



**AGENDA
CITY OF LAUREL
CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 24, 2019
6:30 PM
COUNCIL CHAMBERS**

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 September 10, 2019, City Council Meeting.

Correspondence

Council Disclosure of Ex Parte Communications

Public Hearing

2. Granting A Variance From The City's Zoning Ordinance To Allow An Outdoor Computer Controlled Variable Message Sign Within A Residential District.
3. Granting A Variance From The City's Zoning Ordinance To Disregard The Bufferyard Requirement, Sight-Obscuring Fence Requirement And Building Design Standards.

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 for the Month of September 2019.
5. Clerk/Treasurer Financial Statement for the Month of August 2019.
6. Approval of Payroll Register for Pay Period Ending 09/08/2019 totaling \$206,503.39.

Ceremonial Calendar

Reports of Boards and Commissions

7. Review the Following Minutes:
 - [Laurel](#) Chamber of Commerce Minutes of August 08, 2019.
 - City-County Planning Board minutes of September 5, 2019.

- Budget and Finance Committee minutes of September 10, 2019.
- Laurel Urban Renewal Agency minutes of September 19, 2019.

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

8. [Appointment of Joe Lowther and Austin Hirsch to the Laurel Volunteer Ambulance Department.](#)
9. [Appointment of Michelle DeBoer as an advisory member to the Laurel Urban Renewal Agency.](#)
10. [Resolution](#) No. R19-69 A Resolution Granting A Variance From The City's Zoning Ordinance To Allow An Outdoor Computer Controlled Variable Message Sign Within A Residential District.
11. Resolution No. R19-70 A Resolution Granting A Variance From The City's Zoning Ordinance To Disregard The Bufferyard Requirement, Sight-Obscuring Fence Requirement And Building Design Standards.
12. Resolution No. R19-71 A Resolution Authorizing The Award of Grants From The Tax Increment Financing District Funds Pursuant To The LURA Small Grant Request Program For Eligible Applicants And Improvements.
13. Resolution No. R19-72 A resolution Approving a Contract Between The City Of Laurel And the Montana Department Of Justice Natural Resource Damage Program.
14. Resolution No. R19-73 A Resolution Approving A Task Order Authorizing Kadrmas, Lee & Jackson, INC. For Services Relating To The Development Of Design Standards For Public Improvements.
15. Resolution No. R19-74 A Resolution Approving A Task Order Authorizing Kadrmas, Lee & Jackson, INC. For Services Relating To The Assembling Of City Infrastructure Data Into A Single Source, Which Can Be Used To Track And Manage Assets.

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.

Item Attachment Documents:

1. Approval of Minutes of September 10, 2019, City Council Meeting.

MINUTES OF THE CITY COUNCIL OF LAUREL

SEPTEMBER 10, 2019

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 Tom Nelson at 6:30 p.m. on September 10, 2019.

COUNCIL MEMBERS PRESENT:

Bruce McGee
Richard Klose
Heidi Sparks
Richard Herr
Irv Wilke

COUNCIL MEMBERS ABSENT:

Emelie Eaton
Scot Stokes
Bill Mountsier

OTHER STAFF PRESENT:

Bethany Langve, Clerk/Treasurer
Stan Langve, Chief of Police Department
Jessica McCartney, Union 303 President

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

Mayor Nelson asked the everyone present to observe a moment of silence.

ROLE CALL OF THE COUNCIL

MINUTES:

Motion by Council Member McGee to approve the minutes of the regular meeting of September 3, 2019, as presented, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion, and all five council members present voted aye. Motion carried 5-0.

CORRESPONDENCE: None.

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None.

PUBLIC HEARING:

- Special Improvement District No. 119 Levy of Special Assessments on Property Within the District for the Purpose of Financing the Cost of Certain Local Improvements.

Mayor Nelson stated this is the time and place set for the public hearing on the City of Laurel's Special Improvement District No. 119 Levy of Special Assessments on Property Within the District for the Purpose of Financing the Cost of Certain Local Improvements.

Mayor Nelson opened the public hearing and asked staff to present the item.

Bethany Langve, Clerk-Treasurer, stated that this is the same thing that the Council has seen for the past three weeks. This is the final approval of the assessments so that they may be put on the tax rolls. She stated that nothing has changed, none of the amounts and this is the last time Council would see this item.

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

Mayor Nelson asked three (1) time if there were any proponents.

Mike Baney, 116 E 6th Street, he stated that all seems fair as this is the SID that totals \$69,000 and each person pays their share. He wanted to let the Council know that he took care of the repairs to his property himself so he should not have any assessment on his property. He stated that the contractor did a good job however there is not 6" of asphalt on top of 20" of gravel like the Public

Works Director said they would get. It compacted and there is only about 3 ½” of asphalt. He stated that nobody said anything to him about the diagonal parking out in front of the park. He asked if anyone has looked into what that has done to the traffic patterns.

Mayor Nelson asked three (2) additional times if there were any proponents. There were none.

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

Mayor Nelson stated that he would not have staff respond to questions as there were none.

Mayor Nelson closed the public hearing.

CONSENT ITEMS:

- **Claims for the month of August and September 2019 in the amount of \$323,972.60.**
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer’s Office.
- **Clerk/Treasurer Financial Statements for the month of July 2019.**
- **Approval of Payroll Register for PPE 8/25/2019 totaling \$151,230.30.**

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

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

A vote was taken on the motion. All seven council members present voted aye. Motion carried 5-0. The mayor stated that the consent items would be on the next meeting’s agenda.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS:

- **Review reports from Boards and Commissions.**
Budget & Finance Committee minutes of August 20, 2019
City-County Planning Board Minutes of August 1, 2019.
Park Board Minutes of August 1, 2019.
Public Works Committee minutes of August 19, 2019
Library Board minutes of August 13, 2019
Laurel Urban Renewal Agency minutes of August 19, 2019
Safety Committee minutes of July 16, 2019

The Mayor stated that the Library Board minutes of August 13, 2019 were not in the Council packet as they were not provided to staff in time for inclusion.

There were no questions or comments regarding the presented minutes.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Resolution No. R19-67: A Resolution of the City Council Approving Certain Revisions to the CBA Through a Memorandum of Agreement Between the City of Laurel and Local Union Local 303, American Federation of State, County and Municipal Employees, AFSCME.**

The Mayor stated that this item had not been brought before Council before and asked if anyone would like to motion to have this item brought before Council.

Motion by Council Member Sparks to have Resolution No. R19-67 brought before Council for discussion, seconded by Council Member Wilke.

Chief Langve presented the resolution to the City Council. He stated that this memorandum of understanding is an adjustment to the union contract and that they are pretty simple adjustments. The first one is an adjustment to the start and close of the day. The second is to change the dispatcher three from a part-time position to a full-time position. He stated that for the past year and a half the department has been trying to hire a part-time dispatcher. The closest they have gotten to hiring someone is getting a background investigation completed and then the candidate decided they did not want the job. It’s a hard position to fill because that person has to be available 24/7 on a moment notice. The department is getting busier and busier as last month they had 881 calls. This

MOU would change the two dispatcher I (1) positions to full-time cover positions and they will be bid just like the other full-time positions. This will remove the variable shifts and give stability to the dispatcher pool. Historically when a dispatcher is hired full-time, they stay with the City and all the training and time spent on that employee is paid back with dividends. Just like an Officer, it takes time to gain knowledge and be fluent in the dispatcher position. The Chief stated that this change is long past needed. The dispatcher I position will be an entry level position, dispatcher II will be an intermediate position per MLEA standards and dispatcher III will be the advanced position per MLEA standards. With accepting this MOU none of the dispatchers would be reduced in their positions. The Chief has reviewed the MOU and he feels it's essential for the continued growth of the department. He stated this is not just for the Police Department but also for the Fire and Ambulance Departments.

The Mayor stated that this MOU had been given to the City Attorney for review and he did approve of it prior to the MOU being presented to Council. The Mayor also stated that this would allow for there to be times when two dispatchers could be on duty at the same time. Chief Langve agreed that this would allow for opportunities to schedule two dispatchers on duty at the same time. The TAC or dispatcher III could work on her TAC duties while the other dispatcher answers calls. The Mayor asked the Chief how many applications he received this time, now that the position is full-time. The Chief stated that they were receiving 5-6 applications previously and this time they received 23

Motion by Council Member McGee to close the discussion on Resolution No. R19-67, seconded by Council Member Sparks.

Motion by Council Member Sparks to approve Resolution No. R19-67, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion, and all five council members present voted aye. Motion carried 5-0.

- **Resolution No. R19-68: A Resolution Relating to Special Improvement District No. 119; Final Levy of Special Assessments on Property Within the Districts for the Purpose of Financing the Cost of Certain Local Improvements**

Motion by Council Member McGee to approve Resolution No. R19-68, seconded by Council Member Sparks. There was a roll call vote of the Council. Council Members Sparks, Herr, Wilke, Klose and McGee voted aye, no Council Members voted nay, and Council Members Mountsier, Stokes and Eaton were absent. There was no public comment or council discussion. The motion carried 5-0.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Council Vice President McGee stated that the Emergency Services Committee will meet at their regularly scheduled time this month.

Council member Klose stated that tomorrow 09/11/2019 there will be a 09/11 Ceremony in the Firemen's Park across the street from City Hall at 11:00am, and everyone is invited.

Council member Sparks stated that the Public Works meeting, which is on the 3rd Monday of each month, has been cancelled this month. The open house at the Water and Wastewater Treatment Plants will be next Tuesday September 17th at 5:30pm before the Council Workshop. Meet at City Hall to catch the bus down to the plants. The 1st Interstate Bank branch will be closed tomorrow at noon as they are having a volunteer day company wide.

Council member Herr thanked the Council for allowing him to be gone in order to attend to his family. The Mayor and Council voiced their support for Council Member Herr and his family.

MAYOR UPDATES: The Mayor reminded everyone that next week would be a Council Workshop. The Update to Office 365 should be coming soon and Council members would need to leave their devices with staff in order to get those updated.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Council Member Klose to adjourn the council meeting, seconded by Council Member Herr. There was no public comment or council discussion. A vote was taken on the motion, and all five council members present voted aye. Motion carried 5-0.

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

Bethany Langve, Clerk-Treasurer

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 10th day of September 2019.

Thomas C. Nelson, Mayor

Attest:

Kelly Strecker, Deputy Clerk

DRAFT MINUTES

Item Attachment Documents:

7. Laurel Chamber of Commerce Minutes of August 08, 2019.

Laurel Chamber of Commerce **Board Meeting Minutes**

The Meeting was held on **August 8th at KC's Palace** In attendance were: Executive Board Members: President – Amanda Powell, Vice-President – Chase Anderson, Treasurer – Evan Bruce, Executive secretary- Cami Nelson and summer assistant - Marcia Hafner. Directors: Patsy Woody, Beth Hoferer, Megan Cutting, Renee Studiner and Katie Whitmoyer. Chamber member: Becky Watson, Jessica LeBrun and Brandy Goodman.

Amanda called the meeting to order.

The minutes were approved. Moved to approve- Beth, 2nd-Chase. Approved.

The financial report was approved and bills were presented for payment.

Guest Ron Yost – Ron brought up some concerns about the Farmer's Market. Several ideas were discussed. Evan presented doing it at Riverfront Park. A different day was discussed. Also discussed calling it Laurel Chamber Farmers Market, seeing as it wouldn't be the Laurel Downtown Farmers Market anymore.

Old Business

- **July 4th** –
 - **Run** – \$2000 will be presented to Graduation Matters.

New Business

- **New Members- 360 Office Solutions**
- **Credit Cards** – Should the Chamber accept credit cards? Cami presented that Square would charge a 2.75% transaction fee. It could be hooked up to the Chamber's iPad. Moved to approve- Evan, 2nd- Chase. Approved.
- **Job Fair** – A discussion was held about holding another job fair; When to hold it and where to hold it. We could include organizations with volunteer opportunities. It was decided to hold in Oct 8th, Cami will contact Our Savior's Church about holding it there
- **South Pond** – The Lion's Club is looking for donations for the South Pond dock and walkway. They are meeting with local businesses, wanted us to include it in the Newsletter. They believe they have the dock covered, but need more to finish the walkway. They have a deadline to get it into their national for matching funds.
- **Brochures** – Progress was discussed, and a committee meeting was set for August 29th @ noon.

Ribbon Cuttings –

- Beartooth MetalWorks – to be rescheduled.

OPEN FORUM

- **Healing Field** – Evan reported that The Exchange Club will be setting up on September 10th next to South Elementary School. The will be a presentation on September 11th. They are still looking for sponsors. They are also looking for volunteers to help set up, etc.
- **Crossings Décor & Craft Show** –_Will be held September 14th.

Business After Hours –

- **September 19th**– The Elite
- **October**
-

Meeting Adjourned **Next meeting – September 12, 2019** **Fowl Play**

Item Attachment Documents:

8. City-County Planning Board minutes of September 5, 2019.



**MINUTES
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
THURSDAY, SEPTEMBER 05, 2019
5:35 PM
LAUREL CITY COUNCIL CHAMBERS**

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

General Items

1. Roll Call

Meeting called to order at 5:35PM

Evan Bruce
Roger Giese
John Klasna
Ron Benner
Judy Goldsby
Nick Altonaga (City of Laurel)

2. Public Hearing: Family Church Sign Variance

The Planner presented a general overview of the variance request.

The Chair read the details of the staff report.

The applicant, Jon Farnes, was not present to discuss the variance request.

Ron Benner raised concerns that the reader-board is located near the ground and may confuse drivers and passing traffic and also that this sign may contain flashing lights which might disrupt nearby residents.

Members discussed the limits of the variance and the possibility of future enhancements which may not be allowed.

Ron Benner motioned to approve the variance to the sign code with the stipulation that the sign shall not have animated action now or in the future.

John klasna seconded.

Motion Carried.

3. Public Hearing: Midway Rentals Variance Request

The City Planner presented the variance request and read the details of the staff report.

Two representatives of the applicant were present (Chuck Hendricks and Kevin Lundin):

Chuck Hendricks
922 West Bay Drive, Billings, MT

Mr. Hendricks addressed the Planning Board, describing the site and building design. The impact will be low from allowing metal fasteners on the shop portion. A bufferyard will exist but will not be located directly above the sewer line.

The owner would like his equipment to be visible from the Highway. Mr. Hendricks explained that Vinyl fencing is vulnerable and that a secure, stable chain link fence is the best alternative.

General questions were raised by Board Members regarding the color of the buildings, and the installation of a wash-bay for equipment stored on site.

Ron Benner raised the question of if there will be any landscaping on-site if the variances are approved and what livability or beautification measures are put in place?

