way be construed as a waiver of default thereof or waiver of the obligatory effect of such provision.

10. CONSTRUCTION AND BINDING EFFECT: This Agreement shall be construed under the laws of the State of Montana and shall be binding upon and inure to the benefit of the respective parties, their heirs, executors, successors and assigns.

11. SEVERABILITY: If any term of this Agreement should hereafter be declared or becomes void or unenforceable by judicial decree or operation of law, all other terms of this Agreement shall continue to be effective unless the void or unenforceable terms materially defeats the manifest intent and purpose of this agreement.

12. BINDING: This Agreement shall be binding upon the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this Agreement, and the parties hereto approve and execute this Agreement.

CITY OF LAUREL

Dave Waggoner, City Mayor

* APPROVED AS TO FORM:

Michele L. Braukmann, Civil City Attorney

* The City Attorney has provided advice and approval of the foregoing document language on behalf of the City of Laurel, and not on behalf of other parties or entities. Review and approval of this document by the City Attorney was conducted solely from a legal perspective and for the exclusive benefit of the City of Laurel. Other parties should not rely on this approval and should seek review and approval by their own respective counsel.

LAUREL LIBRARY BOARD OF TRUSTEES

Arthur Vogelee, Chair

File Attachments for Item:

15. Resolution No. R22-38: Resolution Approving The Final Plat Of Cherry Hills Subdivision
3rd Filing, An Addition To The City Of Laurel, Montana

RESOLUTION NO. R22-38

**RESOLUTION APPROVING THE FINAL PLAT OF CHERRY HILLS
SUBDIVISION 3RD FILING, AN ADDITION TO THE CITY OF LAUREL,
MONTANA**

WHEREAS, the developer of Cherry Hills Subdivision 3rd Filing (known in previous Filings as Cherry Hill Subdivision) (hereinafter referred to as “Cherry Hills Subdivision”) has requested approval of the Final Plat of Cherry Hills Subdivision 3rd Filing, an Addition to the City of Laurel; and

WHEREAS, the Laurel-Yellowstone City-County Planning Board, as required by the City of Laurel’s Subdivision Regulations for subdivision and annexation review, conducted a duly advertised public hearing on the 18th day of August, 2021, in which no opposition was heard;

WHEREAS, the Preliminary Plat of Cherry Hills Subdivision 3rd Filing, an Addition to the City of Laurel, was recommended for approval subject to sixteen conditions, as contained in the Staff Report, by the Laurel-Yellowstone City-County Planning Board on the 25th day of August, 2021; and

WHEREAS, the City Council of the City of Laurel approved the recommendations of the Laurel-Yellowstone City-County Planning Board on the 14th day of September, 2021, subject to the aforementioned certain conditions; and

WHEREAS, the developer of Cherry Hills Subdivision 3rd Filing, an Addition to the City of Laurel, has complied with the conditions set forth for such approval by the City Council to the satisfaction of the City Council; and

WHEREAS, it is in the best interest of the City of Laurel and sound community growth that this subdivision be approved.

THEREFORE, the City Council of Laurel hereby approves the adoption of Staff Report FP-22-01 as Findings of Fact and approves the Final Plat of Cherry Hills Subdivision 3rd Filing, an Addition to the City of Laurel.

Introduced at a regular meeting of the City Council on the 26th day of July 2022 by Council Member _____.

PASSED and APPROVED by the City Council of the City of Laurel, Montana on the 26th day of July 2022.

APPROVED by the Mayor on the 26th day of July 2022.

CITY OF LAUREL

Dave Waggoner, Mayor

ATTEST:

Kelly Strecker, Clerk-Treasurer

APPROVED AS TO FORM:

Michele L. Braukmann, Civil City Attorney

STAFF REPORT FP-22-01
CHERRY HILLS 3RD FILING
JULY 8, 2022

Cherry Hills 3rd Filing is a 28-lot residential subdivision of 9.37 acres on the north-west side of Laurel between Cherry Hills Drive and West Maryland Lane.

Owner:

Western Holdings LLC
PO Box 51330
Billings MT 59105

Agent:

Morrison-Maierle Engineering
Martin Gagnon PE
2880 Technology BLVD
Bozeman MT 59771

Property Description:

The project is in the N½ Section 8, Township 02 North, Range 24 East, P.M.M., Yellowstone County, Montana, COS 3034.

Property Size:

The total area involved in the subdivision is 9.37 acres.

Zoning District:

The subject property is zoned by the City of Laurel R-7500.

Compliance with Conditions of Approval:

Condition #1: Preliminary Plat shall be updated with the comments noted in the Sufficiency letter dated July 8, 2021, prior to recording.

Status: The condition is met.

Comments: The final plat submitted for final approval is consistent with the preliminary plat with the only modifications being in response to the conditions of approval.

Condition #2: Subdivision Improvement Agreement shall be updated with the notes from the Sufficiency letter dated July 8, 2021.

Status: The condition is met.

Comments: The Final Plat and supporting documents is consistent with the preliminary plat the only modifications being in response to these conditions of approval.

Condition #3: The Preliminary plat and supporting water and wastewater design will be approved by the Montana Department of Environmental Quality (MDEQ).

Status: The condition is met.

Comments: The subdivision has been approved for main extensions by MDEQ.

Condition #4: The Preliminary Plat, Subdivision Improvements Agreement, and City Council Resolution granting approval shall be filed with the Yellowstone County Clerk and Recorder within 90-days of preliminary plat approval.

Status: The condition is met.

Comments: The required documents have been recorded with the County of Yellowstone.

Condition #5: The Roadways and Right-of-Ways shall be constructed to the specifications presented the plat plan and supporting documentation.

Status: The condition is met.

Comments: The required roads and rights-of-way are platted and the construction is covered by a performance bond to guarantee their completion.

Condition #6: This Preliminary Approval shall be valid for 3 calendar years.

Status: The condition is met.

Comments: The final plat has been presented for consideration and filing well in advance of the expiration of the preliminary plat approval timeline.

Condition #7: Hydrant flow tests must be approved by the City and its contracted engineer.

Status: The condition is met.

Comments: The hydrant flow tests have been approved by the City and contracted engineer.

Condition #8: Verification must be provided to the City for the water modeling noted by the engineer in the field.

Status: The condition is met.

Comments: The required verification has been submitted.

Condition #9: Water model exhibits must be provided to and approved by the City showing the system characteristics and modeled properties compared to measured properties.

Status: The condition is met.

Comments: The required exhibits have been supplied to the city.

Condition #10: Wastewater/Sewer analysis must be provided to and approved by the City.

Status: The condition is met.

Comments: The wastewater/sewer analysis has been provided to and approved by the city.

Condition #11: A map of pre-development stormwater conditions including the boundary, routing, and calculations must be provided to and approved by the City.

Status: The condition is met.

Comments: The required map have been supplied to and approved by the city.

Condition #12: Water quality storm volumes and calculation sheets shall be provided to the City.

Status: The condition is met.

Comments: The storm water volumes and calculations have been provided to the city.

Condition #13: Confirmation is provided that the developer is willing to take on the liability of the recommendations of the Geotechnical Report dated 2006.

Status: The condition is met.

Comments: The developer has supplied a revised geotechnical report and in accordance with the Laurel Subdivision Regulations placed a disclaimer on the final plat putting future lot owners on notices of the limitations on construction.

Condition #14: The conditions of the Geotechnical report shall be followed during the construction of the public infrastructure.

Status: The condition is met.

Comments: The public infrastructure has been certified by the project engineer as meeting the requirements of the geotechnical report. Further, the developer has proposed a one (1) year warranty for the work. **It is suggested that the warranty period be extended for an additional year post completion.**

Condition #15: A weed Management Plan shall be prepared for the project and approved by the Yellowstone County Weed District.

Status: The condition is met.

Comments: A weed management plan has been approved by the Yellowstone County Weed District for the subdivision.

In addition to the 15 conditions, the Subdivision and Platting Act contains several provisions that must be satisfied as a prerequisite to final plat filing, including:

1. Park dedication requirement.

The developer and the City have agreed to cash-in-lieu of parkland in the amount of Ten Thousand Dollars (\$10,000). A check in this amount has been presented to the city to comply with this requirement.

2. Certificate of title abstracter.

State Subdivision Law requires that a certificate of a title abstracter, less than 30-days old, showing the names of the owners of record and any lien holders.

The Title Report lists Western Holdings Company LLC. as the fee simple owner and there are not any liens on the property. The Plat is signed by an officer of the Incorporation.

3. County Treasurer Certification.

A proper certification for the County Treasurer to execute prior to recordation of the Plat has been provided on the final plat.

4. Conformity with Subdivision Regulations.

The final plat is consistent with the preliminary plat approved by the City Council. The only modifications are to comply with conditions of approval imposed by the Council and the balance of the final plat application and supporting materials appear to be consistent with the Laurel – Yellowstone Subdivision Regulations as well as the Uniform Standards for Final Subdivision Plats.

5. Performance Bonding

The final plat is accompanied by a Letter of Credit and an Engineers Opinion of Probable Costs to complete the necessary public improvements. The sum of the outstanding work is \$1,025,642.60 and the subdivision bond is in the amount of \$1,28,803.25 which is 125% of the outstanding work as required by the Laurel – Yellowstone Subdivision Regulations.

CONCLUSION:

Based upon the final plat application and the additional documentation submitted as a part thereof, it is recommended that the City Council APPROVE the final plat application for the Cherry Hills 3rd Filing in the N½ Section 8, Township 02 North, Range 24 East, P.M.M., Yellowstone County, Montana, COS 3034

SUGGESTED FORM OF MOTION:

I move the adoption of Staff Report FP-22-01 as findings of fact and that the Final Plat for Cherry Hills 3rd Filing Subdivision be APPROVED.

APPENDIX I

Final Plat Application

1. **Name of Subdivision** Cherry Hill Subdivision 3rd Filing

2. **Tax ID #** 000D125620

3. **Location**

a. **Legal Description: 1/4 Section, Township, and Range:** Tract 1 of COS 3034, N1/2 of Section 8, T2S, R24E

b. **General location:** Located on West Maryland Lane immediately west of Cherry Hills Sub. 2nd Filing.

4. **Name, Address & Telephone Number of Subdivider**

Name: Western Holdings, LLC

b. Address: PO Box 51330
Billings, MT 59105

c. Telephone: 307-752-7003

5. **Name, Address & Telephone Number of Owner**

a. Name: Western Holdings, LLC

b. Address: PO Box 51330
Billings, MT 59105

c. Telephone: 307-752-7003

6. **Plat Data**

a. Gross area: 9.37 acres

b. Net area: 6.45 acres

c. Number of lots: 28

7. **Park Requirement**

a. Land: None

b. Cash: \$10,000

8. **Date preliminary plat approved:**

9. **List of materials submitted with final application**

Required:

a. Final Plat Yes

b. Subdivision Improvements Agreement Yes

c. Conditions of Approval Yes

d. Title Report Yes

Title 16 - SUBDIVISIONS
APPENDIX I

e. Red lined check print Yes

Other: N/A

10. Deed restrictions or covenants? Yes No ; if yes, please attach copies.

11. Name, address & telephone of professional consultant(s)

Surveyor/engineer: Morrison Maierle
Address: PO Box 1113
Bozeman, MT 59717
40-587-0721

Attorney:

Address:

Other:

Address:

I declare that I am the owner of record and that all the statements and information contained in all exhibits transmitted herewith are true and correct. I hereby apply for approval of the final plat of:

Owner/Owners: Western Holdings, LLC


(Signature of Owner/Owners)

Owners under Contract:

(Signature of Owners under contract)

(Ord. 07-01 (part), 2007)

June 29, 2022

City Planner
City of Laurel
PO Box 10
115 West First Street
Laurel, MT 59044-0010

Re: Cherry Hills Subdivision – 3rd Filing
Estimate of Probable Construction Costs

Attached please find our estimate of probable construction costs for the Cherry Hills Subdivision – 3rd Filing.

If you have any questions or comments about the project, please feel free to contact me at (406) 922-6735 or mgagnon@m-m.net. Thank you.

Sincerely,



**Morrison
Maierle**
engineers • surveyors • planners • scientists

Martin E Gagnon

Martin E. Gagnon, P.E.
Senior Land Development Engineer

cc: MMI File 6683.001

Cherry Hills Subdivision 3rd Filing Construction Cost Estimate

Biditem	Description	Units	Quantity	Unit Price	Total
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102	SWPPP Install & Removal	LS	1	\$3,485.11	\$3,485.11
Subtotal					\$23,368.93
Water Improvements					
201	6" Water Main	LF	120	\$26.46	\$3,175.20
202	8" Water Main	LF	1470	\$36.77	\$54,051.90
203	8"x8" Tee	EA	2	\$727.59	\$1,455.18
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205	8"x12" Tee	EA	1	\$979.06	\$979.06
206	8" Bends	EA	6	\$430.81	\$2,584.86
207	8" Gate Valves	EA	12	\$1,986.98	\$23,843.76
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209	8" Endcap w/2" Blow Off	EA	1	\$1,301.92	\$1,301.92
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212	Reconnect Existing Water Service	EA	1	\$974.05	\$974.05
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214	Utility Crossing	EA	6	\$1,281.30	\$7,687.80
215	Abandon or Remove Curb Stop and Service	EA	3	\$385.58	\$1,156.74
216	Trench Plugs	EA	11	\$6,002.35	\$66,025.85
Subtotal					\$208,166.59
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513	Signs and Posts	EA	4	\$459.29	\$1,837.16
514	Sidewalk	SF	1500	\$14.45	\$21,675.00
Subtotal					\$412,940.93
Total Construction Estimate					\$1,024,642.60

Total Bonding Requirement (125%)

\$1,280,803.25

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

John D Leaf, Marsha Hattel, Chris Jermunson, Michael E Depner, Billy J Bolt, Jamie M Roe, Kaye U Muzzana, Kristin A Piccioni, Brooke A Garness, Robert C Pfennigs, Lynn St Pierre, Brooke Schmidt, Michelle Schermerhorn, Kimberly Hodson, Gary Paladichuk, Jon Tierney, Individually

of Great Falls, MT, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 15th day of September, 2021.