Mr. Hendricks explained that landscaping shall exist in parking lot and along internal road and along interstate but it will not interfere with the sewer line. There currently is a billboard on-site. The developer expects to take this billboard down upon end of the current lease. Plans will be submitted at a later date for signage.

The Chair calls proponents of the measure:

Art Penny
1503 E Railroad. Laurel, MT

Mr Penny raised his concerns that the area might become a mess with truck and equipment traffic and the lack of landscaping. Mr. Penny and his neighbors want to ensure the view to the road does not become overly industrial.

Mr. Penny and other community members who were present addressed the Planning Board. Members and the public discussed multiple issues regarding the fence and design options for the site.

Kevin Lundin
6719 Elder Grove Lane, Billings, MT
Works with EEC

Mr. Lundin is the other representative of the applicant. He presented the information that there are alternatives to fencing and design that can be discussed. The roof of the Building shall remain standing seam metal which is in compliance with the code. A sight obscuring fence located along the Interstate is null and void due to height of the Interstate versus the height of the property.

A fence will be located along the northern boundary of the property south of the ditch which runs along the. The interior road and parking area located on the parcel shall contain landscape islands and trees and shrubs. Mr. Lundin further explained that the developer can dress up the façade in order to not have the design be a flat industrial look.

Mr. Lundin noted that there are many different options for fences and design along East Railroad St. with a specific mention of a chain link fence with slats or a vinyl fence. Mr. Lundin suggested that that the planning board discuss conditions of approval.

Roger Giese commented that if the developer has not decided on a color for the building siding, it could be chosen to add color and/or design to not be an eyesore.

Ron Benner motioned to approve all three variances under consideration as stated with three conditions:

1. Down-lighting on all light poles
2. Building be made of earth tone colors and aesthetically pleasing design
3. Developer will work with the city and neighboring property owners on the fence decision.

Roger Giese seconded

Motion Carries.

The City Planner presented the Building Plans that accompanied the Variance request and the responsibility of the Planning Board to approve all building plans within the Entry Zoning District.

Roger Giese motioned to approve the plans as submitted and to be given final review by the Building Official.

Evan Bruce seconded.

Motion Carried.

4. Approve Meeting Minutes: April 4, 2019
5. Approve Meeting Minutes: May 2, 2019
6. Approve Meeting Minutes: June 6, 2019
7. Approve Meeting Minutes: July 11, 2019
8. Approve Meeting Minutes: August 1, 2019

Ron Benner motioned to approve all meeting minutes under review.

John Klasna seconded.

Motion Carried.

New Business

9. Discussion: Laurel Zoning Code Updates

The City Planner presented that he has been investigating the zoning code and that he planned to work on a Zoning Code update next year.

Members discussed that they would like to see a fair and easy to read code that is equitable for those using it.

10. Discussion: Laurel Growth Management Plan

The City Planner presented the fact that he shall be writing a CDBG planning grant to help support the development of the Growth Management Plan.

It is hoped that through the Growth Management Plan process

It is hoped that the planning process will develop a plan that is simplified and easy to use.

Members discussed some issues they find important including the needs of Main Street, upkeep, and maintenance of the city.

Old Business

Other Items

Members discussed the timing of the meeting. It was decided to move the meeting to the Second Wednesday of each month at a new time of 5:30PM.

Announcements

11. Next Meeting: Wednesday October 9th, 5:30PM.

Evan Bruce motioned to adjourn the meeting.

Roger Giese seconded.

Motion Carried.

Meeting Adjourned at 6:53PM.

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

DATES TO REMEMBER

Item Attachment Documents:

9. Budget and Finance Committee minutes of September 10, 2019.

**Minutes of City of Laurel
Budget/Finance Committee
Tuesday, September 10, 2019**

Members Present: **Bruce McGee** **Richard Klose**

Others Present: **Mayor Nelson** **Bethany Langve**

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

General Items

- Review and approve the minutes of the August 20, 2019 meeting. Richard Klose made a motion to approve the minutes of the August 20, 2019 Budget and Finance Committee meeting. Bruce McGee seconded the motion to approve the August 20, 2019 Budget and Finance Committee meeting minutes, all in favor, motion passed.
- Review and approve purchase requisitions – LURA Small Grants. The Clerk/Treasurer explained that when she asked for permission, from the Committee Chair, to place this item on the agenda she did so in error. The Clerk/Treasurer was thinking these small grants needed to be approved like a claim did and follow the purchasing policy. After speaking with the Mayor, he explained that the small grants are a part of the full Councils authority, under the Tax Increment Finance District, and these need to go to full Council for review. She apologized for the error and explained that these would be on the September 17th City Council Workshop for the Council to review.
- Review and approve the July 2019 Financial Statements. The Clerk/Treasurer briefly went through the financial statements. She explained that since this is the first month of the new fiscal year, she did not include the graphs because they would only contain a single dot. The August 2019 financial statements would have the graphs in them. The Committee reviewed the July 2019 Financial Statements and had no questions or comments. Bruce McGee made a motion to approve the July 2019 Financial Statements, Richard Klose seconded the motion, all in favor, motion passed.
- Review and recommend approval to Council Claims entered through 09/06/19. Scot Stokes had previously reviewed the Claims Detail report and the check register for accuracy. He had signed, dated and returned all reports to the Clerk/Treasurer prior to the meeting. Richard Klose made a motion to recommend approval to Council the claims entered through 09/06/19, Bruce McGee seconded the motion, all in favor, motion passed.
- Review and approve Payroll Register for pay period ending 08/25/19 totaling \$151,230.30. The two-page summary was reviewed, signed and dated. Bruce McGee made a motion to approve the Payroll Register for the pay period ending 08/25/19 totaling \$151,230.30, Richard Klose seconded the motion, all in favor, motion passed.

New Business – none

Old Business – none

Other Items

- Review the Comp/Overtime report for pay period ending 08/25/2019. The Committee reviewed the comp/overtime report for pay period ending 08/25/2019 and had no questions or comments.
- The Clerk/Treasurer stated that the auditors would be arriving Monday to begin the Fiscal Year 2019 audit. The Committee asked what she thought would be the result of this audit. She stated that the balancing audit error from last fiscal year would be removed as that was corrected. She also corrected the payroll clearing fund audit error, so that should be removed. She stated that the auditors would be checking to make sure that the City was complying with publication requirements, so staff

had all those affidavits ready for the auditors to review. She stated that she was ready for the auditors to come and she would learn something new as always.

- The Mayor stated that he is happy the budget is passed, and that is finalized for another year. He has heard the Library Board is not happy with the appointment of Councilwoman Eaton to the board, and the way it was done. He is not certain why that is as his appointment was Ms. Killebrew and Council appointed Ms. Eaton. He stated that this will be coming up at a future City Council meeting after they receive Library Board minutes.

Announcements –

- The next Budget and Finance Meeting will be held on September 24, 2019 at 5:30pm
- Richard Klose will be reviewing claims for the next meeting, however he may be a few minutes late as he has a celebration to attend honoring several individuals who are 100 years old from Laurel.

Respectfully submitted,



Bethany Langve
Clerk/Treasurer

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

Item Attachment Documents:

10. Laurel Urban Renewal Agency minutes of September 19, 2019.



**MINUTES
CITY OF LAUREL
LAUREL RENEWAL AGENCY
MONDAY, AUGUST 19, 2019
11:00 AM
CITY COUNCIL CHAMBERS**

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

General Items

1. Roll Call

Daniel Klien
Janice Lehman
Linda Frickel
Don Smarsh
Mardie Spalinger
Judy Goldsby

Nick Altonaga (City of Laurel)
Michelle DeBoer (prospective advisory member)

2. Approve Meeting Minutes: July 22, 2019

Members review minutes from July 22, 2019.

Daniel motions to approve minutes from July 22 with minor correction
Mardie seconds.
Motion carries.

3. Big Sky EDA

No representative from Big Sky EDA present.

New Business

4. Follow-Up: 2019 Large Grants

Nick Altonaga presented that the Large grants were approved by Council and applicants had already begun receiving reimbursement.

Old Business

5. Small Grant Application: D&D Trust

Members discussed the new version of the D&D Trust Application.

- No business physical address listed
- 105 E Main St.

- Discussion of what work has been done and is planned to be done on the property
 - Wastewater, stormwater and other utility and
- Parking issues on Main Street. Has been a concern for many years.
- Discussion of grant and eligibility
- Discussion of possible historic designation

Don makes motion for approval of General Small Grant for \$3,016 and Façade Grant for \$7,500.
 Daniel Seconds.
 Motion Carries.

6. Follow-Up: LURA Board and City Council Discussion

Discussion of Different options and projects moving forward.

Members would like to see a regular budget report/presentation: Paid out, pending, what currently exists

The Planner and Board Members discussed the future bondable project and the TIF District. Don remarks that the mayor has the best interests of the city at heart. Initially joined the board and heard about TIF funding was used for façade and rehabilitation work, not infrastructure.

Don comments on the TIF District and overall situation:

- Lack of communication was irritating
- Misdirected and misrepresented by CAO
- Lack of control
- Members Board should have been able to review project ideas and make recommendations but had no chance to do so.
- Was ready to resign because he felt that our input was not valued.

Chair mentions that the LURA Board got off on the wrong foot initially (At founding).

- Trip to Miles City on presentation
- Initial idea was that TIF was for everything BUT infrastructure
- Bozeman and Livingstone had done incredible work within the TIF District.
- If the Board had a project or concept being discussed, it could have been presented as a bondable project, but there was nothing in the works.

The Chair and Board Members discussed that there will be a need to look at the rules and confines of the District but are ready to move ahead.

Council member Herr mentioned that it is important to communicate and be clear about district boundaries.

General Discussion about past projects: The Lighting District – What happened to the funds set aside for this project?

7. Follow-Up: General Small Grant Program

Members discussed the General Small Grant program sheet. The board will need to vote to amend the MT Firefighters memorial.

Other Items

Chair accepts motion to approve Michelle DeBoer as an Advisory Member to the Laurel Urban Renewal Agency.

Daniel Motions to approve Michelle DeBoer as an Advisory Member of the Laurel Urban Renewal Agency.

Mardie Seconds

Motion carries

Announcements

8. Next Meeting: September 16, 2019

Mardie motions to adjourn

Daniel Seconds

Meeting adjourned at 11:45AM.

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

DATES TO REMEMBER

Item Attachment Documents:

11. Appointment of Joe Lowther and Austin Hirsch to the Laurel Volunteer Ambulance Department.



LAUREL

EMERGENCY MEDICAL SERVICES

215 W 1st St, Laurel, MT 59044 | Phone: (406) 628 - 1611 | Fax: (406) 628 - 7351

09/06/2019

Dear Mayor Nelson:

It is with great pleasure that I recommend the appointment of Joseph Lowther and Austin Hirsch to our ambulance service.

Joe was a previous volunteer with the service who left after adding another member to his family. Now that Joe has settled in at home, he is ready to hit the streets again with us. Even better, Joe is a Nationally Registered, and credentialed paramedic who can render advanced life support care.

Austin is relatively new to the profession of Emergency Medical Services. Austin is currently employed with Eagle Ambulance Service - a private company that primarily engages in non-emergency medical transportation. He is a Nationally Registered Emergency Medical Technician who is excited to get into 911 Response of EMS.

I feel that both individuals have a lot of talent and would be great additions to our team.

Best,

Riley Hutchens, NREMT
EMS Director

Item Attachment Documents:

12. Mayor's appointment of Michelle DeBoer as an advisory member to the Laurel Urban Renewal Agency.



July 15, 2019

Greetings,

This letter is to express interest should a vacancy become available for either a voting board member or an advisory board member position in LURA. I have been very impressed with what the LURA funds have been able to contribute to the Laurel Community.

I am both professionally and personally interested in Laurel's continued growth and success. I have been blessed to work for St. John's United – The Crossings for the last nine years. St. John's United - The Crossings has served Elders in our community since May of 2007. As far as my personal interest, my husband and I both work in Laurel and own a home here. We very much enjoy living in this great community.

Thanks for your consideration,

Michelle DeBoer

Administrator

St. John's United - The Crossings and The Willows

(406) 628-5013

Item Attachment Documents:

13. Resolution No. R19-69 A Resolution Granting A Variance From The City's Zoning Ordinance To Allow An Outdoor Computer Controlled Variable Message Sign Within A Residential District.

RESOLUTION NO. R19-69

A RESOLUTION OF THE CITY COUNCIL GRANTING A VARIANCE FROM THE CITY'S ZONING ORDINANCE TO ALLOW AN OUTDOOR COMPUTER CONTROLLED VARIABLE MESSAGE SIGN WITHIN A RESIDENTIAL DISTRICT.

WHEREAS, the property located at 1002 3rd Avenue is currently zoned residential (R-7500) and pursuant to the City's Zoning Ordinance, Computer Controlled Variable Message Signs are not allowed to operate within a residential district, Section 17.42.050 LMC; and

WHEREAS, on July 8, 2019, the owner of the property, the Laurel Assembly of God (Family Church), filed a Request for a Variance Application seeking a variance from the zoning restriction to allow the installation and use of a Computer Controlled Variable Message sign on their property; and

WHEREAS the Laurel City-County Planning Board acting as the City's Zoning Commission held a public hearing on the variance request on September 5, 2019 at 10:00 a.m. The Zoning Commission received public comment both supporting and not supporting the property owner's requested variance; and

WHEREAS, the City-County Planning Board Meeting Minutes and documents contained in the record are all incorporated herein as part of this Resolution; and

WHEREAS, the Zoning Commission considered all of the documentary evidence in the record along with the testimony presented at the public hearing, and recommends the approval of the variance, subject to the conditions recommended by Staff as follows:

1. There shall be no other signs of this type allowed on the property; and
2. The sign shall follow all other rules and regulations within the City's Sign Code.
3. The variance does not include or allow the property owner to utilize animated action.

WHEREAS, the City Council held a public hearing concerning this matter on September 24, 2019, to gather additional evidence in support and opposition to the requested variance; and

WHEREAS, based on the evidence contained in the record, including the Zoning Commission's Record and File, the City Council of the City of Laurel hereby finds it is in the best interests of the residents of the City of Laurel to approve the variance since:

1. granting the variance in this case relates only to a special condition that is specific to the applicant;
2. the current hardship was not created by the applicant;
3. the variance requested appears to be within the spirit, intent and purpose of the zoning regulations; and
4. approving the variance will not injure or result in an injustice to others.