WESTERN SURETY COMPANY

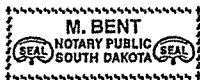
Paul T. Bruffat, Vice President

State of South Dakota }
County of Minnehaha } ss

On this 15th day of September, 2021, before me personally came Paul T. Bruffat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

March 2, 2026



M. Bent, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 22nd day of June, 2022.



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

Fonn F4280-7-2012

Go to www.cnasurety.com > Owner / Obligee Services > Validate Bond Coverage, if you want to verify bond authenticity.

SUBDIVISION BOND

Bond No. 30141495

KNOW ALL MEN BY THESE PRESENTS that J R Civil LLC, 536 Kathy Lane, Billings, MT 59105 as Principal, and Western Surety Company, PO Box 5077, Sioux Falls, SD 57117 an South Dakota corporation, as Surety, are held and firmly bound unto City of Laurel, Montana as Obligee, in the sum of One Million Two Hundred Eighty Thousand Eight Hundred Three and 25/100 Dollars (\$ 1,280,803.25), for the payment of which sum, well and truly be made, the Principal and Surety bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal and Obligee have entered into a written agreement dated 6/22/2022 relative to installation of improvements and other conditions as indicated, for the Subdivision known as Cherry Hills Subdivision - 3rd Filing, in Laurel, Montana and which agreement is hereby made a part hereof.

NOW, THEREFORE, if the Principal shall well and truly perform all of the terms, covenants and conditions of said agreement on its part to be performed, then this obligation shall be null and void; otherwise to remain in full force and effect.

No right of action or benefit under the Bond shall accrue to anyone other than the named Obligee. The aggregate liability of the Surety shall not exceed the amount of the Bond for any cause of reason whatsoever.

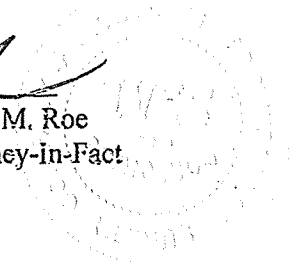
Signed, sealed and dated June 22, 2022.

J R Civil LLC
Principal

By: Jessica Stalla, Managing Member
(Name, Title)

Western Surety Company
Surety

By: JM Roe
(Name, Title) Jamie M. Roe
Attorney-in-Fact



City of Laurel Planning Department

115 West First Street
Laurel, Montana 59044
Phone: (406)628-4796

ROUTING/COMMENT REQUEST FORM

Attached are a plat and documents submitted to our office for review and comment. Please review these documents and forward it to the next department. Comments can be made in the project text section for this project. For further information contact Kurt Markegard at 628-4796 ext. 5305 or via e-mail at kmarkegard@laurel.mt.gov

Flat Plat Cherry Hills Subdivision 3rd Filing			Yellowstone County
Tract 1 of Certificate of Survey No. 3034 Cherry Hills Subdivision 3rd Filing			City of Laurel
Status	Type of Subdivision/Survey	Gross Acreage	
Check Print	Final Plat Check print	9.37 Acres	
Applicant	Phone	Surveyor/Engineer	Phone
Western Holdings LLC	406-628-4796 ext. 5305 (Planning)	Morrison Maierle	406-922-6735
Attachments			
<input checked="" type="checkbox"/> Checkprint (1X)			
Planning Department	Reviewed By	Date R/C	Date out
	Kurt Markegard/Forrest Sanderson	June 22, 2022	JUNE 29, 2022
Comments: Annexation to City of Laurel and adjoining rights of way			
Laurel City Attorney	Reviewed By:	Date R/C	Date Out
	<i>Michele LB</i>	29 JUNE 22	
Comments:			
Riverstone Health	Reviewed By	Date R/C	Date Out
Comments:			
County Treasurer	Reviewed By	Date R/C	Date Out
	<i>B. Mohr</i>	6/30/22	6/30/22
Comments:			
County Attorney	Reviewed By	Date R/C	Date Out
NA	NA	NA	NA
Comments:			
GIS Department	Reviewed By	Date R/C	Date Out
	<i>Mike Powell</i>	7-1-22	
Comments:			
County Public Works	Reviewed By	Date R/C	Date Out
NA			
Comments:			
Clerk and Recorder	Reviewed By	Date R/C	Date Out
	<i>[Signature]</i>	7/6	7/8
Comments:			

Comments For Cherry Hills Sub 3rd Fil from YC GIS Department (7/1/22):

1. Road names are not correct.
 - a. Maryland Ln needs to be corrected to W. Maryland Ln.
 - b. We will not accept "Heather Dr" as that is already being used in the county. Please visit this website
<https://www.yellowstonecountymt.gov/mapping/Roadnames/roadnames.asp>
for all names that are being used. The new road name must be unique and not sound like another road name that is on the list.
2. I don't believe that there is an actual road easement for W. Maryland Ln going all the way to the Big Ditch. If there is, please provide document numbers.
3. A few things need to happen first before this plat goes through:
 - a. If this is getting annexed that needs to go through first or else this is still in the county and all county departments should look at it.
 - b. The current zoning is R200. Not sure what the restrictions are for that, but the plat mentions R7500. A zone change needs to happen first, whether if that is tied to the annexation or not.
4. I don't think it is a good idea to leave a remainder piece of land (in this case CS 3034 TR 1). It would be better to just survey that whole area and call the remainder Block 4 Lot 5 or something like that.
5. It has been discussed that there needs to be a plan in place to deal with the inevitable meetup of W. Maryland and NW Maryland Ln, when there is a W. Maryland Ln. just to the south of NW Maryland Ln. before this plat becomes finalized.
6. I would suggest keeping the flow of the blocks and lots with Cherry Hills 2nd Fil, ex. Block 5 lot 1-6 would be Block 15 lots 12-17 and would go the other way to keep with the flow and so on and so forth. That way, in all the Cherry Hills complex (all the filings), there is no duplicate block numbers.

July 8, 2022 (Clerk and Recorder)

Reviewed the check print for Cherry Hills Subdivision, 3rd Filing, prepared by Morrison Maierle. The purpose of the plat is to create a major subdivision. Western Holdings Company, LLC owns the tract that will be subdivided. There are several items that will need to be addressed before a final plat can be submitted.

1. Remove "Final Plat" reference from title block. ¼ section needs to be identified in the title block.
2. Remove both Clerk and Recorder and City Engineering title blocks from face of plat.
3. An SIA, title report, or necessary consent documents don't accompany the check print. All will need to be completed and submitted with the final plat.
4. A signature block needs to be added for Western Holdings Company, LLC. The signature line and the notary block will need to include the title or authorized capacity of the person signing.
5. There is a signature block for Gerald A. and Ardis M. Neumann. It isn't clear if they have interest in the property. If not, remove signature block.
6. GIS has made several comments that will need to be addressed prior to submittal.
7. A review of the SIA is advised before submittal.
8. All assessed taxes will need to be paid in full at the time of filing.

(Laurel – Cherry Hills)



**Cherry Hills Subdivision 3rd Filing
Construction Cost Estimate**

Biditem	Description	Units	Quantity	Unit Price	Total
General					
101	Mobilization	LS	1	\$19,883.82	\$19,883.82
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Subtotal					\$412,940.93
Total Construction Estimate					\$1,024,642.60

Total Bonding Requirement (125%)

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Subdivision Improvements Agreement

Cherry Hills Subdivision – 3rd Filing

- I. Variances (page #):
- II. Conditions that Run with the Land:
- III. Transportation:
 - A. Streets
 - B. Sidewalks
 - C. Street Lighting
 - D. Traffic Control Devices
 - E. Access
 - F. Heritage Trail Plan
 - G. Public Transit
- IV. Emergency Services:
- V. Storm Drainage:
- VI. Utilities:
 - A. Water
 - B. Sanitary Sewer
 - C. Power, Telephone, Gas, and Cable Television
- VII. Parks/Open Space:
- VIII. Irrigation:
- IX. Soils/Geotechnical Study:
- X. Phasing of Improvements:
- XI. Financial Guarantees:
- XII. Legal Provisions:

This agreement is made and entered into this _____ day of _____, 20____, by and between WESTERN HOLDINGS, LLC (*Subdivider*), whose address for the purpose of this agreement is PO Box 51330, Billings, MT 59105, hereinafter referred to as "Subdivider," and the CITY OF LAUREL, 115 W 1st Street or PO Box 10, Laurel, MT 59044, hereinafter referred to as "City."

WITNESSETH:

WHEREAS, at a regular meeting conducted on 18 day of August, 2021, the Laurel City-County Planning Board recommended conditional approval of a preliminary plat of **Cherry Hills Subdivision – 3rd Filing**; and

WHEREAS, at a regular meeting conducted on 14 day of September, 2021, the Laurel City Council conditionally approved a preliminary plat of **Cherry Hills Subdivision – 3rd Filing**; and

WHEREAS, a Subdivision Improvements Agreement is required by the City prior to the approval of the final plat.

WHEREAS, the provisions of this agreement shall be effective and applicable to **Cherry Hills Subdivision – 3rd Filing** upon the filing of the final plat thereof in the Office of the Clerk and Recorder of Yellowstone County, Montana. The Subdivision shall comply with all requirements of the City of Laurel Subdivision Regulations, the rules, regulations, policies, and resolutions of the City of Laurel, Yellowstone County, and the laws and administrative rules of the State of Montana.

THEREFORE, THE PARTIES TO THIS AGREEMENT, for and in consideration of the mutual promises herein contained and for other good and valuable consideration, do hereby agree as follows:

I. VARIANCES

A. A variance to utilize 60-ft rights-of-way for the Residential Local Access Road (Table 16.4.C.1). The existing rights-of-way on adjacent subdivision roads are 60 feet, and this would allow the development to match and continue those to be consistent.

II. CONDITIONS THAT RUN WITH THE LAND (*Insert any applicable conditions in the provided A, B, C format. The following are typical conditions that run with the land, which may or may not be applicable to this subdivision*):

A. Lot owners shall be required to construct that segment of the required sidewalk that fronts their property at the time of lot development.

B. Lot owners should be aware that this subdivision is being built in close proximity to prime deer and antelope habitat and it is likely that homeowners will experience problems with damage to landscaped shrubs, flowers, and gardens. The Montana Fish, Wildlife, and

Parks Department does not provide damage assistance unless there is damage to commercial crops and/or a threat to public health and safety.

C. Lot owners should be aware that soil characteristics within the area of this subdivision, as described in the 1972 Yellowstone County Soil Survey, indicate that there could be potential limitations for proposed construction on the lots, which may require a geotechnical survey prior to construction.

D. No water rights have been transferred to the lot owners. Irrigation ditches that exist on the perimeter of this development are for the benefit of other properties. Perimeter ditches and drains shall remain in place and shall not be altered by the Subdivider or subsequent owners.

E. There is attached hereto a Waiver waiving the right to protest the creation of the special improvement district or districts, which by this reference is expressly incorporated herein and made as much a part hereof as though fully and completely set forth herein at this point. The Waiver shall be filed with the plat, shall run with the land, and shall constitute the guarantee by the Subdivider and property owner or owners of the developments described herein. Said Waiver is effective upon filing and is not conditioned on the completion of the conditions set forth in this Agreement. The Subdivider and owner specifically agree that they are waiving valuable rights and do so voluntarily.

III. TRANSPORTATION

A. Streets

Right-of-Way (ROW) dedications shall be made for extensions of Cherry Hills Drive (60 feet) and Maryland Lane (80 feet), as well as new internal roads Heather Drive (60 feet) and Rochelle Lane (60 feet). Streets shall have widths of 33 feet edge-of-pavement to edge-of-pavement (i.e., 37' TBC to TBC) within 60-foot ROWs. 45 feet edge-of-pavement to edge-of-pavement (i.e., 49' TBC to TBC) within 80-foot ROWs. Streets shall include standard 2' catch curb and gutters on each side of the road. Some valley gutters may be required. These curb/gutter and valley gutter items shall be reviewed and approved by the City of Laurel Public Works Department prior to installation. Additionally, two temporary cul-de-sacs shall be constructed (within easements outside the subdivision) to provide adequate turnarounds for dead end streets of Cherry Hills Drive and Maryland Lane in accordance with City of Laurel regulations.

B. Sidewalks

A standard 5' sidewalk is proposed on both sides of each street. Sidewalks shall be located within the public Rights-of-Way and be located 1 foot offset from the Rights-of-Way extents.

C. Street Lighting

Streetlights are not anticipated or proposed for this development.

D. Traffic Control Devices

Stop signs shall be placed to control northbound and southbound traffic from Heather Drive and Rochelle Lane onto Cherry Hills Drive and Maryland Lane.

E. Access

Access to the subdivision will be by extensions of West Maryland Lane and Cherry Hills Drive. Future extensions of West Maryland Lane could be provided to connect to the Elena Subdivision. Lots shall include single accesses from the public Rights-of-Way. Each lot shall be limited to a single access.

F. Bike or Pedestrian Trail Plans

West Maryland Lane appears to be a Primary Bikeway (on-street bikeway). The proposed 49' TBC-TBC section for the extension of Maryland Lane should provide a bike route to provide separation between vehicles and bicyclist. The bikeway should not require markings.

G. Public Transit

No locations for public transportation will be installed within the development.

IV. EMERGENCY SERVICE

Two emergency accesses to the subdivision are proposed using Cherry Hills Drive (37' TBC-TBC) and Maryland Lane (49' TBC-TBC). These shall be paved roadways constructed to City of Laurel standards. Additionally, there will be temporary cul-de-sacs installed at the ends of each extension to provide adequate turnarounds for emergency vehicles.

V. STORM DRAINAGE

All drainage improvements shall comply with the provisions of the *Storm water Management Manual*, and a storm water management plan shall be submitted to and approved by the MDEQ.