NOW THEREFORE, BE IT RESOLVED that the property owner's request for a variance is hereby approved for the property located at 1002 3rd Avenue, Laurel, Montana;

BE IT FURTHER RESOLVED, pursuant to the variance, the property owner may install and operate one Computer Controlled Variable Message Sign on such property within the residential district;

BE IT FURTHER RESOLVED, that the variance is approved subject to the following conditions:

1. There shall be no other signs of this type allowed on the property; and
2. The sign shall follow and comply with all other rules and regulations within the City's Sign Code.
3. The variance does not include or allow the property owner to utilize animated action.

Introduced at a regular meeting of the City Council on September 24, 2019 by Council Member

_____.

PASSED and APPROVED by the City Council of the City of Laurel, Montana this 24th day of September, 2019.

APPROVED BY THE MAYOR this 24th day of September, 2019.

CITY OF LAUREL

Thomas C Nelson, Mayor

ATTEST:

Bethany Langve, Clerk/Treasurer

APPROVED AS TO FORM:

Sam S. Painter, Civil City Attorney



Laurel Variance Request Application

This application covers appeals from decisions of the Planning Department (and sometimes other officials) and for requests for variances concerning setbacks, structures, heights, lot coverage, etc.

The undersigned owner or agent of the owner of the following described property requests a variance to the Zoning Ordinances of the City of Laurel as outlined by the laws of the State of Montana.

1. Name of property owner: Laurel Assembly of God (Family Church)
2. Name of Applicant if different from above: John Farnes (Pastor)
3. Phone number of Applicant: 406-697-1588
4. Street address and general location: 1002 3rd Ave
5. Legal description of the property: FOURTH AVE SUBD, S09, T02 S,
R24 E, BLOCK 4, Lot 1 - 7
6. Current Zoning: R-7,500
7. Provide a copy of covenants or deed restrictions on property.

I understand that the filing fee accompanying this application is not refundable, that it pays part of the cost of process, and that the fee does not constitute a payment for a variance. I also understand I or my agent must appear at the hearing of this request before the Planning Board and all of the information presented by me is true and correct to the best of my knowledge.

Signature of Applicant: _____

John Farnes John Farnes

Date of Submittal: _____

7-8-19



www.FamilychurchLaurel.com

1002 3rd Ave.

Laurel, MT 59044

(406)628-4200

Pastor John Farnes

To City of Laurel,

This letter is the “detailed justification” requirement that is asked for when applying for a variance for an outdoor sign at our church. ([Municipal Code Chapter 17.60.020](#)) The recent changes in City leadership, brought to light conflicts that were earlier not presented to us to be a problem. The former interpretation of this code was that we were allowed to have an electronic message base, just not one that was actively “scrolling, flashing, or active”. I believe the definition of such a sign is an animated sign:

17.42.040 - Definitions.

"Animated sign." A sign [depicting action](#), motion, light, or color change, or that change the sign displayed through electrical or mechanical means. Animated also includes signs that use blinking, flashing or scrolling or other special effects to [depict motion](#).

Our message base has no motion, but can be updated, so it might fall under the description similar to this one found in the code.

"Pictographic changeable copy sign" means a sign whose still framed pictographic or symbolic content can be changed or altered by manual or electric, electromechanical or electronic means. Still frame pictures may change but not sooner than every sixty seconds. No pictographic changeable copy sign can [depict movement or motion, flashing, blinking or other special effects including scrolling text](#).

Our sign was not designed to depict any motion and these issues were never presented to us as being a problem, and so our design proceeded to include the message base, and an upper illuminated panel. For two and a half years, we have worked on, raised funds for, hired designers for, and have even ordered parts for this sign and was approved in conversations with the City of Laurel. We used a lot of caution calling and asking if our sign would be approved, and

asked specific details about what would be allowed in a residential area at our address.

We recently went to get our permit to begin the project and install the sign as verbally agreed to in previous conversations. To our surprise the sign was rejected.

At issue for the permit is that the bottom portion of our sign's surface would have a lighted message base where service times, program times could be changed electronically. It appears the original code interpretation was given to us from these sections of the code, and from this we were told the sign would be authorized?

- **17.42.110 - Lighting.**

Unless otherwise prohibited by this code, [all signs may be illuminated](#) provided they do not cause or contribute to a public nuisance. [Lighting restricted to the sign face.](#)

(Ord.02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

- **17.42.120 - Changeable copy.**

Unless otherwise specified by this section, any sign in this chapter allowed may use manual or [fixed message electronic sign](#).

[Computer controlled variable message electronic signs shall be permitted](#) provided that the bottom of the reader board is ten feet above the crown of the adjacent road.

(Ord. 02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

We trusted this interpretation of the Code, and thought we had done everything correctly. The Code lists restricted signs, and even by the restrictions on signs that are listed in the code- our sign would be permissible.

17.42.050 - Signs prohibited.

All signs not expressly permitted under this section or exempt from regulation hereunder in accordance with the following section are prohibited. Such signs include, but are not limited to:

C. [Animated signs](#)

F. Pictographic changeable copy signs [which depict motion](#) of any kind, including flashing, blinking and scrolling text or other special effects;

(Ord. 02-32 (part), 2003)

We can only assume why we were told that our sign was not going to be in any violation was because of the way these definitions were understood by the City workers at that time. A sign with an electronic message board would seem to us to be a much “cleaner” looking sign vs. a cheaper option (*a plexi-glass covered, slotted message base with interchangeable letters, ground lights shinning up at it- to illuminate it. All tech from the 70’s and 80’s*).

The sign has two lines of programmable messages, it could be used to show such things as: service times / seasonal events and program start dates. The cost is three to four times more than the old slot style signs, so it has been a significant expense for us to go this more modern route, but we thought it would look much nicer in our community.

We feel that since we were told this message base and internally lighted sign would be approved on two occasions in our past inquiries with the City (because it “was not actively scrolling or flashing graphics”), that the City should work to honor those verbal agreements and allow us to have a meeting for a variance request at an upcoming Council meeting. Also from the code these are the factors to consider in a variance and some seem to apply to us:

17.60.020 - Land use variances issuance and denial—Determination procedure.

- A. It shall be the duty of the zoning commission to authorize, upon appeal in specific cases, such land use variances from the terms of the zoning ordinances as will not be contrary to the public interest, where, owing to special conditions, [a literal enforcement of the provisions of the ordinances or regulations will result in unnecessary hardship](#), and so that the spirit of the ordinances shall be observed and substantial justice done. The zoning commission shall, after a public hearing, make a recommendation to the mayor and council concerning the land use variance application.
- B. The zoning commission shall not recommend that land use variances be granted:
 - 1. Unless the denial would constitute an unnecessary and unjust invasion of the right of property;
 - 2. Unless the grant relates [to a condition or situation special and peculiar to the applicant](#);
 - 3. Unless the basis is something more than a mere financial loss to the owner;
 - 4. Unless [the hardship was created by someone other than the owner](#);
 - 5. Unless [the variance would be within the spirit, intent, purpose and general plan of this title](#);

6. Unless the variance would not affect adversely or injure or result in injustice to others;
and
7. Ordinarily unless the applicant owned the property prior to the enactment of this title
or amendment

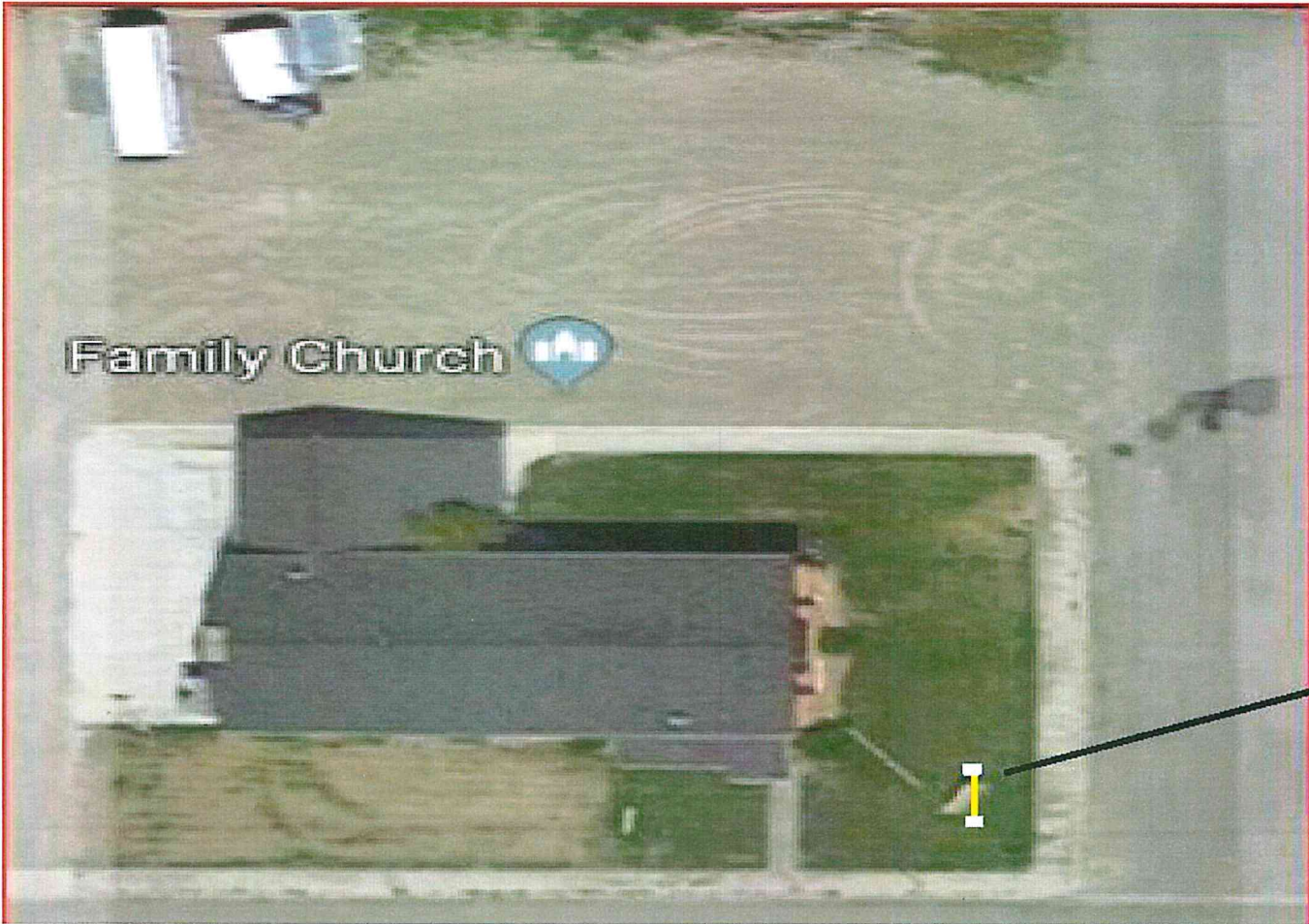
Because of the initial approval of this plan, sections and parts were built for the install, and it would be extremely costly for us to re-design the sign and sell the portions of this sign that we have ordered and already paid for. We would not have purchased parts for this project if we did not feel it was approved already. We had no intention of designing a sign that could not be approved by the City of Laurel. We went forward completely from our phone conversations, not knowing there was any conflict with this sort of sign. We asked questions BEFORE we had designers look at the sign, before we ordered parts, and before we started any work. We have spent two years in this process (raising funds, talking to various professionals, asking questions about permits, preparing parts orders and bids).

We would love to see this approved so the sign could be "up" before winter, our temporary tarp sign is not going to make another year. Thank for considering our request for a variance in this matter.

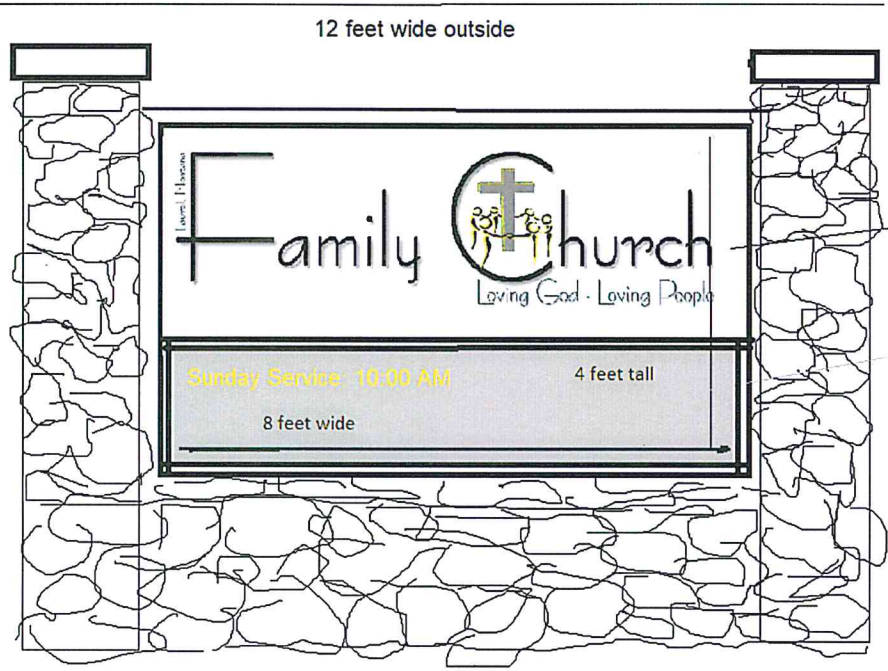
Sincerely,

Pastor John Farnes
Family Church

A handwritten signature in black ink, appearing to read 'John Farnes', with a long horizontal flourish extending to the right.



New sign location is similar to the old one. The sign surface will now face east and west instead of diagonal.





LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board
FROM: Nicholas Altonaga, Planning Director
RE: Variance – Laurel Assembly of God (Family Church)
DATE: August 15, 2019

DESCRIPTION/LOCATION:

John Farnes of the Laurel Assembly of God (Family Church) has submitted an request for a variance for Chapter 17.42.050, specifically Table – Signs by Zoning District. The affected property is located at 1002 3rd Ave in the City of Laurel. The Parcel is zoned R-7500. The Applicant is requesting a variance to allow Computer Controlled Variable Message Signs within a residential district, which is currently not allowable. The Property is legally described as Fourth Ave Subd, S09, T02 S, R24 E, BLOCK 4, Lot 1 – 7.

STAFF FINDINGS:

Applicant Data:

Owner: Laurel Assembly of God
Legal Description: Fourth Ave Subd, S09, T02 S, R24 E, BLOCK 4, Lot 1 – 7
Address : 1002 3rd Ave.
Parcel Size: 29,400 Sq. Ft.
Existing Land Use: Laurel Assembly of God
Proposed Variance: Allowable use of Computer Controlled Variable Message Signs within Residential Districts
Existing Zoning: R-7500
Surrounding Land Use: R-7500

1. The variance application packet is attached and contains cover sheet, map of sign location, detailed justification letter, and public notice.
2. The application is requesting that the Computer Controlled Variable Message Sign that was designed after initial meetings with city staff between 2017 and 2018.
3. LMC 17.42 Table – Signs by Zoning District states that that use of a Computer Controlled Variable Message Sign is not allowable within any residential district.