No existing treatment facilities exist on the property. A retention pond is proposed to capture and treat stormwater from the subdivision as well as provide additional capacity for future development of the parcel. No other improvements are proposed to existing storm drain systems.

VI. UTILITIES

The SIA does not constitute an approval for extension of or connection to water mains and sanitary sewers. The property owner shall make application for extension/connection of water mains and sanitary sewers to the Public Works Department. The extension/connection of/to water mains and sanitary sewers is subject to the approval of the applications and the conditions of approval. Applications shall be submitted for processing prior to the start of any construction and prior to review and approval of any project plans and specifications. The appropriate water and wastewater hookup fees in effect shall be submitted with the applications.

Fees shall be paid for the lots in in Cherry Hills 3rd Filing for the extension of services as per the first paragraph above. The Developer/Owner acknowledges that the subdivision shall be subject to the applicable System Development Fees in effect at the time new water and/or sanitary sewer service connections are made. The design/installation of sanitary sewers and appurtenances, and water mains and appurtenances (fire hydrants, etc.) shall be in accordance with design standards, specifications, rules, regulations of and as approved by the City of Laurel Public Works Department, Fire Department, the Montana Department of Environmental Quality, and Montana Public Works Standard Specifications.

A. Water

No unique water facilities are proposed for the subdivision. Water services are proposed to be extended from the existing City of Laurel public water mains located in West Maryland Lane and Cherry Hills Drive. An isolation valve will be required at the connection with the water main in Cherry Hills Drive.

B. Sanitary Sewer

No unique sanitary sewer facilities are proposed for the subdivision. Sewer services shall be extended from the existing City of Laurel public sewer mains.

C. Power, Telephone, Gas, and Cable Television

No public services are proposed within the public right-of-way. Power, telephone, gas, and cable television services will be provided within 10-foot-wide public utility easements along lot frontages to proposed rights-of-way.

VII. PARKS/OPEN SPACE

The developer is proposing a cash-in-lieu payment of \$10,000 as a substitution for parks/open space and shall be paid concurrently with Final Platting or as required by the City of Laurel.

VIII. IRRIGATION

No irrigation districts are proposed to be affected by the development. No existing easements exist for ditches within the property. Irrigation ditches (if encountered) shall be undisturbed during construction if possible or piped using culverts. If piping is proposed, those ditches will be evaluated to maintain the required capacity. Storm water best management practices shall be implemented to prevent impacts from construction runoff as applicable.

IX. SOILS/GEOTECHNICAL STUDY

Based on a geotechnical investigation, some clays with potential expansive properties were discovered. Soils were generally soft and could require subgrade stabilization to provide adequate bearing capacity for utility installations. Conventional spread footings could be used if following the geotechnical investigation's requirements for over excavation, import of structural fill, etc. Water table was not encountered during the exploration up to depths of 18 feet.

Construction is not prevented but should incorporate structural fill recommendations as provided in the recommendations within the geotechnical report. Further investigation at specific lots or home sites could provide additional guidance on construction methods.

X. FINANCIAL GUARANTEES

Except as otherwise provided, Subdivider shall install and construct said required improvements with cash or by utilizing the mechanics of a special improvement district or private contracts secured by letters of credit or a letter of commitment to lend funds from a commercial lender. All engineering and legal work in connection with such improvements shall be paid by the contracting parties pursuant to said special improvement district or private contract, and the improvements shall be installed as approved by the Public Works and Public Utilities Department. At this time, no financial guarantees are anticipated for required infrastructure.

XI. LEGAL PROVISIONS

A. Subdivider agrees to guarantee all public improvements for a period of one year from the date of final acceptance by the AGB.

B. The owners of the properties involved in this proposed Subdivision by signature subscribed herein below agree, consent, and shall be bound by the provisions of this Agreement.

C. The covenants, agreements, and all statements in this Agreement apply to and shall be binding on the heirs, personal representatives, successors and assigns of the respective parties.

D. In the event it becomes necessary for either party to this Agreement to retain an attorney to enforce any of the terms or conditions of this Agreement or to give any notice required herein, then the prevailing party or the party giving notice shall be entitled to reasonable attorney fees and costs.

E. Any amendments or modifications of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of this Agreement.

F. Subdivider shall comply with all applicable federal, state, and local statutes, ordinances, and administrative regulations during the performance and discharge of its obligations. Subdivider acknowledges and agrees that nothing contained herein shall relieve or exempt it from such compliance.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the ____ day of _____, 20____.

“SUBDIVIDER”

WESTERN HOLDINGS, LLC

By: _____

Title: _____

STATE OF MONTANA)
 :SS
County of Yellowstone)

On this ____ day of _____, 20____, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the person who signed the foregoing instrument as _____ of (*Name of Subdivider*), and who acknowledged to me that said Subdivider executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year hereinabove written.

Notary Public in and for the State of Montana
Printed name: _____
Residing at: _____
My commission expires: _____

This Agreement is hereby approved and accepted by City of Laurel, this ____ day of _____, 20__.

“CITY”

CITY OF LAUREL, MONTANA

By: _____
Mayor

Attest: _____
City Clerk

STATE OF MONTANA)
 :SS
County of Yellowstone)

On this _____ day of _____, 20__, before me, a Notary Public for the State of Montana, personally appeared _____, and _____, known to me to be the Mayor and City Clerk, respectively, of the City of Laurel, Montana, whose names are subscribed to the foregoing instrument in such capacity and acknowledged to me that they executed the same on behalf of the City of Laurel, Montana.

Notary Public in and for the State of Montana
Printed name: _____
Residing at: _____
My commission expires: _____

Approved as to Form:

City Attorney

RESOLUTION NO. R21-101

**A RESOLUTION TO APPROVE THE PRELIMINARY PLAT OF CHERRY HILLS
SUBDIVISION, THIRD FILING, AN ADDITION TO THE CITY OF LAUREL
SUBJECT TO CONDITIONS**

WHEREAS, an application has been made to the City of Laurel for approval of the preliminary plat of Cherry Hills Subdivision, Third Filing, An Addition to the City of Laurel; and

WHEREAS, the Laurel-Yellowstone City-County Planning Board, as required by Laurel's Subdivision Regulations for subdivision and annexation review, conducted a duly advertised public hearing on August 18, 2021 at which no opposition was heard; and

WHEREAS, the Laurel-Yellowstone City-County Planning Board has recommended approval of the Preliminary Plat subject to sixteen conditions to the City Council as contained in the attached Staff Report dated August 25, 2021; and

WHEREAS, the City Council held a duly noticed public hearing regarding the preliminary plat application on September 14, 2021 where both proponents and opponents were provided an opportunity to provide testimony and/or evidence for the record; and

WHEREAS, based on the public hearing and all evidence presented and existing in the City File, the City Council of the City of Laurel has determined that it is in the best interest of the City and the inhabitants thereof, that the application for preliminary plat should be approved subject to the conditions recommended by the Planning Board.

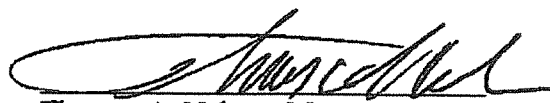
NOW THEREFORE BE IT RESOLVED, the City Council hereby approves the preliminary plat for Cherry Hills Subdivision, Third Filing, An Addition to the City of Laurel, subject to the fifteen conditions contained in the Staff Report dated August 25, 2021, which is attached hereto and incorporated herein as part of this resolution.

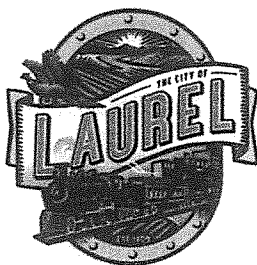
Introduced at a regular meeting of the City Council on September 14, 2021, by Council Member McGee.

PASSED and APPROVED by the City Council of the City of Laurel, Montana this 14th day of September 2021.

APPROVED BY THE MAYOR this 14th day of September 2021.

CITY OF LAUREL:


Thomas A. Nelson, Mayor



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board
FROM: Nicholas Altonaga, Planning Director
RE: Annexation and Preliminary Plat of the Cherry Hills Subdivision, 3rd Filing
DATE: August 25, 2021

DESCRIPTION OF REQUEST

Morrison-Maierle has submitted an annexation application and preliminary plat application for the Cherry Hills Subdivision, 3rd Filing on behalf of the property owner/developer. The proposed Cherry Hills Subdivision 3rd Filing is a 28-lot residential subdivision located on property west of Cherry Hills Drive and W. Maryland Lane in north-west Laurel. Approval of annexation and zone change would bring 9.37 acres of land into the City of Laurel and enable the proposed Cherry Hills Subdivision, 3rd Filing to connect to the City water, wastewater, and street system.

Owner: Goldberg Investments LLP
Legal Description: S08, T02 S, R24 E, C.O.S. 3034, PARCEL 1, IN N2 (01)
Address: Approximately 1850 East 8th Street
Parcel Size: 9.37 acres
Existing Land Use: Agricultural, vacant.
Proposed Land Use: Residential Subdivision
Existing Zoning: Residential Tracts
Proposed Zoning: Residential 7500 (R-7500)

BACKGROUND AND PROCEDURAL HISTORY

- December 18, 2021 – Morrison-Maierle submit documents for annexation and subdivision pre-application meeting.
- January 7, 2021 - Pre-Application meeting with Morrison-Maierle and City Staff
- January 12, 2021 – Staff transmitted Pre-Application meeting summary letter to Morrison-Maierle staff.
- May 25, 2021 – Cherry Hills Subdivision, 3rd Filing Annexation application and preliminary plat application submitted to the City.

- June 11, 2021 – Laurel Planning Department transmitted the Element Review letter to Morrison-Maierle. All elements required by LMC Chapter 16, Appendix F were present in the application.
- July 8, 2021 – Laurel Planning Department transmitted the Sufficiency Review letter to Morrison-Maierle. All elements required by LMC Chapter 16, Appendix F were deemed sufficient to move the application forward. Certain comments were noted by the Planning Director from city various departments.
- August 18, 2021 – A Public Hearing was held at Planning Board. The Planning Board recommended the approval of the Annexation and Preliminary plat approval of the Cherry hills Subdivision, 3rd filing with the presented staff conditions.
- September 14, 2021 – Public hearing scheduled at City Council to review the annexation application and preliminary plat application to approve, conditionally approve, or deny the applications.

STAFF FINDINGS

1. Applicant has submitted an application for annexation and preliminary plat containing all the necessary components needed for both to move forward.
2. Applicant has provided additional details of subdivision plans and documents where necessary.
3. Applicant has worked with multiple city departments to determine effectiveness of the proposed utilities for the property.
4. Applicant has provided updated documents whenever required by City departments.
5. City staff determined that the applications for annexation and preliminary plat were sufficient to move forward to Planning Board and City Council.
6. City staff have found only minor issues with the applications that require conditions of approval prior to the final plat approval stage.
7. The public noticing requirements of LMC 16.03.030 have been met.

PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

LMC Chapter 16.03.040 - Staff and Agency Review:

- A. **Review Procedure Schedule.** Upon receipt of a complete and sufficient major preliminary plat application, the planning director or designee shall schedule the plat before the city-county planning board.
- B. **Submittal Distribution.** Planning staff shall distribute the application to all affected city and county departments, local, state, and federal agencies, school districts and public utilities for review as appropriate and indicate the review timeframe. Failure of any agency to complete a review of a plat will not be the basis for denial of the plat by the AGB.
- C. **Plat Review.** The planner shall review the major subdivision plat submittal and make a staff report of issues, concerns, conditions, or recommendations and send out the list to the

planning board members with the agenda of the meeting at which the plat is to reviewed; a copy must also be sent to the subdivider or his representative.

- D. **Hearing Notice.** The planning board shall hold a public hearing on all major and applicable subsequent minor preliminary plat applications, placing a notice in a newspaper of general circulation in Laurel not less than fifteen days prior to the date of a public hearing. The planner shall also notify the subdivider and each property owner of record, and each purchaser under contract for deed of record of property immediately adjoining land included in the plat and located within three hundred feet of the proposed subdivision by certified mail not less than fifteen days prior to the date of hearing (MCA § 76-3-605(3)).
- E. **Planner's Report.** The planner shall prepare a draft findings of fact (the effect on agriculture, agricultural water user facilities, local services, the natural environment, wildlife and wildlife habitat, and public health and safety as per MCA § 76-3-608(3)(a)) for review by the planning board. The planner shall also forward the recommendation of the planning board to the AGB including basis for such recommendation and its compliance with adopted Growth Management Plan, the Bike/Ped Plan, and other adopted city and county plans and policies in writing no later than ten days after the public hearing (MCA § 76-3-605(4)).
- F. **Subsequent Hearing.** Before acting on the subdivision application, the AGB shall determine whether, subsequent to the public hearing, new information has become available or information that the public has not had a reasonable opportunity to examine. If so, the AGB may act on the subdivision application in accordance with this chapter or schedule a subsequent public hearing for consideration of only the new information that may have an impact on the findings and conclusions that the AGB will rely upon in making its decision on the proposed subdivision. The AGB may chose to hold the subsequent public hearing or may direct the planning board to hold it. In either case, the subsequent public hearing shall be held at the next scheduled meeting for which proper notice for the public hearing on the subdivision application can be provided.

If a subsequent hearing is held, the sixty- or eighty-day working day review period is suspended, and the new hearing must be noticed and held within forty-five days of the AGB's determination to hold a subsequent public hearing. The sixty- or eighty- working day review period will resume from the date of the subsequent public hearing. The governing body may not consider any information that is presented after the subsequent hearing (MCA § 76-3-615).

- G. **Subdivider's Preference.** The AGB shall give due weight and consideration to the subdivider's expressed preferences if the AGB requires mitigation of significant adverse impacts (MCA § 76-3-608(5)(b)).

In reviewing a subdivision and when requiring mitigation, the AGB may not unreasonably restrict a landowner's ability to develop land, but it is recognized that in some instances the unmitigated impacts of a proposed development may be unacceptable and will preclude approval of the plat (MCA §76-3-608(5)(a)).

The AGB shall send the subdivider written notice of its decision and the reason therefore. (MCA § 76-3-608(4)).

RECOMMENDATIONS

The Planning Director recommends approval for the Annexation and Zone Change of the proposed Cherry Hills Subdivision, 3rd Filing to Residential R-7500 with the following conditions.

1. The Annexation Agreement, Waiver of Right to Protest, and the City Council Resolution approving annexation shall be filed with the Yellowstone County Clerk & Recorder within 90-days of annexation approval.
2. All construction and installation of public improvements must conform to the standards of the Laurel Department of Public Works and Montana Public Works standards.
3. All construction and installation of public improvements must be completed within two years of annexation.
4. If the public improvements are not constructed at the time of annexation, the property owner shall provide the city a bond or letter of credit that equals 125% of the estimated engineering costs for the construction of improvements. If the property owner fails to construct the improvements or to obtain the agreed upon engineering, the city shall utilize the bond or letter of credit to pay for the construction, including engineering; In accordance with GASB-34, the Developer of Landowner shall provide the city the total cost and/or value of the improvements including, but not limited to, parks, sidewalks, curb and gutter, lift stations, and sewer and water lines, that are conveyed to the city.

The Planning Director recommends that the Planning Board approve the preliminary plat for the Cherry Hills Subdivision 3rd Filing with the following conditions:

1. Preliminary Plat shall be updated with the comments noted in the Sufficiency letter dated July 8, 2021 prior to recording.
2. Subdivision Improvement Agreement shall be updated with the notes from the Sufficiency letter dated July 8, 2021, and the annotated SIA provided to the applicant prior to recording.
3. The Preliminary Plat and supporting water and wastewater design will be approved by Montana Department of Environmental Quality (MDEQ).
4. The Preliminary Plat, Subdivision Improvements Agreement, and City Council Resolution granting approval shall be filed with the Yellowstone County Clerk & Recorder within 90-days of preliminary plat approval.
5. The Roadways and Right-of-Ways shall be constructed to the specifications presented in the plat plan and supporting documentation.
6. This Preliminary Approval shall be valid for 3 calendar years.
7. Hydrant flow tests must be approved by the City and its contracted engineer.
8. Verification must be provided to the City for the water modelling noted by the engineer in the field
9. Water model exhibits must be provided to and approved by the City showing the system characteristics and modeled properties compared to measured properties
10. Wastewater/Sewer analysis must be provided to and approved by the City.

11. A map of pre-developed stormwater conditions including the boundary, routing, and calculations must be provided to and approved by the City.
12. Water quality storm volumes and calculation sheets shall be provided to the City.
13. Confirmation is provided that the developer is willing to take on the liability of the recommendations of the Geotechnical Report dated 2006.
14. The conditions of the Geotechnical report shall be followed during the construction of the public infrastructure.
15. A Weed Management Plan shall be prepared for the project and approved by the Yellowstone County Weed District.

ATTACHMENTS

Annexation and Zone Change:

1. Annexation Application cover Letter
2. Annexation Application Form
3. Annexation Agreement
4. Waiver of Right to Protest

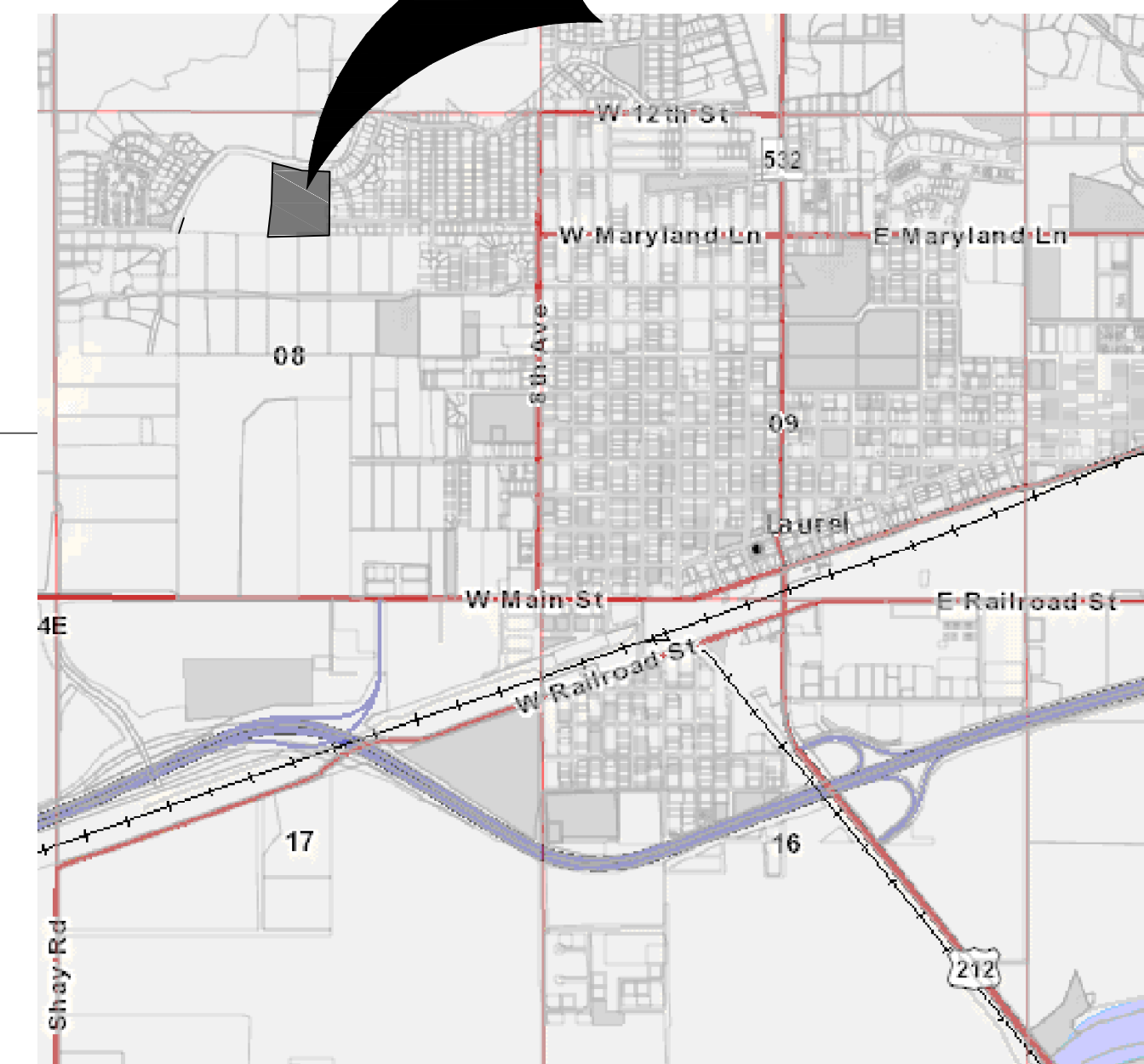
Cherry Hills Subdivision, 3rd Filing:

1. Cover Sheet
2. Preliminary Plat Application
3. Adjacent Property owners list
4. Draft Subdivision Improvements Agreement
5. Environmental Assessment
6. Traffic Impact Study
7. Lot Layout
8. Geotechnical Report
9. Subdivision Bylaws
10. Homeowners Association Bylaw
11. ROW Easement documents
12. LMC 16.03 – Subdivision Review Procedures
13. LMC 16.04 – Development Requirements
14. Element Review letter - Cherry Hills Subdivision, 3rd Filing (June 11, 2021)
15. Sufficiency Review letter – Cherry Hills Subdivision, 3rd Filing (July 8, 2021)
16. KLJ. Inc Preliminary Plat Review Comments letter (July 6, 2021)

FINAL PLAT CHERRY HILLS SUBDIVISION - 3RD FILING

TRACT 1 OF CERTIFICATE OF SURVEY No. 3034,
SITUATED IN THE NORTH ONE HALF OF SECTION 8, TOWNSHIP 2 SOUTH, RANGE 24 EAST,
PRINCIPAL MERIDIAN, YELLOWSTONE COUNTY, MONTANA.

PROJECT AREA



VICINITY MAP
NOT TO SCALE

PARCEL CURVE DATA			
SEGMENT	LENGTH	RADIUS	DELTA
C1	52.50	170.00	017°41'34.6"
C2	22.59	310.00	004°10'30.7"
C3	39.86	310.00	007°22'02.2"
C5	93.81	495.00	010°51'31.4"
C7	48.40	859.99	003°13'29.6"
C8	48.40	859.99	003°13'29.6"
C9	60.01	840.00	004°05'36.3"
C10	25.38	435.00	003°20'33.8"
C11	85.57	435.00	011°16'15.6"
C12	28.99	840.00	001°58'38.0"
C13	69.50	860.00	004°37'48.1"
C14	8.42	230.00	002°05'52.7"
C15	62.60	230.00	015°35'41.9"
C16	50.36	250.00	011°32'32.9"
C17	58.14	945.00	003°31'30.1"
C18	86.89	945.00	005°16'06.2"
C19	87.58	840.00	005°58'25.0"
C20	110.14	942.36	006°41'47.3"
C21	18.75	940.00	001°08'34.5"
C22	56.70	760.00	004°16'27.5"
C23	75.04	760.00	005°39'25.2"
C24	45.82	760.00	003°27'15.1"
C25	35.43	2713.61	000°44'53.4"
C26	76.20	2837.29	001°32'19.7"
C27	19.66	840.00	001°20'28.4"
C28	77.74	1005.00	004°25'54.3"
C29	76.51	1005.00	004°21'41.9"

PARCEL LINE DATA		
SEGMENT	LENGTH	DIRECTION
L1	89.29	S01°48'24.8"W
L2	67.04	N01°48'24.8"E
L3	22.33	N01°48'24.8"E
L4	28.12	S19°29'59.4"W
L5	86.06	S19°29'59.4"W
L6	3.75	S19°29'59.4"W
L7	40.48	S07°57'26.5"W
L8	10.91	N19°29'59.4"E
L9	67.88	N19°29'59.4"E
L10	39.14	N19°29'59.4"E
L11	38.25	N07°57'26.5"E
L12	19.35	S07°13'32.5"W
L13	24.77	N07°13'32.5"E
L14	104.70	N07°13'32.5"E
L15	113.15	S07°13'32.5"W
L16	20.46	S01°34'03.7"E
L17	12.40	N01°34'03.7"W
L18	99.24	N01°34'03.7"W
L19	91.18	S01°34'03.7"E
L20	33.19	N82°43'46.4"W
L21	45.76	N82°10'30.9"W