4. LMC 17.42.120 – Changeable Copy states that “Unless otherwise specified by this section, any sign in this chapter allowed may use manual or fixed message electronic sign. Computer controlled variable message electronic signs shall be permitted provided that the bottom of the reader board is ten feet above the crown of the adjacent road.”
5. Mr. Farnes noted that he had met with City staff in the previous two years to discuss sign design requirements and it was not presented that the design of the sign was not allowable in the current zoning district.
6. At the time of seeking a building permit, city staff informed Mr. Farnes that they could not grant a permit because the type of sign was not allowable within the R-7500 District which the Family Church property is within.
7. Mr. Farnes noted that this design and planned installation represents a significant investment of funding from the Family Church community

ZONING COMMISSION CONSIDERATIONS AND RECOMMENDATION:

The Zoning Commission shall review and make determinations on variances through Laurel Municipal Code (LMC) Chapter 17.60.020:

- A. It shall be the duty of the zoning commission to authorize, upon appeal in specific cases, such land use variances from the terms of the zoning ordinances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinances or regulations will result in unnecessary hardship, and so that the spirit of the ordinances shall be observed and substantial justice done. The zoning commission shall, after a public hearing, make a recommendation to the mayor and council concerning the land use variance application.
- B. The zoning commission shall not recommend that land use variances be granted:
 1. Unless the denial would constitute an unnecessary and unjust invasion of the right of property;
 2. Unless the grant relates to a condition or situation special and peculiar to the applicant;
 3. Unless the basis is something more than a mere financial loss to the owner;
 4. Unless the hardship was created by someone other than the owner;
 5. Unless the variance would be within the spirit, intent, purpose and general plan of this title;
 6. Unless the variance would not affect adversely or injure or result in injustice to others; and
 7. Ordinarily unless the applicant owned the property prior to the enactment of this title or amendment.
 - 8.

STAFF SUGGESTED CONDITIONS:

If the City Council recommends approval of the variance, the following conditions are suggested:

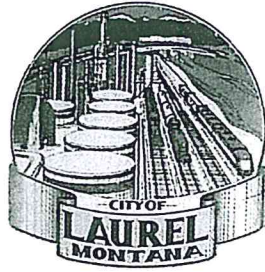
1. There shall be no other signs of this type allowed on the property.
2. Sign shall follow all other rules and regulations within the Sign Code

PROCEDURAL HISTORY:

- On July 3, 2019 John Farnes of Family Church met with the City Planner. He discussed the background of the sign upgrades to be made.
- On July 8, 2019 the variance application packet was received by the Planning Department.
- A public hearing for the variance request is scheduled to take place at the Laurel City-County Planning Board on September 5, 2019 at 10:00am.
- A public hearing for the variance request is scheduled to take place at the Laurel City Council Meeting on September 24, 2019.

Item Attachment Documents:

14. Resolution No. R19-70 A Resolution Granting A Variance From The City's Zoning Ordinance To Disregard The Bufferyard Requirement, Sight-Obscuring Fence Requirement And Building Design Standards.



Laurel Variance Request Application

This application covers appeals from decisions of the Planning Department (and sometimes other officials) and for requests for variances concerning setbacks, structures, heights, lot coverage, etc.

The undersigned owner or agent of the owner of the following described property requests a variance to the Zoning Ordinances of the City of Laurel as outlined by the laws of the State of Montana.

1. Name of property owner: Diefenderfer Family Trust
2. Name of Applicant if different from above: Steve Diefenderfer
3. Phone number of Applicant: 406-861-7070
4. Street address and general location: NOT ASSIGNED - EAST RAILROAD ST.
5. Legal description of the property: LOT 1A, Block 7 Entertainment Park Subdivision
6. Current Zoning: Highway Commercial/Entryway Zoning District
7. Provide a copy of covenants or deed restrictions on property. N/A

I understand that the filing fee accompanying this application is not refundable, that it pays part of the cost of process, and that the fee does not constitute a payment for a variance. I also understand I or my agent must appear at the hearing of this request before the Planning Board and all of the information presented by me is true and correct to the best of my knowledge.

Signature of Applicant: Steve B Diefenderfer

Date of Submittal: 8/1/2019



08/01/19

Laurel City-County Planning Board
115 W. First Street
Laurel, MT 59044



RE: City-County Planning Zoning Compliance Application

To whom it may concern,

Enclosed you will find completed Zoning Compliance Application info per 17.26.040, all the information required for our submittal to be considered for review and approved by the Laurel City-County Planning Director, or other city designee.

1. Name and Address of property owner:
 - i. Diefenderfer Family Trust
3619 Flagstone Dr.
Billings, MT 59101
2. Name and Address of applicant owner:
 - i. Steve Diefenderfer
3619 Flagstone Dr
Billings, MT 59101
3. Legal description of the parcel:
 - i. Lot 1A, Block 1, Entertainment Park Subdivision
4. See attached 22X34 (Full-Scale) Civil Site Plan drawing, C101.
5. See attached 22X34 (Full-Scale) Civil Site Plan drawing, C101.
6. See attached 22X34 (Full-Scale) Exterior Elevations drawing, A201. Floor plan sheet A101 included for reference.
7. There is no signage included with this drawing package, a separate sign permit package will be submitted for review.
8. See attached completed Zoning Compliance Application Review Fee.

Sincerely,

A large, stylized handwritten signature in blue ink, which appears to be 'CHUCK HENRICHS'. The signature is written over a faint, larger version of the same signature.

Chuck Henrichs, P.E.
Vice President of Engineering, EEC, Inc.
Owners Representative



08/01/19

Laurel City-County Planning Board
115 W. First Street
Laurel, MT 59044



RE: City-County Planning Variance Request: Items #1-5

To whom it may concern,

Enclosed you will find completed, all the information required for our submittal to be considered for review and recommendation by the Laurel City-County Planning Board.

1. We met with the City Planner on 07/31/2019 and provided a map of property owners within 300 feet of the property, see attached.
2. See attached 11x17 (Half-Scale) drawings, which includes all existing and proposed structures and proposed variance measurements. 3 sheets: C101, A101, and A201.
3. See the provided set of three mailing labels for each surrounding property owner within the 300 feet.
4. With the following three proposed variance measures, we provide a detailed justification referring to the Laurel Municipal Code Chapter 17.60.020.

- a) Reference Section 17.26.052 Development Standards – B. Building Design Standards which states *“All buildings shall be completed on all sides with one of the following finishing materials: ...architectural concealed fastener metal panels.”*

The material under review for this variance request is an exposed fastener PBR metal panel siding, see attached Exterior Elevations sheet A201 for full scope. We are proposing leaving the architectural concealed fastener metal panels around the public frontage/entrance as detailed, with the pre-finished lap siding above the wainscot which meet the requirements set for under the Building Design Standards. However, at the shop we are proposing an exposed fastener PBR metal panel siding that does not meet the “concealed fastener” standard. It does in our view meet the spirit or intent of the standard set forth. Based on the Laurel Municipal Code Chapter 17.60.020 #5, we believe the requested variance “would be within the spirit, intent, purpose and general plan of this title” and #6 the requested variance “would not affect adversely or injure or result in injustice to others.”

- b) Reference Section 17.26.054 Landscaping Standards – B. Landscaping Standards which states *“1. Bufferyard Requirements. All commercial/Industrial land uses are required to place a bufferyard (landscaping strip) adjacent to and along the length of I-90...” Furthermore, it states “...The number of trees and shrubs required per one*



08/01/19

hundred feet of frontage: (1) Twenty-five foot wide bufferyard: five Canopy or evergreen trees, ten Shrubs..."

The material under review for this variance request item is a proposed 25'-0" Bufferyard that meets the landscaping standard, however, does not provide the required five trees or ten shrubs per one hundred feet of frontage, see attached Site Plan sheet C101 for full scope. We have taken this direction after meeting with the City, with the realization that there is an existing Sanitary Sewer line that runs directly under the bufferyard, the full extent of frontage on this property. It was clear that the City was not in favor of putting trees nor shrubs directly above this existing line, under any circumstance. We feel the same, it would be a design flaw and future maintenance issue. Please note, in addition to the proposed landscaped bufferyard we are proposing 25'-0" more landscaped area as part of a stormwater detention, this adds to the interstate buffer zone. Based on the Laurel Municipal Code Chapter 17.60.020, we believe the requested variance meets requirement #2 "Unless the grant relates to a condition or situation special and peculiar to the applicant;" the existing location of the Sanitary Sewer line running directly under the bufferyard creates that special situation/condition.

- c) Reference Section 17.26.052 Development Standards – B. Additional Provisions for Commercial Uses, which states *"1. Storage of Merchandise. Any permitted storage of merchandise outside an approved building shall be within an area enclosed with a sight obscuring fence at least six feet in height that is architecturally compatible in color and design with the building. However, promotional displays, vehicle sales lots and plant materials may be displayed outside of an approved building or enclosed area so long as they are placed appurtenant to a building wherein the business displays the bulk of its goods for sale. In addition, retail nurseries shall be exempt from the enclosure of plant materials, and displayed merchandise shall not include any used equipment. Bufferyards or required landscaping shall not be used for the displaying of merchandise."*

The material under review for this variance request item is a proposed 6' chain link fence or an 8' chain link fence with 1' of barbwire above. Midway Rental is the leading provider of rental equipment in Montana and offers a large selection of equipment rentals to choose from including man lifts, scissor lifts, forklifts, excavators and general equipment rentals such as air compressors, light towers and generators. It is key for the public to have visibility to Midway's merchandise available for rent or sale. The intent of the proposal is that all rental/sale merchandise for display along interstate I-90 will be outside an approved building and enclosed in the yard area appurtenant to the building. With either of the chain link fence options listed, merchandise for rent/sale would be secure and still have the visibility to the public that the sight obscuring fence would not allow. Based on the Laurel Municipal Code Chapter 17.60.020, we believe the requested variance meets requirement #2 "Unless the grant relates to a condition



08/01/19

or situation special and peculiar to the applicant;" and requirement #3 "Unless the basis is something more than a mere financial loss to the owner." The 6' sight obscuring fence creates the inability to display rental/sale merchandise which is a special situation/condition to an equipment rental company and would easily create a basis for more than a mere financial loss.

5. See attached completed Laurel Variance Request Application and associated fee of \$1,100 for a commercial property.

Sincerely,

Chuck Henrichs, P.E.
Vice President of Engineering, EEC, Inc.
Owners Representative

City of Laurel
Laurel, Montana

RECEIPT

Laurel, Montana

8/1/19

54752

Received From

Steve Diefenderfer

For

Seven hundred and no/100
variance fee

Dollars (\$ 1100.00)

HOW PAID

Cash

Check

Credit Card

1100.00

AT 14643

City of Laurel

By

Carrie Berger

City of Laurel
Laurel, Montana

RECEIPT

Laurel, Montana, 8/1/19

54753

Received From Steve Dieffenderfer

City & 1/2 Dollars (\$ 50.00)

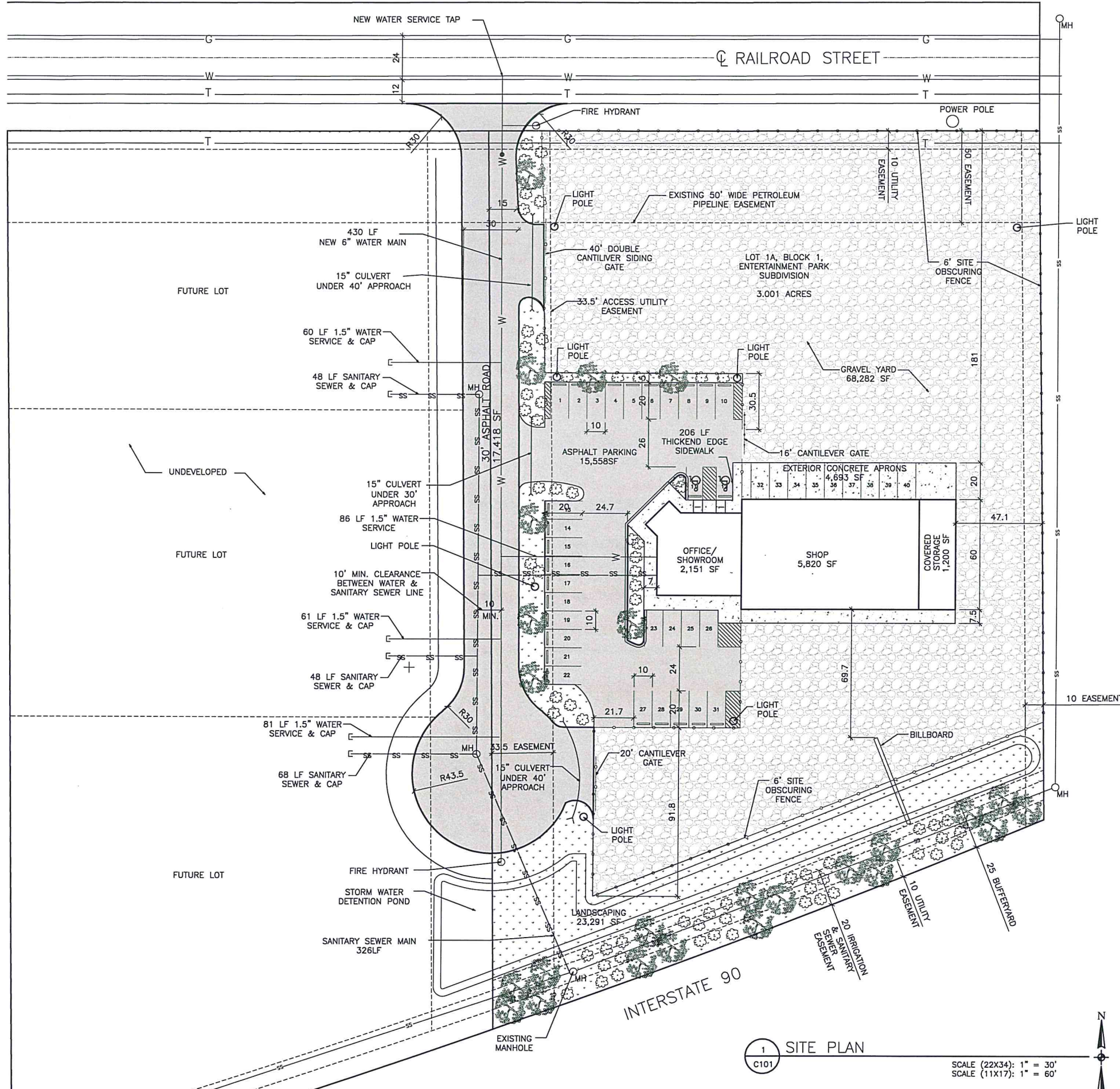
For Advance app fee

HOW PAID		
Cash		
Check	50.00	
Credit Card		

V/H
14644

City of Laurel

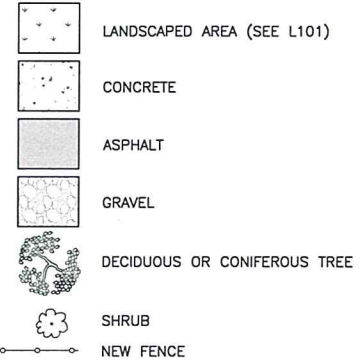
By *[Signature]*



GENERAL NOTES:

1. NO SIGNAGE WITH THIS PACKAGE; A SEPARATE SIGN PERMIT WITH BE SUBMITTED FOR REVIEW.
2. WATER AND SEWER EASEMENT TO BE PROVIDED TO CITY OF LAUREL FOR MAINTENANCE.

LEGEND:



ZONING:	HIGHWAY COMMERCIAL (HC), ENTRYWAY ZONING DISTRICTS (EZD)
BUILDING AREA:	7,971 S.F.
COVERED STORAGE AREA:	1,200 S.F.
TOTAL BUILDING AREA:	9,171 S.F.
LOT AREA:	130,723.56 S.F.
SETBACKS:	FRONT: 20'
	SIDE: 0'
	REAR: 0'
MAXIMUM LOT COVERAGE =	75%
ACTUAL LOT COVERAGE =	7%
ALLOWABLE HEIGHT =	45'
ACTUAL HEIGHT =	25'-6"
LANDSCAPE REQUIRED(8%)	
130,723.56-9,171(.08) =	9,724 S.F.
LANDSCAPE PROVIDED =	23,291 S.F.

PARKING:

HIGHWAY COMMERCIAL:

1. 17,40.090 (J) 1 SPACE FOR EA. 200 S.F. OF FLOOR ON GROUND FLOOR PLUS ON SPACE FOR EA. 400 S.F. FO FLOOR AREA IN BASEMENT OR ANY STORY ABOVE THE GROUND FLOOR

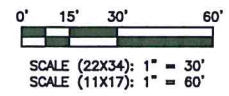
BUILDING AREA 7,971 SF	
PARKING REQUIRED =	40 SPACES
HANDICAP PARKING: 2 PER 25-50 SPACES	
PARKING REQUIRED =	40 SPACES
PARKING PROVIDED =	40 SPACES

- LANDSCAPE:**
- ENTRYWAY ZONING DISTRICT-PARKING LOT CONTAINING > 10 SPACES:
- 20 S.F. OF LANDSCAPED AREA SHALL BE PROVIDED FOR EACH PARKING SPACE ON PARKING LOTS CONTAINING MORE THAT TEN SPACES.
 - REQUIRED PARKING LANDSCAPE: 20X40=800 SF
 - 2 TREES AND FIVE SHRUBS SHALL BE REQUIRED FOR EVERY TEN PARKING SPACES OR COMPONENT THERE OF OVER TEN PARKING SPACES
 - REQUIRES TREES = 8
 - REQUIRED SHRUBS = 20
 - NO MORE THAN 25% OF LANDSCAPING AREA SHALL CONTAIN ROCK, BARK CHIPS, STEPPING STONES, OR SIMILAR MATERIALS
 - MINIMUM WIDTH AND OR LENGTH OF ANY PARKING LOT LANDSCAPE AREA SHALL BE FIVE FEET.

- BUFFERYARD:**
- ENTRYWAY ZONING DISTRICT:
- TWENTY-FIVE FOOT WIDE BUFFERYARD: FIVE CANOPY OR EVERGREEN TREES, TEN SHRUBS PER 100' OF FRONTAGE
 - TREES: 3.2X5= 17 TREES
 - SHRUBS: 3.2X10= 32 SHRUBS

1 SITE PLAN
C101

SCALE (22X34): 1" = 30'
SCALE (11X17): 1" = 60'



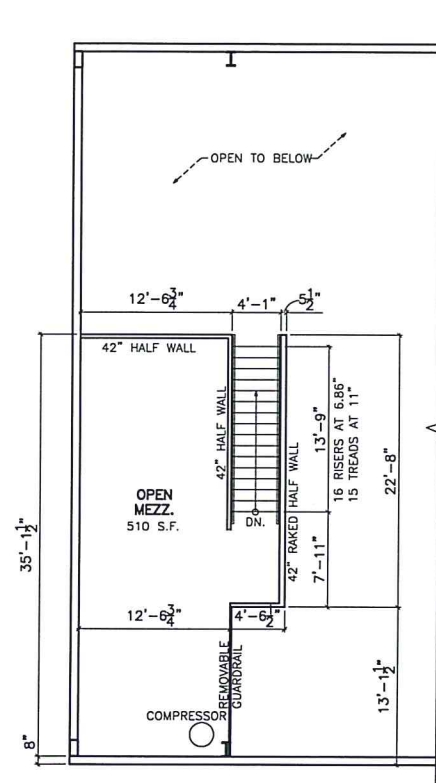
ZONING COMPLIANCE SHEET#: C101

DEIFENDERFER SHOP
ENTERTAINMENT PARK SUBD
S15, T02 S, R24 E,
BLOCK 1, LOT 1A, AMD BLK 1, LT 1
E. RAILROAD ST.
LAUREL, MT 59044

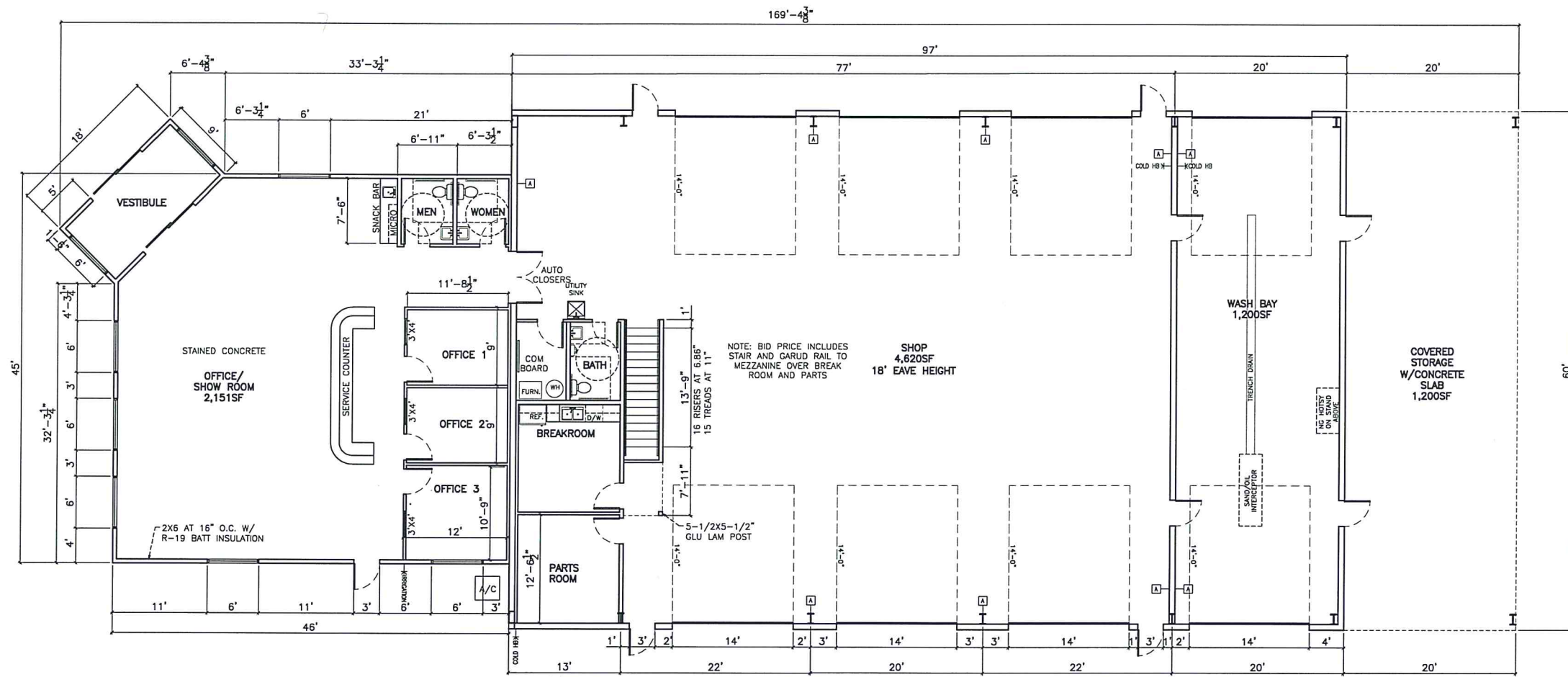
EGGART ENGINEERING COMPANY
720 LOHWEST LANE
BILLINGS, MT 59106
OFFICE: 406-839-9151
FAX: 406-839-9150
www.eggart.com



Drawn By: CH
Checked By: CH
Date: 08-01-2019
Project #: -
Cadd file: -



2 MEZZANINE PLAN
 A1.1 SCALE (22X34): 1/8"=1'-0"
 SCALE (11X17): 1/16"=1'-0"



1 FLOOR PLAN
 A1.1 SCALE (22X34): 1/8"=1'-0"
 SCALE (11X17): 1/16"=1'-0"

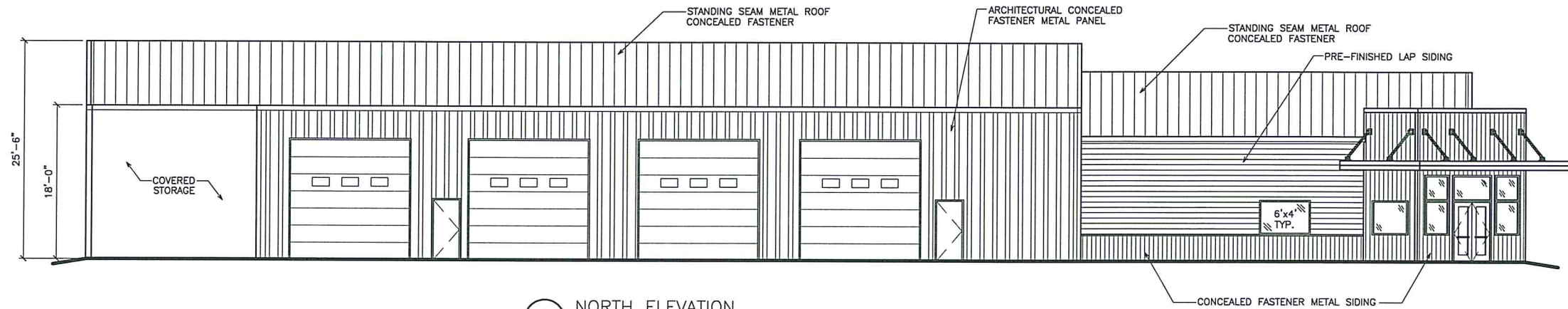
ZONING COMPLIANCE SHEET#: **A101**

DEIFENDERFER SHOP
 ENTERTAINMENT PARK SUBD
 S15, T02 S, R24 E,
 BLOCK 1, LOT 1A, AMD BLK 1, LT 1
 E. RAILROAD ST.
 LAUREL, MT 59044

EGGART ENGINEERING COMPANY
 720 LOHWEST LANE
 BILLINGS, MT 59106
 OFFICE: 406-839-9151
 FAX: 406-839-9150
 www.eccmt.com

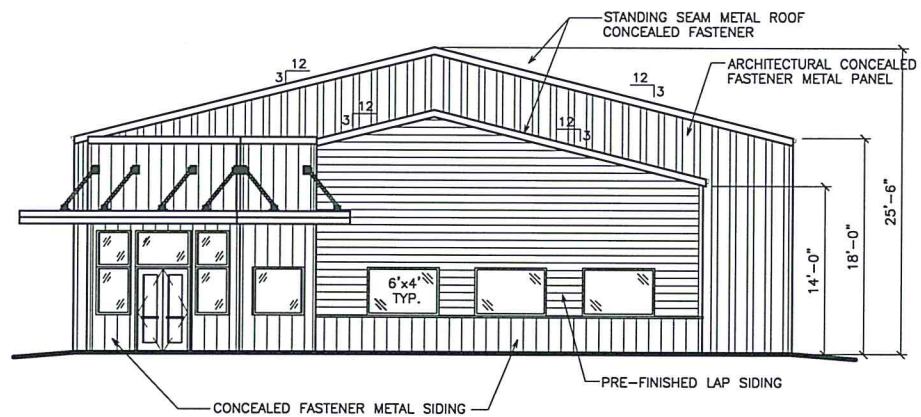


Drawn By: CH
 Checked By: CH
 Date: 08-01-2019
 Project #: -
 Cadd file: -



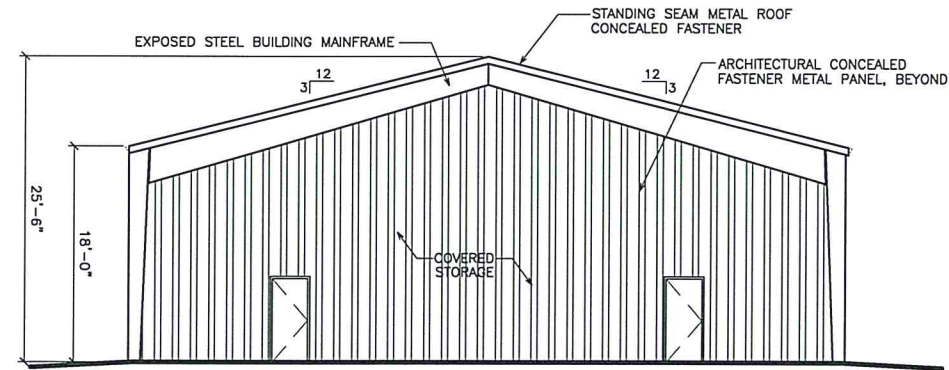
1 NORTH ELEVATION
A2.1

SCALE (22X34): 1/8"=1'-0"
SCALE (11X17): 1/16"=1'-0"