ZONING
CITY OF LAUREL
RESIDENTIAL - 7500

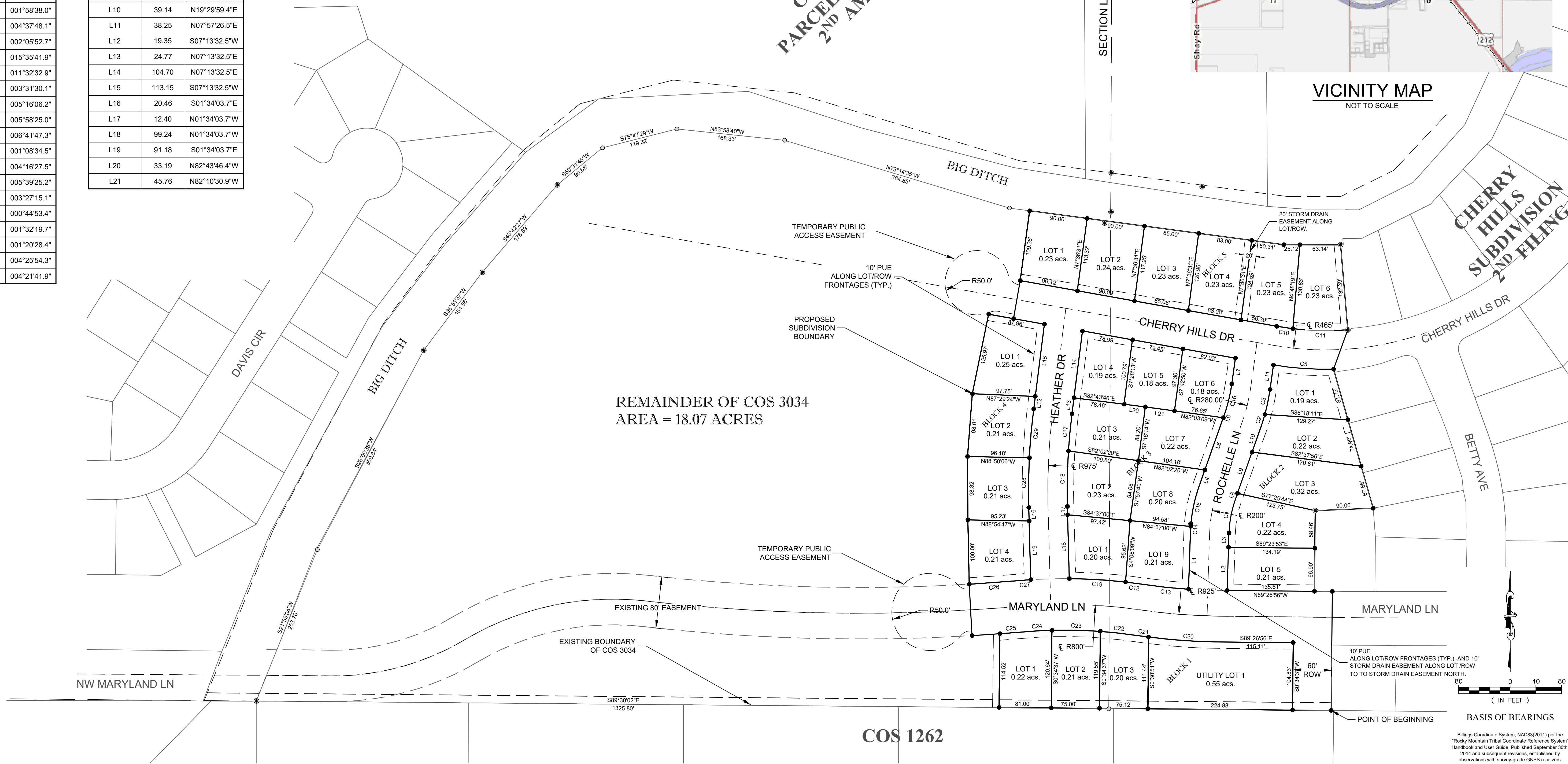
OWNER
WESTERN HOLDINGS, LLC
PO BOX 51330
BILLINGS, MT 59105

SUBDIVIDER
WESTERN HOLDINGS, LLC
PO BOX 51330
BILLINGS, MT 59105

PURPOSE
TO CREATE A SUBDIVISION FOR
RESIDENTIAL USE

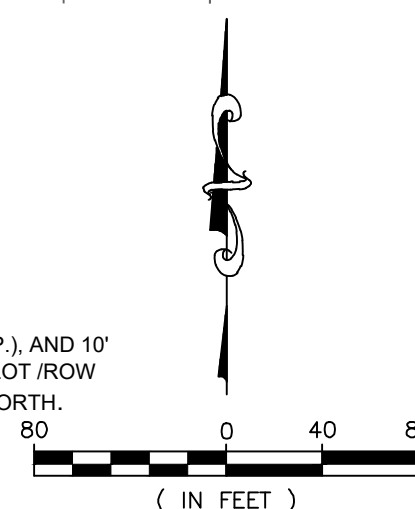
— AN ADDITION TO THE CITY OF LAUREL —

**COS 2171
PARCEL 1C TR 1C
2ND AMND**



REMAINDER OF COS 3034
AREA = 18.07 ACRES

COS 1262



LEGEND	
	PLSS CORNER POSITION ESTABLISHED FROM FOUND MONUMENTS AND PRIOR PLATS OF RECORD
	Found rebar, 5/8 in. diam.
	Found Yellow Plastic Cap
	Set rebar, 5/8 in. diam. with 2" aluminum cap marked 13108 LS

AREA SUMMARY	
LOT AREAS:	6.45 ACRES
OPEN SPACE & PARKLAND:	0.00 ACRES
PROPOSED RIGHTS-OF-WAY:	2.92 ACRES
TOTAL AREA:	9.37 ACRES

SITE DATA	
PROPOSED LOTS =	28
MIN. LOT AREA =	7,809
MAX. LOT AREA =	23,834
EXISTING ZONING =	RESIDENTIAL
PROPOSED ZONING =	RESIDENTIAL 7500
EXISTING LAND USE =	AGRICULTURAL
PROPOSED LAND USE =	RESIDENTIAL 7500

ROAD LENGTH SUMMARY	
CHERRY HILLS DR:	529.41 LF
MARYLAND LN:	562.88 LF
STREET ROCHELLE LN:	435.09 LF
STREET HEATHER DR:	461.77 LF
TOTAL LENGTH:	1,989.15 LF

ENGINEER: MORRISON-MAIERLE INC.
SURVEYOR: MORRISON-MAIERLE INC.

 2880 Technology Blvd West Bozeman, MT 59718 Phone: 406.587.0721 Fax: 406.922.6702 <small>engineers • surveyors • planners • scientists</small>	1/4 SEC. NW NE	SECTION 8	TOWNSHIP 2S	RANGE 24E
	PRINCIPAL MERIDIAN, MONTANA YELLOWSTONE COUNTY, MONTANA DRAWN BY: LRH CHECKED BY: MMG DATE: 07/2021 PLOTTED DATE: Jun/07/2022 SCALE: 1" = 80' PROJ. #: 6683.001 CLIENT: WESTERN HOLDINGS, LLC SHEET 2 OF 2			

RETURN AFTER RECORDING:
Western Holdings Company, LLC
PO Box 51330
Billings, MT 59105

**DECLARATION OF COVENANTS AND RESTRICTIONS
FOR CHERRY HILLS SUBDIVISION – 3RD FILING**

THIS DECLARATION is made this ____ day of _____, 2021, by Western Holdings Company, LLC, a Montana limited liability company, hereinafter referred to as “Declarant”.

WHEREAS, Declarant is the owner of real property situated in Yellowstone County, Montana, more particularly described on Exhibit “A” attached hereto and incorporated herein (“Property”);

WHEREAS, Declarant intends to develop, sell, and convey the above-described real property, hereinafter referred to as the “Cherry Hills Subdivision – 3rd Filing”; and,

WHEREAS, Declarant desires to subject all of said real property, together with the Lots contained therein to the covenants, conditions, restrictions, and reservations herein set forth and referred to as “Covenants”;

NOW THEREFORE, Declarant does hereby establish, dedicate, declare, publish and impose upon the Property the following Protective Covenants, Conditions and Restrictions which shall run with the land, and shall be binding upon and be for the benefit of all persons claiming such Property, their grantors, legal representatives, heirs, successors and assigns, and shall be for the purpose of maintaining a uniform and stable value, character, architectural design use, and development of the Property. Such Covenants shall apply to the entire Property, including but not limited to all Lots, Utility Lot and improvements placed or erected thereon, unless otherwise specifically excepted herein. The Covenants shall inure to and pass with each and every parcel, tract, Lot, or division.

Said Covenants shall be as follows:

I. DEFINITIONS

1. Unless otherwise expressly provided, the following terms when used in this Declaration of Covenants and Restrictions shall have the following meanings:
 - (a) "Accessory Building" shall mean a building, such as a garage or shed, detached from a dwelling.
 - (b) "Dwelling" shall mean any single-family structure permitted to be constructed upon a Lot.
 - (c) "Lot" shall mean and refer to any of the above-described Lots which are subject to this Declaration. It does not refer to the Utility Lot which is excluded from the provisions of this Declaration.
 - (d) "Owner" or "Lot Owner" shall mean and refer to the record owners of each Lot, whether one or more persons or entities, excluding those having such interest merely as security for the performance of an obligation. If any Lot has been sold under a contract for deed or agreement for future delivery of title, the purchasers of that Lot shall be deemed to be the only owner.
 - (e) "Property" shall mean and refer to the Lots subject to this Declaration.
 - (f) "Residential Purpose" shall mean uses for private single-family living and shall exclude professional and commercial uses of any character.
 - (g) "Single Family" shall mean one or more persons living together as a single, non-profit housekeeping unit, as distinguished from a group occupying a hotel, motel, club, fraternity or sorority, commune, or the like.

II. USE RESTRICTIONS

2. The following use restrictions shall be applicable to the Property:
 - (a) Each of the Lots shall be used and improved for single-family residential purposes only.
 - (b) No more than one (1) dwelling is allowed on any Lot. No buildings used as multifamily housing or for any commercial or business use shall be allowed on any Lot. None of the Lots nor any accessory building or other improvements erected

thereon shall at any time be used for the purpose of any trade, profession, manufacturing, or business of any description. Any uses of the foregoing nature are expressly prohibited.

- (c) An owner may use a portion of his unit for an office so long as the activities therein shall not interfere with the quiet enjoyment or comfort of any other owner or occupant, and there are no employees at work at the unit. In addition, the Developer shall have the right to maintain a construction office and a sales office on the property until all units are sold.
- (d) Accessory buildings shall only be used for purposes which are incidental and subordinate to residential uses.
- (e) Accessory buildings may not be used as a residence, temporarily or permanently, nor shall trailers, RVs, mobile homes or temporary structures be used as a residence or dwelling.
- (f) Mobile homes, modular homes, manufactured homes, trailers, guest houses, servant quarters, and hospitals are not permitted on any Lot. Log homes, A-Frame homes, and Geodesic Dome homes are prohibited on all Lots.
- (g) No junk (including non-operable motor vehicles or parts thereof), trash, debris, organic or inorganic waste shall be permitted to accumulate on any Lot or tract or in any street adjacent thereto, but shall be promptly and effectively disposed of. Vacant or other Lots or Tracts shall not be used as a dumping ground or burial pit. Storage tanks for fuel or water are not allowed.
- (h) No noxious or offensive activity shall be conducted or permitted upon any Lot, nor shall any unsightly object, nuisance, or sign be erected, placed, or permitted upon any Lot. The Property shall not be used in any way or for any purpose which may unreasonably disturb the neighborhood or endanger the health of its residents.
- (i) No signs, billboards, posters or advertising displays or devices of any kind or character shall be erected or displayed, excepting subdivision promotion signs, "for sale" signs, and mailbox and house numbers in conformity with applicable laws, regulations, and codes to identify the address of a dwelling.
- (j) Street lights shall remain lighted from sunset to the following sunrise.
- (k) Lot Owners shall not permit recreational vehicles, boats, campers, House trailers, trailers, unlicensed vehicles, or junked or otherwise inoperable vehicles to be parked upon a Lot for more than a 72-hour period for more than five days in any

calendar year.

- (l) Noise by residents of the Lot or their guests which may disturb other residents of Cherry Hills Subdivision – 3rd Filing, between the hours of 11:00 p.m. and the following 7.00 a.m. is not permitted.
- (m) Lot Owners shall be allowed domestic pets only. Livestock, chickens/roosters, and other non-domestic pets shall be prohibited. Commercial breeding of pets is prohibited.

III. BUILDING RESTRICTIONS

3. The following building restrictions shall be applicable to the Property:

- (a) All improvements erected on a Lot shall be of new construction, and no old buildings of any kind may be moved upon a Lot. Erection of newly-constructed modular, manufactured, or factory-built residences or other structures is prohibited. Subject to prior written approval of the Cherry Hills Subdivision – 3rd Filing Architecture & Building development Group (ABDG), one prefabricated storage unit is permitted on the Lot if it is no larger than 10' x 15' and no more than 10' in height. The exterior finish shall blend and be compatible with the dwelling.
- (b) Only those materials commonly used in standard construction shall be permitted on the exterior of any building. The use of sheet or galvanized steel, corrugated siding, vinyl siding, or asphalt siding on the outside of any structure is prohibited.
- (c) Siding, roofing, and trim must be white or a lightened neutral earth-tone color; the color must be approved in advance, in writing, by the Cherry Hills Subdivision – 3rd Filing ABDG.
- (d) No plastic or vinyl basement window wells are allowed on any building.
- (e) The front of each home must have a minimum of one hundred (100) square feet of rock, stone, or brick trim.
- (f) Two story dwellings are only permitted on Lots 1-6 on Block 5 in Phase 1 of the subdivision.
- (g) Single story dwellings and split-level dwellings with daylight basements are permitted on all Lots subject to this Declaration.
- (h) The minimum finished square footage for the ground level of any single story or

split-level dwelling constructed, exclusive of open porches and garages, shall be 1,400 square feet. The minimum finished square footage for a bi-level or tri-level home shall be 2,200 square feet, excluding basements, porches, and garages measured at the intersection of a plane passing at right angles through a vertical projection of such walls of not less than 2,200 sq. ft. with a full basement, 2,200 sq. ft. if no or partial basement.

- (i) Accessory buildings shall not be erected, altered, placed, or permitted to remain on a Lot prior to the construction of a dwelling on that Lot.
- (j) All construction on any Lot shall be in accord with all state, federal, and local laws, and regulations, including setback and height restrictions imposed by the Laurel Municipal Code.
- (k) Prior to beginning construction, all building plans shall be submitted for review and shall be approved by the by the Cherry Hills Subdivision – 3rd Filing ABDG. Once approved by the ABDG, plans should be submitted to the City of Laurel and any other agencies having jurisdiction regarding building permitting.
- (l) Addresses shall be posted as provided by the Uniform Fire Code, Article 9, Section 901.4.4.
- (m) Any fences installed upon any Lot shall be in compliance with all applicable laws and regulations, including the Laurel Municipal Code.
- (n) Under no circumstances shall a fence of any kind be placed in the front of any dwelling or on the side of any Lot between the dwelling and a public street. Exceptions may be permitted with prior written approval of the Architecture & Building Development Group.
- (o) Fences may be colored or white PVC, or black or colored chain link and posts. No other fencing materials may be used on any of the Lots, including but not limited to galvanized chain link. wood, barbed wire, and brick or stone.
- (p) Flat roofs and nearly flat roofs are prohibited on all dwellings and accessory buildings located upon a Lot
- (q) All accessory buildings constructed upon any Lot shall be of the same color and shall have the same siding and roofing material as the dwelling constructed upon the Lot.
- (r) All dwellings shall be constructed with an attached garage for two or more vehicles.

- (s) At the time a dwelling is constructed on any Lot, the Lot Owners shall install sidewalks along all street frontages, whether said street frontage runs along the front or side of the Lot
- (t) Lot Owners shall install and maintain landscaping on their Lots; landscaping shall be complete within six months of completion of construction weather permitting.
- (u) Lot owners must utilize grass or other natural vegetation as the primary final surfacing of lawns. Landscaping rock is prohibited to be more than 30% of front, rear, and side lawns, separately. Grasses shall be mowed and/or otherwise maintained to provide a pleasing aesthetic. Landscaping rock may be used in the boulevard and as a supplementary landscaping feature within the lawn of the residence.
- (v) At the time a dwelling is constructed on any Lot, the Lot Owner shall install on his or her Lot the mailbox of the type and style shown on Exhibit "B", attached hereto and incorporated by this reference. The mailbox shall be installed on the left side of the driveway as determined by facing the garage door(s). The mailbox must be located at least five (5) feet from the edge of the driveway approach. and shall be installed in compliance with all United States Postal Service requirements.
- (w) Any structures constructed upon any Lot shall be completed within nine months from the date construction commences. Construction is deemed to have commenced when equipment and/or materials to be used in construction arrives at or the Lot.