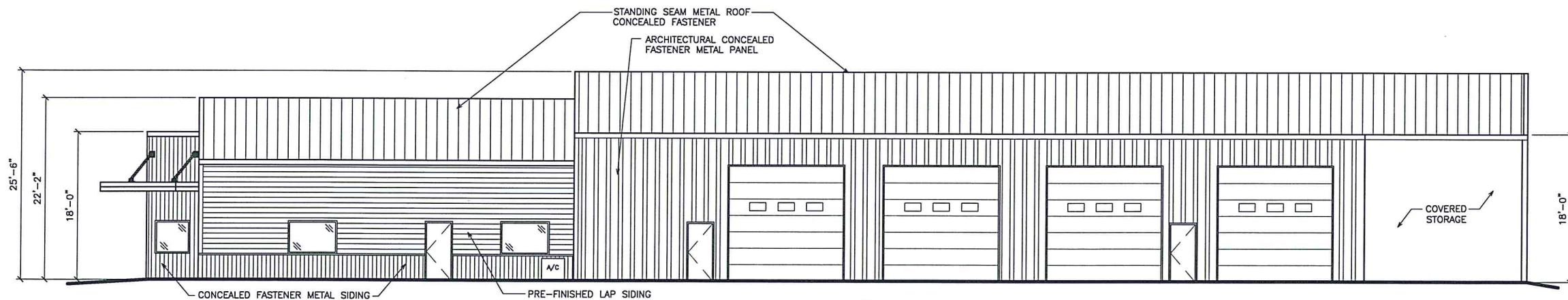
2 WEST ELEVATION
A2.1

SCALE (22X34): 1/8"=1'-0"
SCALE (11X17): 1/16"=1'-0"



3 EAST ELEVATION
A2.1

SCALE (22X34): 1/8"=1'-0"
SCALE (11X17): 1/16"=1'-0"



4 SOUTH ELEVATION
A2.1

SCALE (22X34): 1/8"=1'-0"
SCALE (11X17): 1/16"=1'-0"

ZONING COMPLIANCE SHEET#: A201

DEIFENDERFER SHOP
ENTERTAINMENT PARK SUBD
S15, T02 S, R24 E,
BLOCK 1, LOT 1A, AMD BLK 1, LT. 1
E. RAILROAD ST.
LAUREL, MT 59044

EGGART ENGINEERING COMPANY
720 LOHWEST LANE
BILLINGS, MT 59106
OFFICE: 406-839-9151
FAX: 406-839-9150
www.cecml.com



Drawn By: CH
Checked By: CH
Date: 08-01-2019
Project #: -
Cadd file: -



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board
FROM: Nicholas Altonaga, Planning Director
RE: Variance – Steve Diefenderfer (Midway Rentals)
DATE: August 15, 2019

DESCRIPTION/LOCATION:

Steve Diefenderfer of Midway Rentals submitted a request for three variances to LMC Chapter 17.26 – Community Entryway Zoning District. The affected property is located on East Railroad St. at a currently unassigned address. The parcel is zoned Highway Commercial and is within the Community Entryway Zoning District. The Applicant is request variances to disregard the bufferyard requirement, sight-obscuring fence requirement, and building design standards.

STAFF FINDINGS:

Applicant Data:

Owner: Diefenderfer Family Trust
Legal Description: Entertainment Park Subd, S15, T02 S, R24 E, BLOCK 1, Lot 1A, Lot 1B AMD BLK 1 LT 1 (17)
Address : 1002 3rd Ave.
Parcel Size: 6.204 Acres
Existing Land Use: Field
Proposed Variance: Design standards and landscaping standards within the Community Entryway Zoning District.
Existing Zoning: Highway Commercial
Surrounding Land Uses:
North: Zoning: Light Industrial Land Use: Residential
South: Zoning: Interstate Highway Land Use: Interstate Highway
East: Zoning: Light Industrial Land Use: Nana’s Bloomers
West: Zoning: Highway Commercial Land Use: Fiberglass Structures Inc.

1. The variance application packet is attached and contains application form, application cover sheet, detailed justification letter, fee receipt, map of site, building design plans, and public notice.
2. The application is requesting three variances to LMC 17.26 – Community Entryway Zoning District including:
 - a. 17.26.052 Development Standards Part B: Building Design Standards, and
 - b. 17.26.052 Development Standards Part C: Additional Provisions for Commercial Uses
 - c. 17.26.054 Landscaping Standards part B.1: Bufferyard Requirements.
3. LMC 17.26.052 Part B states:
 1. All buildings shall be completed on all sides with one of the following finishing material: brick, fluted block, colored textured block, glass, stucco, architectural concealed fastener metal panels, exterior insulation and finishing systems (i.e., Dryvit, etc.), stone or wood. Exposed seam metal buildings shall be prohibited unless covered with an acceptable finishing material.
 2. Roofs shall be finished with a material that is architecturally compatible in color and design with the construction of the building. Metal roofs, fascia, and mansards shall be limited to the following: standing seam, metal shakes or shingles and architectural metal treatments. All mechanical equipment placed on top of any roof shall be screened by a parapet or other similar architectural apparatus being at least the height of the mechanical equipment. Pitched roofs are encouraged whenever possible.
 3. Long, flat facades that front on the interstate highway, First Avenue North or First Avenue South having more than one hundred lineal feet are prohibited. Buildings over one hundred feet in length shall incorporate one of the following: recesses, off-sets, angular forms, landscaping features or other architectural features such as bell towers, clock towers, to provide a visually interesting shape. The break in the facade shall be minimum of eight feet in length. A single uninterrupted length of a facade shall not exceed one hundred lineal feet. It is encouraged that each offset area contains landscaping or other similar amenities which will complement the offset area.
4. LMC 17.26.052 Part C States:
 1. Storage of Merchandise. Any permitted storage of merchandise outside an approved building shall be within an area enclosed with a sight obscuring fence at least six feet in height that is architecturally compatible in color and design with the building. However, promotional displays, vehicle sales lots and plant materials may be displayed outside of an approved building or enclosed area so long as they are placed appurtenant to a building wherein the business displays the bulk of its goods for sale. In addition, retail nurseries shall be exempt from the enclosure of plant materials, and displayed merchandise shall not include any used equipment. Bufferyards or required landscaping shall not be used for the displaying of merchandise.
5. LMC 17.26.054 Part B States:
 - B. Landscaping.
 1. Bufferyard Requirements. All commercial/Industrial land uses are required to place a bufferyard (landscaping strip) adjacent to and along the length of I-90, First Avenue North, or First Avenue South on which the use fronts. Such landscaping buffer shall extend from the edge of the public right-of-way. Placement and landscaping design shall

be at the discretion of the developer, and the required trees and shrubs may be clustered to enhance the view of the property from the public right-of-way as long as such uses conform with Section 17.26.052(C) of this code. A local design professional or local nursery must be consulted for assistance with the development of the landscape design. The use of native, drought-tolerant plant material is strongly encouraged. Evergreen trees are encouraged for bufferyards, and canopy trees are encouraged for parking areas. The planting of trees should be done in such a manner as to provide maximum solar efficiency throughout the site.

- a. The developer shall have the option of one of the following three bufferyards. Bufferyard depth is measured from the property line adjacent to the public right-of-way inward. Any buffer area which overlaps another buffer area shall be subtracted from the total to avoid double counting. The number of trees and shrubs required is per one hundred feet of frontage:
 - (1) Twenty-five foot wide bufferyard: five Canopy or evergreen trees, ten Shrubs
 - (2) Twenty foot wide bufferyard: ten Canopy or evergreen trees, fifteen Shrubs
 - (3) Fifteen foot wide bufferyard: fifteen Canopy or evergreen trees, twenty Shrubs
 - b. The following criteria shall also apply to the bufferyards.
 - i. The landscape strip may be contoured. Berming shall be one foot of rise to four feet of run with a minimum of three feet in height. Depressions shall be no lower than the existing grade of the site.
 - ii. All landscaped areas shall contain ground cover such as sod, shrubs, flowerbeds, or organic materials. No more than ten percent of the landscaped area shall contain rock, bark chips, stepping stones, or similar material.
 - iii. All landscaped areas shall be sub-irrigated, maintained, and kept free of weeds, debris, and litter. Failure to do so constitutes a zoning violation. Existing mature trees and shrubs should be preserved and will be credited toward landscaping requirements.
 - iv. Depth of bufferyard shall depend on density of vegetation.
 - v. All new utility lines shall be placed underground.
 - vi. New tree plantings shall not be constructed so as to grow into existing overhead utility lines.
6. There currently exists a sanitary sewer utility line running along the southern boundary of the property which would present future maintenance issues and conflicts with established City of Laurel Public Works standards.
 7. Similar businesses within the Community Entryway Zoning District do not conform to the rules. The applicant has stated that there are significant design and building costs and opportunity costs to future business operations if the Community Entryway Zoning District codes are fully enforced as compared to similar businesses that currently exist within the district.
 8. The Boundaries of the proposed shop in the building does not follow the requirements of the 17.26.052 but the applicant states that the current design meets the intent and spirit of this title and does not adversely affect or injure or result in injustice to others.
 9. 17.26.52.C.1 requires a sight obscuring fence for businesses storing merchandise outside of an approved building. The applicant states that the facility will utilize a secure 6'-8' chain link fence

topped with 1' of barbed wire to secure merchandise while simultaneously allowing highway traffic to view merchandise stored on site similar to other businesses within the district.

ZONING COMMISSION CONSIDERATIONS AND RECOMMENDATION:

The Zoning Commission shall review and make determinations on variances through Laurel Municipal Code (LMC) Chapter 17.60.020:

- A. It shall be the duty of the zoning commission to authorize, upon appeal in specific cases, such land use variances from the terms of the zoning ordinances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinances or regulations will result in unnecessary hardship, and so that the spirit of the ordinances shall be observed and substantial justice done. The zoning commission shall, after a public hearing, make a recommendation to the mayor and council concerning the land use variance application.
- B. The zoning commission shall not recommend that land use variances be granted:
 1. Unless the denial would constitute an unnecessary and unjust invasion of the right of property;
 2. Unless the grant relates to a condition or situation special and peculiar to the applicant;
 3. Unless the basis is something more than a mere financial loss to the owner;
 4. Unless the hardship was created by someone other than the owner;
 5. Unless the variance would be within the spirit, intent, purpose and general plan of this title;
 6. Unless the variance would not affect adversely or injure or result in injustice to others; and
 7. Ordinarily unless the applicant owned the property prior to the enactment of this title or amendment.

STAFF SUGGESTED CONDITIONS:

If the City Council recommends approval of the variance, the following conditions are suggested:

1. Ensure dust and gravel control measures are in place to keep road debris off of Public right of way.
2. Lot and landscaping must be kept free of weeds as per the City of Laurel Weed Management Plan.

PROCEDURAL HISTORY:

- On July 31, 2019 Steve Diefenderfer of Midway Rentals and Chuck Henrichs and Kevin Lundin of Eggart Engineering and Construction (EEC) met with the City Planner, Building Official and Public Works Director to discuss the situation, receive comment from city staff, and understand the process to apply for a variance.
- On August 1, 2019 the variance application packet was received by the Planning Department.
- A public hearing for the variance request is scheduled to take place at the Laurel City-County Planning Board on September 5, 2019 at 10:00am.
- A public hearing for the variance request is scheduled to take place at the Laurel City-Council Meeting on September 24, 2019.

RESOLUTION NO. R19-70

A RESOLUTION OF THE CITY COUNCIL GRANTING A VARIANCE FROM THE CITY'S ZONING ORDINANCE TO DISREGARD THE BUFFERYARD REQUIREMENT, SIGHT-OBSCURING FENCE REQUIREMENT AND BUILDING DESIGN STANDARDS ON A PARCEL OF PROPERTY LOCATED ON EAST RAILROAD STREET.

WHEREAS, the property located on East Railroad Street (as further described herein) is currently zoned Community Entryway, Highway Commercial, pursuant to 17.26.052 and 17.26.054, of the Laurel Municipal Code; and

WHEREAS, such zoning provides that all buildings must be completed on all sides, roofs shall be finished with material that is architecturally compatible in color and design with the construction of the building, must conform to specific façade requirements, and must have bufferyards that meet specific requirements of the City; and

WHEREAS, on August 1, 2019, the property owner prepared and filed a Variance Request Application seeking a variance from the zoning requirements for the property at issue as provided in his application which is part of the record in this proceeding; and

WHEREAS, the Laurel City-County Planning Board acting as the City's Zoning Commission held a public hearing on the variance request on September 5, 2019 at 10:00 am. The Zoning Commission received public comment both supporting and not supporting the property owner's requested variance; and

WHEREAS, the Zoning Commission's record and decision is contained in the City-County Planning Board meeting minutes which are incorporated as part of this resolution as well as all documents submitted into the record; and

WHEREAS, the Zoning Commission considered all of the documentary evidence in the record along with the testimony presented at the public hearing, and recommends the approval of the variance, subject to the conditions recommended by Staff as follows:

1. Property Owner shall ensure dust and gravel control measures are in place to keep road debris off of public right of way.
2. The lot and landscaping must be kept free of weeds as per the City of Laurel Weed Management Plan.
3. Property Owner shall include down-lighting on all light poles.
4. Building (structure) shall be made of earth tone colors and aesthetically pleasing design as approved by Staff.
5. Developer will work with the city and neighboring property owners on the fence design subject to approval of Staff.

WHEREAS, the City Council held a public hearing concerning this matter on September 24, 2019.

WHEREAS, based on the evidence contained in the record, including the Zoning Commission's File, the City Council of the City of Laurel hereby finds it is in the best interests of the residents of the City of Laurel to allow the variance since:

1. granting the variance in this case relates only to a special condition that is specific to the applicant;
2. the current hardship was not created by the applicant;
3. the variance requested appears to be within the spirit, intent and purpose of the zoning regulations; and
4. granting the variance will not injure or result in an injustice to others.

NOW THEREFORE, BE IT RESOLVED that the owner's request for a variance is hereby approved for the property located at East Railroad Street further described as follows:

Lot 1A, Block 1, Entertainment Park Subdivision, Yellowstone County, Montana

BE IT FURTHER RESOLVED, pursuant to the variance, the Property Owner may disregard the buffereyard requirement, sight-obscuring fence requirement, and building design standards for the property described herein; and

BE IT FURTHER RESOLVED, that the variance is approved subject to the following conditions:

1. Property Owner shall ensure dust and gravel control measures are in place to keep road debris off of public right of way.
2. The lot and landscaping must be kept free of weeds as per the City of Laurel Weed Management Plan.
3. Property Owner shall include down-lighting on all light poles.
4. Building (structure) shall be made of earth tone colors and aesthetically pleasing design as approved by Staff.
5. Developer will work with the city and neighboring property owners on the fence design subject to approval of Staff.

Introduced at a regular meeting of the City Council on September 24, 2019 by Council Member

_____:

PASSED and APPROVED by the City Council of the City of Laurel, Montana this 24th day of September, 2019.

APPROVED BY THE MAYOR this 24th day of September, 2019.

CITY OF LAUREL

Thomas C Nelson, Mayor

ATTEST:

Bethany Langve, Clerk/Treasurer

APPROVED AS TO FORM:

Sam S. Painter, Civil City Attorney

Item Attachment Documents:

15. Resolution No. R19-71 A Resolution Authorizing The Award of Grants From The Tax Increment Financing District Funds Pursuant To The LURA Small Grant Request Program For Eligible Applicants And Improvements.

RESOLUTION NO. R19-71

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE
AWARD OF GRANTS FROM THE TAX INCREMENT FINANCING DISTRICT
FUNDS PURSUANT TO THE LURA SMALL GRANT REQUEST PROGRAM FOR
ELIGIBLE APPLICANTS AND IMPROVEMENTS.**

WHEREAS, the City of Laurel approved a Small Grant Request Program proposed by the Laurel Urban Renewal Agency (LURA) through Resolution No. R19-42; and

WHEREAS, a number of property owners prepared and submitted applications seeking grant funding through the Small Grant Request Program for their respective projects; and

WHEREAS, the LURA Board reviewed and considered all of the applications submitted and recommends the City Council's approval and award of small grants to the Applicants in the following amounts:

- | | | |
|----|----------------------------|-------------|
| a. | Fraternal Order of Eagles: | \$ 7,132.00 |
| b. | Fjelstad Duplex: | \$ 6,862.82 |
| c. | Goldsby-Mel's Auto Clinic: | \$ 5,000.00 |
| d. | D&D Trust: | \$10,516.00 |

WHEREAS, all the applicants, applications and projects are eligible for grant assistance and LURA recommends approval and funding of the same in the amounts provided herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, that the Applicants listed herein are hereby approved for large grants pursuant to the Large Grant Request Program in the amounts provided herein to be paid from the City's Large Grant Request Program, Tax Increment Financing District Fund.

Introduced at a regular meeting of the City Council on September 24, 2019, by Council Member _____.

PASSED and APPROVED by the City Council of the City of Laurel this 24th day of September 2019.

APPROVED by the Mayor this 24th day of September 2019.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer, Clerk-Treasurer

Approved as to form:

Sam Painter, Civil City Attorney

Applicant	Project	Application Date	Start Date	Completion Date	Technical Assistance (\$4,000)	Façade (\$2,400)	Sign (\$3,000)	General Small Grant (\$5,000)	LURA Approved Amount	LURA Arrproval Date1	City Council Arrproval Date2	Total: Eligibility Date
Fraternal Order of Eagles	Rain gutter and insulation installation, lowering ceiling panels for energy efficiency, painting exterior with mural	4/24/2019	6/1/2019	9/1/2019	\$ -	\$ 1,275.00	\$ 900.00	\$ 4,957.00	\$ 7,132.00	5/50/2019		12/30/1901
Veterans of Foreign Wars (VFW)	Construction and installation of sign on property to notify community of VFW Post in Laurel	4/24/2019	5/30/2019	6/30/2019	\$ -	\$ -	\$ 1,605.25		\$ 1,605.25	5/20/2019		12/30/1901
Fjelstad Duplex	Demolition of blighted structure, design, construction, utilitiy work, landscaping, sidewalk and curb improvements, and insulation installation.	4/5/2019	8/1/2017	5/30/2019	\$ 3,031.10	\$ 3,831.72		\$ -	\$ 6,862.82	5/20/2019		12/30/1901
Goldsby - Mel's Auto Clinic	Replace 3 layers of roof, replace deck and shingling due to roof leakage. Will make attached residence liveable	5/22/2019	5/1/2019	5/30/2019	\$ -	\$ -	\$ -	\$ 5,000.00	\$ 5,000.00	6/17/2019		12/30/1901
D&D Trust	Canopy/awning and façade updates and installation of more efficient fixtures and lighting in apartments and commercial space	7/16/2019	8/1/2019	12/30/2019	\$ -	\$ 7,500.00	\$ -	\$ 3,016.00	\$ 10,516.00	8/19/2019		12/30/1901

Item Attachment Documents:

16. Resolution R19-72 A resolution Approving a Contract Between The City Of Laurel And the Montana Department Of Justice Natural Resource Damage Program.

RESOLUTION NO. R19-72

**A RESOLUTION OF THE CITY COUNCIL APPROVING A CONTRACT
BETWEEN THE CITY OF LAUREL AND THE MONTANA DEPARTMENT OF
JUSTICE NATURAL RESOURCE DAMAGE PROGRAM.**

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

Section 1: Approval. The Contract between the City of Laurel and the Montana Department of Justice Natural Resource Damage Program for design and construction of a campground at Riverside Park, included in the Yellowstone River recreation project priority plan.

Section 2: Execution. The Mayor of the City of Laurel is hereby given authority to accept and execute the Contract on behalf of the City.

Section 3: Effective date. The effective date for the attached Contract is hereby approved upon approval by the City Council.

Introduced at a regular meeting of the City Council on September 24th, 2019, by Council Member _____.

PASSED and APPROVED by the City Council of the City of Laurel this 24th day of September 2019.

APPROVED by the Mayor this 24th day of September 2019

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

Approved as to form:

Sam Painter, Civil City Attorney

TASK ORDER 2**City of Laurel Riverside Park Campground**

This Task Order is entered into between the Department of Justice, Natural Resource Damage Program (NRDP) and the City of Laurel (Contractor), as authorized by NRDP Contract No. 700122 (Agreement).

1. PURPOSE

The purpose of this Task Order is to make the funds authorized for the design and construction of a campground at Riverside Park, included in the Yellowstone River recreation project priority plan available.

A Scope of Work is detailed further in **Attachment A**. Any changes to Scope of Work tasks require written approval of the NRDP Project Manager.

2. EFFECTIVE DATE AND PERIOD OF PERFORMANCE

This Task Order will take effect upon the signature of both parties and terminate on **December 31, 2020**, unless terminated earlier in accordance with the terms of this Task Order (Mont. Code Ann. § 18-4-313).

3. COMPENSATION

In consideration for the services to be provided, the NRDP will pay Contractor an amount not to exceed \$61,150, as estimated in the budget for this Task Order. Contractor has a match of \$5,000, which is separate from and additional to NRDP funding for the project. The Contractor may not submit invoices seeking reimbursement or other funding from NRDP for any costs covered by match funds or expected to be separately reimbursed by match funds.

Contractor will submit monthly invoices conforming to Agreement requirements, as well as Contractor's name, address, and Agreement and Task Order numbers, to NRDP for costs actually incurred, unless no work was performed during the billing period. Invoices of subcontractors will be submitted without mark-up by Contractor. Progress reports will be submitted with all invoices (including subcontractor invoices) that clearly identify the work performed, including hours, dates and personnel. Contractor must not exceed the costs specified in this section without prior written authorization in the form of a fully executed task order modification. NRDP has thirty (30) days to pay invoices, as allowed by 17-8-242, MCA. Contractor will submit invoices to the Natural Resource Damage Program, P.O. Box 201425, Helena, MT 59620-1425, or by email to: DOJNRDPInvoice@mt.gov.

4. **SUBCONTRACTING**

Contractor will utilize its existing term contract for engineering services to perform project design. Contractor will procure a licensed construction contractor for the work in accordance with the terms of Title 18, Chapter 2, MCA, and other applicable procurement laws and regulations for public works.

NRDP must pre-approve in writing of any services to be performed by a subcontractor or any supplies to be procured by Contractor. Contractor is responsible to State for the acts and omissions of all subcontractors or agents and of persons directly or indirectly employed by such subcontractors, and for the acts and omissions of persons employed directly by Contractor. All Contractor procurement of subcontractors and supplies must comply with applicable Montana procurement laws and regulations. Prior to obtaining any subcontracted services or supplies in the amount of \$5,000 or more, Contractor must obtain NRDP's written approval of the procurement method, subcontractor, subcontract, the subcontract price, the subcontractor agreement, and, as applicable, labor rates, overhead rates and any subcontractor fee. Contractor must use an NRDP-provided template or form for the procurement. Contractor must submit documentation of the NRDP-approved procurement with the invoice that includes subcontractor costs or supplies. NRDP may require documentation of publication of the procurement and submittal of forms, as applicable.

5. **PROJECT MANAGERS AND SERVICE OF NOTICES**

- A. The Project Manager identified below will manage the day-to-day project activities on behalf of the NRDP.

The Project Manager for this Task Order is:

Alicia Stickney
1720 9th Ave
Helena, MT 59601
Phone: (406) 444-1346
E-mail: aliciastickney@mt.gov

- B. The Contractor Project Managers identified below will manage the day-to-day project activities on behalf of the Contractor.

The Contractor Project Managers for this Task Order are:

Kurt Markegard
City of Laurel
P.O. Box 10
Laurel, MT 59044
Phone: (406) 860-5785
E-mail: kmarkegard@laurel.mt.gov

Matt Wheeler
City of Laurel
P.O. Box 10
Laurel, MT 59044
Phone: (406) 208-1885
E-mail: mwheeler@laurel.mt.gov

- C. Written notices, reports, and other information required to be exchanged between the parties must be directed to the respective Project Managers.

6. EXECUTION.

The parties through their authorized agents have executed this Task Order on the dates set out below.

STATE OF MONTANA
DEPARTMENT OF JUSTICE
NATURAL RESOURCE DAMAGE PROGRAM

Harley Harris
Program Manager
1720 9th Ave, PO Box 201425
Helena, MT 59620

Date

Approved for legal content by:

Thad Adkins
NRDP Legal Counsel

Date

CITY OF LAUREL

Thomas C. Nelson
Mayor
P.O. Box 10
Laurel, MT 59044

Date

ATTACHMENT A SCOPE OF WORK

City of Laurel Riverside Park Campground

PURPOSE

The purpose of this task order scope of work is to outline tasks necessary for the Contractor to design, bid and provide construction oversight for development of a campground at Riverside Park in Laurel, Montana. This task will partially implement the Yellowstone River Recreation Project Priority Plan, developed as part of the *Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Assessment for the Exxonmobil Pipeline Company July 1, 2011 Yellowstone River Oil Spill* (Restoration Plan).

BACKGROUND

The City of Laurel (Contractor) proposed to design and build a campground, including installation of camping spots, sanitation facilities, picnic facilities, parking improvement, a trail, tree and shrub plantings, lighting, and other associated components as part of the preparation of the recreation project priority plan. The Recreation Project Priority Plan was completed as part of the implementation of the final Restoration Plan prepared by the U.S. Department of the Interior, through the Bureau of Land Management and U.S. Fish and Wildlife Service, and the State of Montana through the Department of Justice Natural Resource Damage Program (NRDP). The priority plan identifies preferred recreation projects and funding amounts to meet the restoration plan goal of providing additional recreational human use opportunities to offset those lost due to the July 1, 2011 ExxonMobil Pipeline Company Yellowstone River Oil Spill. These projects were approved by Governor Bullock on May 30, 2018 as part of the Yellowstone River Recreation Project Priority Plan. The purpose of this task order is to make the approved funds available to the City of Laurel for the project.

TASKS

Contractor will perform the following tasks:

Task 1: Contracted Engineering Campground Design and Oversight

Contractor, will design and oversee the construction of the Riverside campground development. The development of the design will include the following steps: 1) topography and boundary survey, 2) schematic design, 3) design development and construction documents. Contractor will provide schematic design development and construction bidding documents to NRDP for review prior to advertisement for bids, to ensure project meets the requirements of the Recreation

Project Priority Plan and Final Restoration Plan, and complies with applicable provisions of state procurement law and regulation.

Contractor will perform an open and competitive bidding process and any award will be made based on the lowest price offered by a responsive and responsible bidder.

Contractor will perform construction oversight of the construction contractor until completion of the work and final payment of the construction contract. Contractor will provide NRDP with a construction completion report that describes, at a minimum, the project, location, brief description of procurement, identification of contractors (including engineer and/or oversight personnel), description of construction activities, dates and amounts of payments, weather days, bond claims, unusual or unanticipated circumstances, and dates of substantial completion and final payment.

Task 2: Progress Reporting

Contractor will prepare monthly Progress Reports to accompany each invoice. Contractor will only prepare reports when work occurs during the monthly reporting period.

SCHEDULE AND DELIVERABLES

Contractor will provide deliverables to NRDP according to the following schedule:

1. One (1) electronic schematic design by October 15, 2019.
2. One (1) electronic design drawings and specifications (bidding documents) to NRDP by January 15, 2020.
3. One (1) electronic version of the construction completion report.
4. One (1) electronic version of each Progress Report, due with each invoice.

Item Attachment Documents:

17. Resolution No. R19-73 A Resolution Approving A Task Order Authorizing Kadrmas, Lee & Jackson, INC. For Services Relating To The Development Of Design Standards For Public Improvements.

RESOLUTION NO. R19-73

A RESOLUTION APPROVING A TASK ORDER AUTHORIZING KADRMAS, LEE & JACKSON, INC. FOR SERVICES RELATING TO THE DEVELOPMENT OF DESIGN STANDARDS FOR PUBLIC IMPROVEMENTS.

WHEREAS, the City of Laurel previously executed an Agreement for Professional Services with Kadrmass, Lee & Jackson, Inc. (“KLJ”) on December 5, 2017, via Resolution No. R17-69; and

WHEREAS, the City of Laurel requires engineering services for the City of Laurel’s Public Improvement Design Standards as described in the attached Task Order with is incorporated herein by reference; and

WHEREAS, the services to be provided and cost for such services are fully described in the attached Task Order and the services rendered shall not exceed \$50,000 without further authorization and written approval by the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, the attached Task Order authorizing the services to be performed by KLJ for the City of Laurel is hereby approved and the Mayor is hereby authorized to execute the attached Task Order on the City’s behalf.

Introduced at a regular meeting of the City Council on September 24, 2019, by Council Member _____.

PASSED and APPROVED by the City Council of the City of Laurel this 24th day of September 2019.