IV. CHERRY HILLS 3RD FILING SUBDIVISION ARCHITECTURE & BUILDING DEVELOPMENT GROUP

4. The Cherry Hills Subdivision – 3rd Filing Architecture & Building Development Group (the ABDG) shall include Western Holdings, LLC as its' sole member upon initial final platting of the subdivision. Additional members may be added to ABDG and may consist of Lot owners and/or licensed Architectural professionals. A list of members shall be incorporated as Exhibit "C" to this document and updated as necessary with the effective date the list was updated.
5. **Required Plan Review.** No dwelling or other improvement shall be erected, constructed, placed, or maintained upon any Lot, nor shall any additions, remodeling, reconstruction, or alteration of the exterior of any residence or improvement be made or continue to be

made, unless and until the same has been approved in writing by the ABDG. Lot owners must also obtain ABDG approval for any changes to approved Plans if those changes affect the exterior of a dwelling or any improvement.

6. **Review Application.** Before beginning the construction of any dwelling or other improvement, or before any alteration of the exterior thereof, the person desiring to erect, construct, or modify the same shall submit to the ABDG two sets of the following Plans for the proposed dwelling or other improvement in addition to any other information the ABDG requests:

(a) **Site Plan:** A site plan showing:

- 1) The location of all improvements, including structures, fences, walls, driveways, parking areas, utilities, outbuildings, and decks.
- 2) Existing topography and contour in relation to the proposed dwelling or other improvement and cut and fill excavation requirements.
- 3) Other pertinent information relating to the dwelling or other improvement.

(b) **Building Plan:** A building plan consisting of:

- 1) The structure's dimensions.
- 2) Elevation drawings or sketches of the exterior of the structure(s).
- 3) Information concerning the exterior of the structure(s) including all exterior colors, materials, finishes, roofing materials to be used.

The ABDG may, in its sole discretion, require the Lot owner to furnish additional specifications, drawings, material samples, and such other information as it deems necessary for the purpose of reviewing the application.

7. **Basis of Approval.** Approval by the ABDG shall be based upon, among other things, the following:

- (a) Conformity and harmony of external design with neighboring dwellings or other improvements.
- (b) Effects of location of the proposed dwelling or other improvements on neighboring Lots.
- (c) Relation of dwelling or other improvements and finished ground elevations to

existing topography and grades.

- (d) The overall aesthetics of Cherry Hills Subdivision – 3rd Filing.
- (e) Conformity of Plans to the provisions of this Declaration.

The review will include subjective judgments about aesthetics which cannot be clearly defined in this Declaration. Each Lot owner, by acceptance of a deed to any Lot subject to this Declaration, agrees to accept the decisions of the ABDG as final and binding, and waives any right to challenge those decisions through legal action.

- 8. **Decision.** The ABDG shall render its decision with respect to an application within 15 business days after the receipt of a complete application. The decision of the ABDG can be in the form of an approval, a conditional approval, or denial and shall be in writing. A copy shall be mailed to the applying Lot owner and to the Association's Board of Directors.
- 9. **Non-Liability.** Neither the ABDG nor any member thereof, nor the Developer nor any member, officer, employee, agent, successor, or assign thereof, shall be liable to the Association, any Lot owner, or any other person for any loss, damage, or injury arising out of or connected with the ABDG members' performance of their duties and responsibilities by reason of a mistake in judgement, negligence, or nonfeasance arising out of or in connection with the approval, disapproval, or failure to approve an application. The aforementioned parties will not make decisions on and assume no responsibility for the following:
 - (a) The structural capacity, safety features, or building code compliance of any dwelling or other improvement
 - (b) Whether the proposed location of a dwelling or other improvement is free from possible geologic or natural hazards or other possible hazards caused by conditions occurring either on or off the subject property.
 - (c) The internal operation or functional integrity of any dwelling or other improvement.
 - (d) Conformity with or violation of any City of Laurel zoning ordinance or any applicable building code.

Every person who submits an application to the ARBG, by submission of such an application, and every Lot owner by acceptance of a deed to any Lot agrees not to bring any action or suit against the Association, its Board, members of the ARBG, or the Developer or its members, officers, employees, agents, successors, or assigns to recover damages resulting from the architectural review process set forth herein.

The decisions of the ABDG and the requirement to obtain approval of the ABDG may be enforced by the Association or by any Lot owner by bringing an action for specific performance or for an injunction, prohibitory or mandatory. Such actions shall be timely if brought within four months after it becomes apparent that any Lot owner has not obtained the required approval or has deviated from the approved Plans, whichever occurs later. In any such action, the prevailing party shall be entitled to recover from the losing party all costs and attorney fees incurred.

V. MAINTENANCE AND REPAIRS

10. A stormwater pond shall be required to treat stormwater runoff from the subdivision and will be located on a dedicated Utility Lot. The cost of maintaining said stormwater facilities and the lot shall be paid by the Cherry Hills Subdivision – 3rd Filing Owners' Association, Inc.
11. Each Lot and the exterior appearance of improvements which are part of the Lot shall be maintained in a clean, neat, and orderly condition at all times.
 - (a) **General Maintenance.** Each Lot Owner shall maintain both the exterior of all improvements on the Owner's Lot, including buildings, fences, and the landscaping in good repair. Owners shall keep the buildings painted or stained, lawns cut, shrubbery trimmed, rubbish and debris removed, and shall otherwise maintain the same in a neat and aesthetically pleasing condition. All damage to any exterior part of a building or other improvement shall be repaired as promptly as is reasonably possible.
 - (b) All costs of repairs, construction, and maintenance pertaining to each Lot, dwelling, and all other accessory buildings upon the Lot shall be at the Owner's expense.
 - (c) All noxious weeds listed on the latest Yellowstone County noxious weed list must be controlled on all Lots in the Cherry Hills Subdivision – 3rd Filing. All costs for noxious weed control shall be paid by the Lot Owners of record.

VI. RIGHT TO ENFORCE

The restrictions herein set forth shall run with the land and bind the present Owners, their heirs, devisees, trustees, and assigns; and to any and all parties claiming by, through, or

under them shall be taken to hold, agree, and covenant with the Owners of said Lots, their heirs, devisees, trustees, and assigns, and with each of the Owners of said Lots, to conform with and observe said Covenants and Restrictions. No restrictions herein set forth shall be personally binding upon any business entity or person except in respect to breaches committed during the entity's or person's ownership of or interest in said Lot.

In addition to an action for damages, the Owner(s) of any Lot and Developer shall have the right to sue for and obtain an injunction, prohibitive or mandatory, to prevent the breach or enforce the observance of the Covenants and Restrictions set forth above or hereafter imposed. The failure of any Owner to enforce these Covenants and Restrictions at the time of any violation thereof shall not be construed as a waiver of the right to do so. When the initial sale of all Lots is completed, Developer's right to enforce these Covenants and Restrictions is terminated.

Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

The losing party in any action, lawsuit, or arbitration proceeding brought to enforce this Declaration shall be obligated to pay the reasonable attorney fees incurred by the prevailing party, together with costs incurred in the action, lawsuit, or arbitration proceeding. Costs and attorney fees shall be a lien on the property of the violating Owner and may be foreclosed in the same manner as the lien for common expenses.

VII. AMENDMENT

Any provision herein may be amended or revoked, and additional provisions added at any time by a written instrument recorded in the office of the Clerk and Recorder of Yellowstone County, Montana, duly signed and acknowledged by the Owners of record of not less than 75% of the Lots subject to this Declaration. Notwithstanding the foregoing, as long as Developer owns any Lot in the Property, Developer's consent shall be required before these Covenants and Restrictions may be altered or amended. Developer's consent shall be considered in the calculation and determination of the said 75% minimum consent requirement.



First American Title Company

1001 South 24th Street West Ste 200, Billings, MT 59102
Phone (406)248-7877 - Fax (406)248-7875

Escrow Officer: Tammy Shovar - tshovar@gofirstam.com
Title Officer: Kristina Starns - kstarns@gofirstam.com

**A Haus Of Realty
20 Montana Avenue P.O. Box 25
Laurel, MT 59044**

Attention: Angela Klein-Hughes

**A Haus Of Realty
20 Montana Avenue P.O. Box 25
Laurel, MT 59044**

Attention: Hazel Klein

RE: Property Address: None Available, Laurel, MT 59044

ENCLOSED please find the following:

- Title Commitment
- Supporting Documents

*****ATTENTION - PLEASE READ*****

WARNING! WIRE FRAUD ADVISORY: Wire fraud and email hacking/phishing attacks are on the increase! If you have an escrow or closing transaction with us and you receive an email containing Wire Transfer Instructions, DO NOT RESPOND TO THE EMAIL! Instead, call your escrow/closer immediately, using previously known contact information and NOT information provided in the email, to verify the information prior to sending funds.

Note: It is our company policy to send secure wire instructions directly to the party wiring funds.



FACTS		WHAT DOES OLD REPUBLIC TITLE DO WITH YOUR PERSONAL INFORMATION?
Why?	Financial companies choose how they share your personal information. Federal law gives consumers the right to limit some but not all sharing. Federal law also requires us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand what we do.	
What?	<p>The types of personal information we collect and share depend on the product or service you have with us. This information can include:</p> <ul style="list-style-type: none"> • Social Security number and employment information • Mortgage rates and payments and account balances • Checking account information and wire transfer instructions <p>When you are no longer our customer, we continue to share your information as described in this notice.</p>	
How?	All financial companies need to share customers' personal information to run their everyday business. In the section below, we list the reasons financial companies can share their customers' personal information; the reasons Old Republic Title chooses to share; and whether you can limit this sharing.	

Reasons we can share your personal information	Does Old Republic Title Share?	Can you limit this sharing?
For our everyday business purposes – such as to process your transactions, maintain your accounts(s), or respond to court orders and legal investigations, or report to credit bureaus	Yes	No
For our marketing purposes – to offer our products and services to you	No	We don't share
For joint marketing with other financial companies	No	We don't share
For our affiliates' everyday business purposes – information about your transactions and experiences	Yes	No
For our affiliates' everyday business purposes – information about your creditworthiness	No	We don't share
For our affiliates to market to you	No	We don't share
For non-affiliates to market to you	No	We don't share

Questions	Go to www.oldrepublictitle.com (Contact Us)
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Who we are	
Who is providing this notice?	Companies with an Old Republic Title names and other affiliates. Please see below for a list of affiliates.
What we do	
How does Old Republic Title protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer safeguards and secured files and buildings. For more information, visit http://www.OldRepublicTitle.com/newnational/Contact/privacy .
How does Old Republic Title collect my personal information?	<p>We collect your personal information, for example, when you:</p> <ul style="list-style-type: none"> • Give us your contact information or show your driver's license • Show your government-issued ID or provide your mortgage information • Make a wire transfer <p>We also collect your personal information from others, such as credit bureaus, affiliates, or other companies.</p>

Why can't I limit all sharing?	<p>Federal law gives you the right to limit only:</p> <ul style="list-style-type: none"> • Sharing for affiliates' everyday business purposes - information about your creditworthiness • Affiliates from using your information to market to you • Sharing for non-affiliates to market to you <p>State laws and individual companies may give you additional rights to limit sharing. See the "Other important information" section below for your rights under state law.</p>
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Definitions

Affiliates	<p>Companies related by common ownership or control. They can be financial and nonfinancial companies.</p> <ul style="list-style-type: none"> • <i>Our affiliates include companies with an Old Republic Title name, and financial companies such as Attorneys' Title Fund Services, LLC, Lex Terrae National Title Services, Inc., Mississippi Valley Title Services Company, and The Title Company of North Carolina.</i>
Non-affiliates	<p>Companies not related by common ownership or control. They can be financial and non-financial companies.</p> <ul style="list-style-type: none"> • <i>Old Republic Title does not share with non-affiliates so they can market to you</i>
Joint marketing	<p>A formal agreement between non-affiliated financial companies that together market financial products or services to you.</p> <ul style="list-style-type: none"> • <i>Old Republic Title doesn't jointly market.</i>

Affiliates Who May Be Delivering This Notice

American First Abstract, LLC	American First Title & Trust Company	American Guaranty Title Insurance Company	Attorneys' Title Fund Services, LLC	Compass Abstract, Inc.
eRecording Partners Network, LLC	Genesis Abstract, LLC	Kansas City Management Group, LLC	L.T. Service Corp.	Lenders Inspection Company
Lex Terrae National Title Services, Inc.	Lex Terrae, Ltd.	Mara Escrow Company	Mississippi Valley Title Services Company	National Title Agent's Services Company
Old Republic Branch Information Services, Inc.	Old Republic Diversified Services, Inc.	Old Republic Exchange Company	Old Republic National Title Insurance Company	Old Republic Title and Escrow of Hawaii, Ltd.
Old Republic Title Co.	Old Republic Title Company of Conroe	Old Republic Title Company of Indiana	Old Republic Title Company of Nevada	Old Republic Title Company of Oklahoma
Old Republic Title Company of Oregon	Old Republic Title Company of St. Louis	Old Republic Title Company of Tennessee	Old Republic Title Information Concepts	Old Republic Title Insurance Agency, Inc.
Old Republic Title, Ltd.	Republic Abstract & Settlement, LLC	Sentry Abstract Company	The Title Company of North Carolina	Title Services, LLC
Trident Land Transfer Company, LLC				



ORT Form 4690 6/06 Rev. 8-1-16

ALTA COMMITMENT FOR TITLE INSURANCE

Issued By

**OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
NOTICE**

IMPORTANT – READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

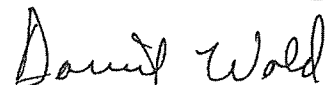
Subject to the Notice; Schedule B, Part I – Requirements; Schedule B, Part II – Exceptions; and the Commitment Conditions, **Old Republic National Title Insurance Company**, a Florida Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I – Requirements have not been met within six months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111

**Issued through the office of:
First American Title Company
1001 South 24th Street West Ste
200 Billings, MT 59102
(406)248-7877**

By  *C. Monroe* President

Attest  *David Wald* Secretary



Authorized Signature

If this jacket was created electronically, it constitutes an original document.

This page is only a part of a 2016 ALTA © Commitment for Title Insurance issued by Old Republic National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; Schedule B, Part II - Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
 - (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
 - (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
 - (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
 - (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
 - (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
 - (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
 - (h) "Title": The estate or interest described in Schedule A.
2. If all of the Schedule B, Part I – Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.
3. The Company's liability and obligation is limited by and this Commitment is not valid without:
- (a) the Notice;
 - (b) the Commitment to Issue Policy;
 - (c) the Commitment Conditions;
 - (d) Schedule A;
 - (e) Schedule B, Part I-Requirements;
 - (f) Schedule B, Part II-Exceptions; and
 - (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - i. comply with the Schedule B, Part I – Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II – Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I - Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

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6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II – Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company’s only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company’s agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company’s agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

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ALTA Commitment for Title Insurance

Issued By

Old Republic National Title Insurance Company

Transaction Identification Data for reference only:

Issuing Agent and Office: First American Title Company, 1001 South 24th Street West Ste 200, Billings , MT 59102 (406)248-7877

Issuing Office's ALTA ® Registry ID: 1147062

Loan ID No.:

Issuing Office Commitment/File No.: 1042710

Property Address: None Available, Laurel, MT 59044

Revision No.:

SCHEDULE A

1. Commitment Date: May 04, 2022 at 7:30 A.M.

2. Policy (or Policies) to be issued: Premium Amount reflects applicable rate

- (a) 2006 ALTA ® Standard Owner's Policy
 Proposed Insured: **Jerome P. Klein and Hazel L. Klein**
 Proposed Policy Amount: **\$79,900.00** Premium Amount \$ **493.00**
 Endorsements: \$
- (b) 2006 ALTA ® Loan Policy
 Proposed Insured:
 Proposed Policy Amount: \$ Premium Amount \$
 Endorsements: \$
- (c) ALTA ® Policy
 Proposed Insured:
 Proposed Policy Amount: \$ Premium Amount \$
 Endorsements: \$

3. The estate or interest in the Land described or referred to in this Commitment is fee simple.

4. The Title is, at the Commitment Date, vested in:
Western Holdings Company LLC, a Montana limited liability company

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5. The Land is described as follows:

That part of North Half of Section 8, Township 2 South, Range 24 East, of the Principal Montana Meridian, in Yellowstone County, Montana, described as Tract 1 of Certificate of Survey 3034, on file in the office of the Clerk and Recorder of said County, under Document No. 3085270.



By:

Authorized Countersignature
(This Schedule A valid only when Schedule B is attached.)

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File No. 1042710	Page 5 of 9	ALTA Commitment for Title Insurance (8-1-16)
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ALTA Commitment for Title Insurance

Issued By

Old Republic National Title Insurance Company

**SCHEDULE B, PART I
Requirements**

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. If any document in the completion of this transaction is to be executed by an attorney-in-fact, the Power of Attorney must be submitted for review prior to closing.
6. We require the attached Seller/Borrower Affidavit be completed prior to recording.
7. We require a copy of the articles of organization, operating agreement and resolutions, and any amendments showing the power and authority of the party or parties who plan to execute the forthcoming conveyance or mortgage on behalf of said Limited Liability Company.
8. We require a subdivision being filed with the county clerk and recorder.

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File No. 1042710	Page 6 of 9	ALTA Commitment for Title Insurance (8-1-16)
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ALTA Commitment for Title Insurance

Issued By

Old Republic National Title Insurance Company

SCHEDULE B, PART II Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
2. Any facts, rights, interests, or claims which are not shown by the Public Records but which could be ascertained by an inspection of said Land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title including discrepancies, conflicts in boundary lines, shortage in area, or any other facts that would be disclosed by an accurate and complete land survey of the Land, and that are not shown in the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, ditch or ditch rights, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Any liens, or rights to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the Public Records.
7. Any right, title or interest in any minerals, mineral rights or related matters, including but not limited to oil, gas, coal and other hydrocarbons, sand, gravel or other common variety materials, whether or not shown by the Public Records.

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8. County road rights-of-way not recorded and indexed as a conveyance of record in the office of the Clerk and Recorder pursuant to Title 70, Chapter 21, M.C.A., including, but not limited to any right of the Public and the County of Yellowstone to use and occupy those certain roads and trails as depicted on County Surveyor's maps on file in the office of the County Surveyor of Yellowstone County.
9. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.
10. 2022 taxes and special assessments are an accruing lien, amounts not yet determined or payable.

The first one-half becomes delinquent after November 30th of the current year, the second one-half becomes delinquent after May 31st of the following year.

General taxes as set forth below. Any amounts not paid when due will accrue penalties and interest in addition to the amount stated herein:

Year	First Half / Status	Second Half / Status	Parcel Number	Covers
2021	\$56.55 Paid	\$56.55 Paid	D12562	Subject Land

11. Easement granted to Yellowstone Valley Electric, recorded March 7, 1939 in Book/Roll 210, page 33, under Document #336123.
12. Right-of-way granted to Montana Power Company, recorded December 19, 1979, in Book/Roll 1214, Page 2955, under Document #1151860.
13. All matters, covenants, conditions, restrictions, easements and any rights, interests or claims which may exist by reason thereof, disclosed by the recorded plat of Certificate of Survey No. 3034, filed March 28, 2000, under Document #3085270, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
14. The effect of Acceptance of Certificate of Survey Agricultural Exemption recorded March 28, 2000, under Document #3085271.
15. Easement granted to Montana Dakota Utilities, recorded January 29, 2003 under Document #3212529.
16. Easement granted to City of Laurel, recorded November 23, 2005 under Document #3358070.
17. Easement granted to Northwestern Energy, recorded August 24, 2006 under Document #3390267.

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INFORMATIONAL NOTES

- A. Notice: Due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company may not be able to close and insure a transaction involving Land that is associated with these activities.

- B. Other than as shown in Schedule B; we find no Judgment Liens, State Tax Liens, Federal Tax Liens or Child Support Liens of record which attach to the name(s) or interest of the vested owner and/or proposed insured owner/borrower.

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This Document Prepared By:

After Recording Return To:
Robert Stoltz
Western Holdings Company LLC
3329 McMasters Road
Billings, MT 59101
Order No.: 3523201362-CW

Recorded by
Chicago Title
CTC: 3523201362

WARRANTY DEED

For Value Received Gerald A. Neumann and Ardis M. Neumann husband and wife, as joint tenants with right of survivorship, the grantor(s), do(es) hereby grant, bargain, sell and convey unto Western Holdings Company LLC, a Montana limited liability company, of 3329 McMasters Road, Billings, MT 59101, the grantee(s), the following described premises, in Yellowstone County, Montana, to wit:

That part of North Half of Section 8, Township 2 South, Range 24 East, of the Principal Montana Meridian, in Yellowstone County, Montana, described as Tract 1 of Certificate of Survey 3034, on file in the office of the Clerk and Recorder of said County, under Document No. 3085270.

TO HAVE AND TO HOLD unto the Grantee and to the heirs and assigns forever, subject, however, to:

- A. All reservations and exceptions of record and in patents from the United States or the State of Montana;
- B. All existing easements and rights of way of record, building, use zoning, sanitary and environmental restrictions;
- C. Taxes and assessments for the year 2021 and subsequent years;
- D. All prior conveyances, leases or transfers of any interest in minerals, including oil, gas and other hydrocarbons;

Except with reference to items referred to in paragraphs above, this Deed is given with the usual covenants expressed in §30-11-110, Montana Code Annotated.

This conveyance is made and accepted upon the express agreement that the consideration heretofore paid constitutes an adequate and full consideration in money or money's worth.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Gerald A. Neumann
Gerald A. Neumann

Ardis M. Neumann
Ardis M. Neumann

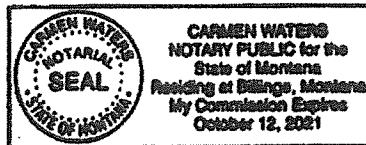
State of Montana

County of Yellowstone

JS
DTM

This instrument was acknowledged before me on September 28, 2021 by Gerald A. Neumann and Ardis M. Neumann.

Carmen Waters
Notary Public for the State of Montana
Residing at Billings, MT
My Commission Expires: 10/12/2021



(SEAL)



Orion Detail

Disclaimer: Not all fields are currently maintained. The accuracy of the data is not guaranteed. Please notify the Appraisal/Assessment Office (406-896-4000) of any inaccuracies.

[Back to Search Form](#)

[Property Tax Detail](#)

Owner Information

Primary Owner: WESTERN HOLDINGS COMPANY LLC [Ownership History](#)
Tax Code: D12562
Geo Code: 03-0821-08-2-40-01-0000
Property Address:
Legal Description: S08, T02 S, R24 E, C.O.S. 3034, PARCEL 1, IN N2 (01)
Property Type : VAC_R - Vacant Land - Rural

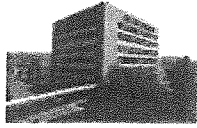
Clerk & Recorder

Documents

[Site Data](#)

Neighborhood Code:	03-2970-07L	Location:	
Parking type:	203.500	Fronting	%
Utilities:		Parking Prox	%
Lot Size:	27.44 Acres	Access:	
		Topography:	
Ag Land Data			
Cont Crop AC:	0	Fallow AC:	0
Grazing AC:	0	Wild AC:	0
Farmsite AC:	0	NonQual AC:	27.44
		Irrigated AC:	0
		Timber AC:	0
		Total AC:	27.44

Any comments or questions regarding the web site may be directed to the [Web Developer](#).



Disclaimer: Not all fields are currently maintained. The accuracy of the data is not guaranteed. Please notify the Appraisal/Assessment Office of any inaccuracies.

[Back to Search Form](#)

[Full Orion Detail](#)

Owner Information

**Please Note:* Owner information is supplied by the Montana Department of Revenue. To request updates to addresses or other ownership information, please contact the DOR office at 896-4000. Records for the current year will not be updated after tax bills have been sent out, so changes requested after you receive your bill will appear only on next year's records.

Tax Code: D12562

Primary Party

Primary Owner Name: WESTERN HOLDINGS COMPANY LLC [Ownership History](#)

2022 Mailing Address: WESTERN HOLDINGS COMPANY LLC
3329 MCMASTERS RD
BILLINGS, MT 59101-9423

Property Address:

Township: 02 S Range: 24 E Section: 08
Certificate of Survey: 3034 Parcel: 1
Full Legal: S08, T02 S, R24 E, C.O.S. 3034, PARCEL 1, IN N2 (01)
GeoCode: 03-0821-08-2-40-01-0000

[Show on Map](#) (May not work for some newer properties.)

Property Assessment Information

Levy District: 07L LAUREL OUTSIDE W/PLANNING (478.17 Mills)

2021 Assessed Value Summary

Assessed Land Value = \$ 1,519.00
Assessed Building(s) Value = \$ 0.00
Total Assessed Value = \$ 1,519.00

Assessed Value Detail Tax Year: 2021

Class Code	Amount
1701 - Non-Qualified Ag Land 20-160 Acres (15.12% Tax Rate)	= \$ 1,519.00
	Total = \$ 1,519.00

The values shown for the given tax year are for taxation purposes only. They are supplied by the Department of Revenue. For questions about these values, please contact the Montana Department of Revenue, Appraisal/Assessment Office at [406-896-4000](tel:406-896-4000).

Rural SID Payoff Information

NONE

Property Tax Billing History

Year	1st Half	2nd Half	Total
<u>2001</u>	86.57 P	86.55 P	173.12
<u>2002</u>	94.36 P	94.36 P	188.72
<u>2003</u>	99.63 P	99.61 P	199.24
<u>2004</u>	100.12 P	100.09 P	200.21
<u>2005</u>	75.08 P	75.06 P	150.14
<u>2006</u>	76.01 P	76.00 P	152.01
<u>2007</u>	74.02 P	74.00 P	148.02
<u>2008</u>	69.57 P	69.55 P	139.12
<u>2009</u>	72.74 P	72.73 P	145.47
<u>2010</u>	76.39 P	76.36 P	152.75

<u>2011</u>	74.01 P	73.98 P	147.99
<u>2012</u>	74.95 P	74.95 P	149.90
<u>2013</u>	71.69 P	71.68 P	143.37
<u>2014</u>	68.34 P	68.34 P	136.68
<u>2015</u>	45.48 P	45.48 P	90.96
<u>2016</u>	46.24 P	46.22 P	92.46
<u>2017</u>	50.79 P	50.77 P	101.56
<u>2018</u>	56.04 P	56.03 P	112.07
<u>2019</u>	51.64 P	51.62 P	103.26
<u>2020</u>	53.78 P	53.76 P	107.54
<u>2021</u>	56.55 P	56.55 P	113.10

(P) indicates paid taxes.

Click on year for detail. [Pay Taxes Online](#)

Jurisdictional Information

Commissioner Dist: 1 - [John Ostlund \(R\)](#)

Senate: 28 - [Brad Molnar \(R\)](#)

House: 55 - [Vince Ricci \(R\)](#)

Ward: Outside City Limits

Precinct: 55.3

Zoning: R200-Residential Tracts

[Click Here to view Billings](#)

[Regulations](#)

[Click Here to view Laurel](#)

[Regulations](#)

[Click Here to view Broadview](#)

[Regulations](#)

[Click Here to view Yellowstone](#)

[County Regulations](#)

R75-Residential 7500

[Click Here to view Billings](#)

[Regulations](#)

[Click Here to view Laurel](#)

[Regulations](#)

[Click Here to view Broadview](#)

[Regulations](#)

[Click Here to view Yellowstone](#)

[County Regulations](#)

School Attendance Areas

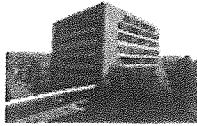
High: LAUREL

Middle: LAUREL

Elem: LAUREL

[School District Trustee Links](#)

Any comments or questions regarding the web site may be directed to the [Web Developer](#).



Detail Property Tax Information

Disclaimer: The tax information was updated on 4/27/2022. Please notify the Treasurer's Office of any inaccuracies. Online Tax Billing History is available from Tax Year 2000 forward. If you wish information for prior tax years contact the Treasurer's Office. [Pay Taxes Online](#)

Tax ID: D12562 Tax Year: 2021
LAUREL OUTSIDE W/PLANNING

Code	District	1st Half	2nd Half	Total
	LAUREL OUTSIDE W/PLANNING (Levy District)	54.99 P	54.99 P	109.98
LFD7	LFD7 LAUREL FIRE DISTRICT #7	1.51 P	1.51 P	3.02
SOIL	SOIL SOIL CONSERVATION	0.05 P	0.05 P	0.10
Totals		56.55	56.55	113.10

Date Paid 11/16/2021 11/16/2021

Close Window

City of Laurel Planning Department

115 West First Street
Laurel, Montana 59044
Phone: (406)628-4796

ROUTING/COMMENT REQUEST FORM

Attached are a plat and documents submitted to our office for review and comment. Please review these documents and forward it to the next department. Comments can be made in the project text section for this project. For further information contact Kurt Markegard at 628-4796 ext. 5305 or via e-mail at kmarkegard@laurel.mt.gov

Flat Plat Cherry Hills Subdivision 3rd Filing			Yellowstone County
Tract 1 of Certificate of Survey No. 3034 Cherry Hills Subdivision 3rd Filing			City of Laurel
Status	Type of Subdivision/Survey	Gross Acreage	
Check Print	Final Plat Check print	9.37 Acres	
Applicant	Phone	Surveyor/Engineer	Phone
Western Holdings LLC	406-628-4796 ext. 5305 (Planning)	Morrison Maierle	406-922-6735
Attachments			
<input checked="" type="checkbox"/> Checkprint (1X)			
Planning Department	Reviewed By	Date R/C	Date out
	Kurt Markegard/Forrest Sanderson	June 22, 2022	June 23, 2022 June 29, 2022
Comments: Annexation to City of Laurel and adjoining rights of way			
Laurel City Attorney	Reviewed By:	Date R/C	Date Out
	<i>Michelle LB</i>	<i>29 June 22</i>	
Comments:			
Riverstone Health	Reviewed By	Date R/C	Date Out
Comments:			
County Treasurer	Reviewed By	Date R/C	Date Out
	<i>B Marchant</i>	<i>6/30/22</i>	<i>6/30/22</i>
Comments:			
County Attorney	Reviewed By	Date R/C	Date Out
NA	NA	NA	NA
Comments:			
GIS Department	Reviewed By	Date R/C	Date Out
	<i>Mike Powell</i>	<i>7-1-22</i>	
Comments:			
County Public Works	Reviewed By	Date R/C	Date Out
NA			
Comments:			
Clerk and Recorder	Reviewed By	Date R/C	Date Out
	<i>[Signature]</i>	<i>7/6</i>	<i>7/8</i>
Comments:			

Comments For Cherry Hills Sub 3rd Fil from YC GIS Department (7/1/22):

1. Road names are not correct.
 - a. Maryland Ln needs to be corrected to W. Maryland Ln.
 - b. We will not accept "Heather Dr" as that is already being used in the county. Please visit this website
<https://www.yellowstonecountymt.gov/mapping/Roadnames/roadnames.asp>
for all names that are being used. The new road name must be unique and not sound like another road name that is on the list.
2. I don't believe that there is an actual road easement for W. Maryland Ln going all the way to the Big Ditch. If there is, please provide document numbers.
3. A few things need to happen first before this plat goes through:
 - a. If this is getting annexed that needs to go through first or else this is still in the county and all county departments should look at it.
 - b. The current zoning is R200. Not sure what the restrictions are for that, but the plat mentions R7500. A zone change needs to happen first, whether if that is tied to the annexation or not.
4. I don't think it is a good idea to leave a remainder piece of land (in this case CS 3034 TR 1). It would be better to just survey that whole area and call the remainder Block 4 Lot 5 or something like that.
5. It has been discussed that there needs to be a plan in place to deal with the inevitable meetup of W. Maryland and NW Maryland Ln, when there is a W. Maryland Ln. just to the south of NW Maryland Ln. before this plat becomes finalized.
6. I would suggest keeping the flow of the blocks and lots with Cherry Hills 2nd Fil, ex. Block 5 lot 1-6 would be Block 15 lots 12-17 and would go the other way to keep with the flow and so on and so forth. That way, in all the Cherry Hills complex (all the filings), there is no duplicate block numbers.

July 8, 2022 (Clerk and Recorder)

Reviewed the check print for Cherry Hills Subdivision, 3rd Filing, prepared by Morrison Maierle. The purpose of the plat is to create a major subdivision. Western Holdings Company, LLC owns the tract that will be subdivided. There are several items that will need to be addressed before a final plat can be submitted.

1. Remove "Final Plat" reference from title block. ¼ section needs to be identified in the title block.
2. Remove both Clerk and Recorder and City Engineering title blocks from face of plat.
3. An SIA, title report, or necessary consent documents don't accompany the check print. All will need to be completed and submitted with the final plat.
4. A signature block needs to be added for Western Holdings Company, LLC. The signature line and the notary block will need to include the title or authorized capacity of the person signing.
5. There is a signature block for Gerald A. and Ardis M. Neumann. It isn't clear if they have interest in the property. If not, remove signature block.
6. GIS has made several comments that will need to be addressed prior to submittal.
7. A review of the SIA is advised before submittal.
8. All assessed taxes will need to be paid in full at the time of filing.

(Laurel – Cherry Hills)

File Attachments for Item:

16. Ordinance No. O22-01: An Ordinance Amending Certain Chapters Of Title 14 Of The Laurel Municipal Code Relating To The Adoption And Enforcement Of Building, Energy Conservation, And Swimming Pool And Spa Codes For The City Of Laurel As Required By The State Of Montana

ORDINANCE NO. 022-01

AN ORDINANCE AMENDING CERTAIN CHAPTERS OF TITLE 14 OF THE LAUREL MUNICIPAL CODE RELATING TO THE ADOPTION AND ENFORCEMENT OF BUILDING, ENERGY CONSERVATION, AND SWIMMING POOL AND SPA CODES FOR THE CITY OF LAUREL AS REQUIRED BY THE STATE OF MONTANA

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, City Staff prepared, reviewed, and approved the following amendments to the existing Title 14 as noted herein and hereby recommends the same to the City Council for their full approval.

Chapter 14.12 INTERNATIONAL BUILDING CODE, 2021~~18~~ EDITION

14.12.010 Adoption.

A. The City of Laurel hereby adopts by reference, pursuant to MCA Section 50-60-301 (1)(a), the International Building Code, 2021~~18~~ Edition, as provided by the Administrative Rules of Montana (ARM) 24.301.131 (1) through (3) with Appendix Chapter C (Group U- Agricultural Buildings) and modified through ARM 24.301.146 (1) through (44), and as required to be adopted by the Department of Labor and Industry, Building and Commercial Measurements Bureau.

B. One full printed copy of the Code shall be available in the offices of the City Planning Department.

C. The International Building Code 2021 Edition is made a part of this chapter as fully, and for all intents and purposes, as though set forth herein at length. It shall be known and designated as the "International Building Code" of the City.

(Ord. 05-15 (part), 2005)

(Admin. Order AO-15-01 § 1, 2-24-2015; Ord. No. O20-01, 1-28-2020)

Chapter 14.16 INTERNATIONAL RESIDENTIAL BUILDING CODE, 2018 EDITION

14.16.010 Adoption.

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A. The City of Laurel hereby adopts by reference pursuant to MCA Section 50-60-301 (1)(a), MCA the International Residential Code, 2018 Edition, as modified by the Administrative Rules of Montana (ARM) 24.301.154 (1) through (24) with Appendix Q Tiny Houses, as permitted by ARM 24.301.154 (2) (a), and as required to be adopted by the Department of Labor and Industry, Building and Commercial Measurements Bureau.

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B. One full printed copy of the Code shall be available in the offices of the City Planning Department.

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C. The International Residential Building Code 2018 Edition is made a part of this chapter as fully, and for all intents and purposes, as though set forth herein at length. It shall be known and designated as the "International Residential Building Code" of the City.

(Ord. 05-15 (part), 2005)

(Admin. Order AO15-01, § 2, 2-24-2015; Ord. No. O20-01, 1-28-2020)

Chapter 14.18 INTERNATIONAL EXISTING BUILDING CODE, 2021~~18~~ EDITION

14.18.010 Adoption.

A. The City of Laurel hereby adopts by reference, pursuant to MCA Section 50-60-301 (1)(a), the International Existing Building Code, 2021~~18~~ Edition, as provided by the Administrative Rules of Montana (ARM) 24.301.171 (1) through (4), and as required to be adopted by the Department of Labor and Industry, Building and Commercial Measurements Bureau.

B. One full printed copy of the Code shall be available in the offices of the City Planning Department.

C. The International Existing Building Code 2021 Edition is made a part of this chapter as fully, and for all intents and purposes, as though set forth herein at length. It shall be known and designated as the "International Existing Building Code" of the City.

(Ord. 05-15 (part), 2005)

(Admin. Order AO15-01, § 3, 2-24-2015; Ord. No. O20-01, 1-28-2020)

**Chapter 14.22 INTERNATIONAL ENERGY CONSERVATION CODE,
2021+8 EDITION**

14.22.010 Adoption.

A. The International Energy Conservation Code, 2021+8 Edition, is adopted by and declared to be the Eenergy Ceonservation Ceode of the Ceity, for the purpose of providing minimum requirements for the design of new buildings and structures and additions to existing buildings, regulating their exterior envelopes and selection of their heating, ventilating, air conditioning, service water heating, electrical distribution and illuminating systems, and equipment for effective use of energy.

B. One full printed copy of the Ceode shall be available in the offices of the Ceity Planning Department.

C. The International Energy Conservation 2021+8 Edition, is adopted by reference and made a part of this chapter as fully, and for all intents and purposes, as though set forth herein at length. It shall be known and designated as the "Energy Conservation Code" of the Ceity.

(Ord. 07-04, 2007)

(Admin. Order, § 5, 2-24-2015)

**Chapter 14.23 INTERNATIONAL SWIMMING POOL AND SPA
CODE, 2021+8 EDITION**

14.23.010 Adoption.

A. The Ceity of Laurel hereby adopts by reference, pursuant to MCA Section 50-60-301 (1)(a), MCA and Administrative Rules of Montana (ARM) 24.301.175 (2), the Swimming Pool and Spa Code, 2021+8 Edition, as modified by the Administrative Rules of Montana (ARM) 24.301.175 (1) through (6), and as required to be adopted by the Department of Labor and Industry, Building and Commercial Measurements Bureau.

B. One full printed copy of the Code shall be available in the offices of the City Planning Department.

C. The International Swimming Pool and Spa Code 2021 Edition is made a part of this chapter as fully, and for all intents and purposes, as though set forth herein at length. It shall be known and designated as the "International Swimming Pool and Spa Code" of the City.

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(Ord. No. O20-01, 1-28-2020)

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 the 26th day of July 2022, upon Motion by Council Member _____.

PASSED and ADOPTED by the Laurel City Council on second reading on the ____ day of _____, 2022, upon Motion by Council Member _____.

APPROVED BY THE MAYOR on the ____ day of _____, 2022.

CITY OF LAUREL

Dave Waggoner, Mayor

ATTEST:

Kelly Strecker, Clerk-Treasurer

APPROVED AS TO FORM:

Michele L. Braukmann, Civil City Attorney

File Attachments for Item:

17. Ordinance No. O22-02: An Ordinance Amending Section 1.28.040 Of The Laurel Municipal Code Relating To Technical Codes For The City Of Laurel

ORDINANCE NO. 022-02

AN ORDINANCE AMENDING SECTION 1.28.040 OF THE LAUREL MUNICIPAL CODE RELATING TO TECHNICAL CODES FOR THE CITY OF LAUREL

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, City Staff prepared, reviewed, and approved the following amendments to the existing LMC § 1.28.040 as noted herein and hereby recommends the same to the City Council for their full approval.

Chapter 1.28.040 – Technical Codes.

A. The governing body of the City may adopt technical building, zoning, health, electrical, fire and plumbing codes in whole or in part by reference. At least thirty (30) days prior to final action by the City Council, notice of intent to adopt a technical code in whole or in part by reference shall be published in a newspaper of general circulation in the City and ~~three copies~~ a copy of the code, or part to be adopted, shall be filed with the City Clerk-Treasurer and the City Planning Department for inspection by the public.

B. If a technical code, or part of a code, is adopted by reference, a record in the ordinance book may be made by recording the ordinance without setting forth the provisions of the code, or part of a code, adopted.

B.C. Any amendment adopted or requested by the Montana Department of Labor and Industry, Building Codes Bureau, which applies to local government jurisdictions including the adoption of the latest editions of the model technical codes to include, but not be limited to, building, plumbing, electrical and mechanical codes, or any applicable Montana Administrative Rules (ARM) modifying the aforementioned building codes may be adopted by administrative order, signed by the Mayor, and shall become effective sixty (60) days after the order is signed.

(Ord. 02-3, 2002; Ord. 97-2 § 4 (part), 1997; prior code § 1.14.040)

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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 the 26th day of July 2022, upon Motion by Council Member _____.

PASSED and ADOPTED by the Laurel City Council on second reading on the ____ day of _____, 2022, upon Motion by Council Member _____.

APPROVED BY THE MAYOR on the ____ day of _____, 2022.

CITY OF LAUREL

Dave Waggoner, Mayor

ATTEST:

Kelly Strecker, Clerk-Treasurer

APPROVED AS TO FORM:

Michele L. Braukmann, Civil City Attorney