APPROVED by the Mayor this 24th day of September 2019.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

APPROVED AS TO FORM:

Sam Painter, Civil City Attorney

Task Order: Design Standards and Rules & Regulations Update

In accordance with Paragraph 1.01 of the Agreement Between Owner and Engineer for Professional Services – Task Order Edition, dated December 5, 2017 ("Agreement"), Owner and Engineer agree as follows:

1. Background Data

- A. Effective Date of Task Order: 9/24/2019
- B. Owner: City of Laurel
- C. Engineer: Kadrmas, Lee & Jackson, Inc. (dba "KLJ")
- D. **Specific Project (title):** **Design Standards and Rules & Regulations Update**
- E. Specific Project (description): Develop a set of cohesive and concise design standards for public improvements to help facilitate reviews of new developments and ensure the public improvements are designed in the City of Laurel's best interest.

Update rules and regulations governing Utility services and streets for the City of Laurel to current standards

2. Services of Engineer

- A. The specific services to be provided or furnished by Engineer under this Task Order are as follows:
 - 1) *Develop a set of written design standards for public improvements including:*
 - a) *Streets, curbs and gutters*
 - b) *Water mains, services and appurtenances*
 - c) *Sewer mains, service and appurtenances*
 - d) *Stormwater management infrastructure*
 - e) *Sidewalks and shared use paths, including curb ramps*
 - f) *Parklands and open space*
 - 2) *Develop a submission policy and process outlining necessary materials for review of future developments. Design standards to incorporate Montana Public Works Standard Specifications (MPWSS) and Montana Department of Environmental Quality (DEQ) circulars wherever possible.*

- 3) *Review current Rules and Regulation Governing Utility Services and Streets for the City of Laurel and make recommendations pertaining to the following:*
 - a) *Address current standards of practice employed by the City of Laurel as identified by staff.*
 - b) *Eliminate redundancy with Design Standards and Montana DEQ Standards.*
 - c) *Address chronic problem areas as identified by City staff.*
- 4) *Attend up to ten (10) meetings with City staff to discuss progress and make decisions.*
- 5) *Upon completion of written standards, present design standards to the Public Works Committee and City Council for adoption. The process includes:*
 - a) *One (1) presentation of the final draft to the Public Works Committee*
 - b) *Two (2) presentations of the final document to Council Work Sessions*
 - c) *Two (2) presentations to Council for public hearings and adoption*

All the services included above comprise Basic Services for purposes of Engineer's compensation under this Task Order.

3. Additional Services

A. Additional Services that may be authorized or necessary under this Task Order are as follows:

- 1) *Additional meetings with City staff beyond those identified in Basic Services*
- 2) *Additional presentations to the Governing Body beyond those identified for adoption*
- 3) *Services resulting from significant changes to the scope extent or character of the project.*
- 4) *Delays because of incomplete, incorrect or untimely information provided by the City.*
- 5) *Drafting of new details or specifications not already including in MPWSS.*
- 6) *Additional iterations or revisions to documents.*

4. Owner's Responsibilities

Owner shall have those responsibilities set forth in Article 2 of the Agreement and in Exhibit B, subject to the following: ***Offer timely and accurate feedback to questions posed.***

5. Task Order Schedule

In addition to any schedule provisions provided in Exhibit A or elsewhere, the parties shall meet the following schedule:

Party	Action	Schedule
Engineer	Furnish [five (5)] review copies of the outlines to the City for review before moving on to a first draft.	Within [thirty (30)] days of the Effective Date of the Task Order.
City of Laurel	Submit comments regarding outline to Engineer.	Within [fifteen (15)] days of the receipt of outline from Engineer.
Engineer	Furnish [five (5)] copies of the first drafts to City for review and comment.	Within [one-hundred twenty (120)] days of the receipt of City's comments regarding the outline.
Owner	Submit comments regarding first drafts to Engineer.	Within [fifteen (15)] days of the receipt of first draft from Engineer.
Engineer	Furnish [five (5)] copies of the final drafts to City for review.	Within [fifteen(15)] days of the receipt of the first draft comments.
Owner	Submit comments and final instructions for presentation of final documents to the Governing Body for adoption.	Within [fifteen(15)] days of the receipt of the final draft from Engineer.

6. Payments to Engineer

A. Owner shall pay Engineer for services rendered under this Task Order as follows:

Description of Service	Amount	Basis of Compensation
1. Basic Services	[\$50,000.00]	[Hourly not to Exceed]
TOTAL COMPENSATION (lines 1.a-h)	[\$50,000.00]	[Hourly not to Exceed]
2. Additional Services (Part 2 of Exhibit A)	(N/A)	[Hourly]

Compensation items and totals based in whole or in part on Hourly Rates or Direct Labor are estimates only. Lump sum amounts and estimated totals included in the breakdown by phases incorporate Engineer's labor, overhead, profit, reimbursable expenses (if any), and Consultants' charges, if any. For lump sum items, Engineer may alter the distribution of compensation between individual phases (line items) to be consistent with services actually rendered but shall not exceed the total lump sum compensation amount unless approved in writing by the Owner.

B. The terms of payment are set forth in Article 4 of the Agreement and in the applicable governing provisions of Exhibit C.

7. Consultants retained as of the Effective Date of the Task Order:

8. Other Modifications to Agreement and Exhibits:

9. Attachments:

10. Other Documents Incorporated by Reference:

11. Terms and Conditions

Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is 9/24/2019.

OWNER: City of Laurel

ENGINEER: Kadrmas, Lee & Jackson, Inc.

By: _____

By: _____

Print Name: _____

Print Name: _____

Title: _____

Title: _____

Engineer License or Firm's
Certificate No. (if required): PEL-EF-LIC-37
State of: Montana

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: Kurt Markegard

Name: Matt Corcoran

Title: Director of Public Works

Title: Project Manager

Address: PO Box 10
Laurel, MT 59044

Address: 2611 Gabel Road
Billings, MT 59102

E-Mail Address: kmarkegard@laurel.mt.gov

E-Mail Address: matt.corcoran@kljeng.com

Phone: 406-628-4796

Phone: 406-247-2917

Item Attachment Documents:

18. Resolution No. R19-74 A Resolution Approving A Task Order Authorizing Kadrmas, Lee & Jackson, INC. For Services Relating To The Assembling Of City Infrastructure Data Into A Single Source, Which Can Be Used To Track And Manage Assets.

RESOLUTION NO. R19-74

A RESOLUTION APPROVING A TASK ORDER AUTHORIZING KADRMAS, LEE & JACKSON, INC. FOR SERVICES RELATING TO THE ASSEMBLING OF CITY INFRASTRUCTURE DATA INTO A SINGLE SOURCE, WHICH CAN BE USED TO TRACK AND MANAGE ASSETS.

WHEREAS, the City of Laurel previously executed an Agreement for Professional Services with Kadrmass, Lee & Jackson, Inc. (“KLJ”) on December 5, 2017, via Resolution No. R17-69; and

WHEREAS, the City of Laurel requires engineering services for the City of Laurel’s Public Works Infrastructure as described in the attached Task Order with is incorporated herein by reference; and

WHEREAS, the services to be provided and cost for such services are fully described in the attached Task Order and the services rendered shall not exceed \$30,000 without further authorization and written approval by the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, the attached Task Order authorizing the services to be performed by KLJ for the City of Laurel is hereby approved and the Mayor is hereby authorized to execute the attached Task Order on the City’s behalf.

Introduced at a regular meeting of the City Council on September 24, 2019, by Council Member _____.

PASSED and APPROVED by the City Council of the City of Laurel this 24th day of September 2019.

APPROVED by the Mayor this 24th day of September 2019.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

APPROVED AS TO FORM:

Sam Painter, Civil City Attorney

Task Order: Data & Asset Management

In accordance with Paragraph 1.01 of the Agreement Between Owner and Engineer for Professional Services – Task Order Edition, dated December 5, 2017 ("Agreement"), Owner and Engineer agree as follows:

1. Background Data

- A. Effective Date of Task Order: 9/24/2019
- B. Owner: City of Laurel
- C. Engineer: Kadrmas, Lee & Jackson, Inc. (dba "KLJ")
- D. **Specific Project (title): Data & Asset Management**
- E. Specific Project (description): Assemble city infrastructure data into a single source, which can be used to tack and manage assets.

2. Services of Engineer

- A. The specific services to be provided or furnished by Engineer under this Task Order are:
Set forth in Part 1—Basic Services of Exhibit A, "Engineer's Services for Task Order," modified for this specific Task Order, and attached to and incorporated as part of this Task Order.
- B. Resident Project Representative (RPR) Services – Not Used
- C. Designing to a Construction Cost Limit – Not Used
- D. Other Services - None
- E. All of the services included above comprise Basic Services for purposes of Engineer's compensation under this Task Order.

3. Additional Services

- A. Additional Services that may be authorized or necessary under this Task Order are:
Set forth as Additional Services in Part 2—Additional Services, of Exhibit A, "Engineer's Services for Task Order," modified for this specific Task Order, and attached to and incorporated as part of this Task Order.

4. Owner's Responsibilities

Owner shall have those responsibilities set forth in Article 2 of the Agreement and in Exhibit B.

5. Task Order Schedule

Engineer shall perform the services in a reasonable amount of time not to exceed one-hundred twenty (120) days.

6. Payments to Engineer

A. Owner shall pay Engineer for services rendered under this Task Order as follows:

	Description of Service	Amount	Basis of Compensation
1.	Basic Services (Part 1 of Exhibit A)	[\$30,000.00]	[Hourly]
	a. Study and Report Phase (A1.01)	[\$30,000.00]	[Hourly]
	b. Preliminary and Final Design Phase (A1.02, A1.03)	[\$-]	[-]
	c. Bidding or Negotiating Phase (A1.04)	[\$-]	[-]
	d. Construction Phase (A1.05)*	[\$-]	[-]
	e. Resident Project Representative Services* (A1.05.A.2).	[\$-]	[-]
	f. Post-Construction Phase (A1.06)	[\$-]	[-]
	g. Commissioning Phase (A1.07)	[\$-]	[-]
	h. Other Services (see A1.08, and 2.D above)	[\$-]	[-]
	TOTAL COMPENSATION (lines 1.a-h)	[\$30,000.00]	
2.	Additional Services (Part 2 of Exhibit A)	(N/A)	[Hourly]

Compensation items and totals based in whole or in part on Hourly Rates or Direct Labor are estimates only. Lump sum amounts and estimated totals included in the breakdown by phases incorporate Engineer's labor, overhead, profit, reimbursable expenses (if any), and Consultants' charges, if any. For lump sum items, Engineer may alter the distribution of compensation between individual phases (line items) to be consistent with services actually rendered, but shall not exceed the total lump sum compensation amount unless approved in writing by the Owner.

B. The terms of payment are set forth in Article 4 of the Agreement and in the applicable governing provisions of Exhibit C.

7. Consultants retained as of the Effective Date of the Task Order:

8. Other Modifications to Agreement and Exhibits:

9. Attachments:

10. Other Documents Incorporated by Reference:

11. Terms and Conditions

Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is 9/24/2019.

OWNER: City of Laurel

ENGINEER: Kadrmas, Lee & Jackson, Inc.

By: _____

By: _____

Print Name: _____

Print Name: _____

Title: _____

Title: _____

Engineer License or Firm's Certificate No. (if required): PEL-EF-LIC-37
State of: Montana

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: Kurt Markegard

Name: Matt Corcoran

Title: Director of Public Works

Title: Project Manager

Address: PO Box 10
Laurel, MT 59044

Address: 2611 Gabel Road
Billings, MT 59102

E-Mail Address: kmarkegard@laurel.mt.gov

E-Mail Address: matt.corcoran@kljeng.com

Phone: 406-628-4796

Phone: 406-247-2917

This is **EXHIBIT A**, consisting of [three (3)] pages, referred to in and part of the Task Order dated [9/24/2019].

Engineer's Services for Task Order: Data & Asset Management

PART 1—BASIC SERVICES

A1.01 Study and Report Phase Services

- A. As Basic Services, Engineer shall:
1. Collect geographic information system (GIS) and other electronic data provided by Owner and other open-source sources to include:
 - a. City of Laurel water distribution, sanitary sewer, and storm drain systems
 - b. Parcels and property information
 - c. Water distribution system hydraulic model
 2. Assist Owner in identifying gaps and update data based on Owner feedback or additional information. Sources of additional information to include:
 - a. Recent record drawings
 - b. Maps marked by Owner
 - c. Up to three (3) meetings to discuss changes and clarify mark-ups
 3. Convert water distribution hydraulic model to GIS format and update based on information gathered in A1.01.2 recalibrate the model for use in future modelling studies. Fee does not include additional data gathering. Initial set will be made with existing data, which can be supplemented later.
 4. Format sanitary sewer system GIS data in preparation for future modelling studies. Fee does not include additional data gathering. Initial set will be made with existing data, which can be supplemented later.
 5. Prepare new atlas maps depicting City water distribution, sanitary sewer, and storm drain systems.
 6. Link data to online based interface subscription chosen by Owner.
- B. Engineer's services under the Study and Report Phase will be considered complete on the date when Engineer has delivered to Owner the revised Report and any other Study and Report Phase deliverables.

A1.02 Preliminary Design Phase – Not Used

A1.03 Final Design Phase – Not Used

A1.04 *Bidding or Negotiating Phase – Not Used*

A1.05 *Construction Phase – Not Used*

A1.06 *Post-Construction Phase – Not Used*

A1.07 *Commissioning Phase – Not Used*

PART 2—ADDITIONAL SERVICES

A2.01 *Additional Services Requiring an Amendment to Task Order*

- A. *Advance Written Authorization Required:* During performance under a Task Order, Owner may authorize Engineer in writing to furnish or obtain from others Additional Services of the types listed below. Unless expressly indicated above or in the specific Task Order to be included Basic Services, the following services are not included as part of Basic Services and will be paid for by Owner as Additional Services, using the basis of compensation for Additional Services, as indicated in the specific Task Order.
1. Preparation of applications and supporting documents (in addition to those furnished under Basic Services) for private or governmental grants, loans, or advances in connection with the Specific Project; preparation or review of environmental assessments and impact statements; review and evaluation of the effects on the design requirements for the Specific Project of any such statements and documents prepared by others; and assistance in obtaining approvals of authorities having jurisdiction over the anticipated environmental impact of the Specific Project.
 2. Services resulting from significant changes in the scope, extent, or character of the portions of the Specific Project designed or specified by Engineer, or the Specific Project's design requirements, including, but not limited to, changes in size, complexity, Owner's schedule, character of construction, or method of financing; and revising previously accepted studies, reports, Drawings, Specifications, or Construction Contract Documents when such revisions are required by changes in Laws and Regulations enacted subsequent to the Effective Date of the Task Order or are due to any other causes beyond Engineer's control.
 3. Services required as a result of Owner's providing incomplete or incorrect Specific Project information to Engineer.
 4. Providing renderings or models for Owner's use, including services in support of building information modeling or civil integrated management.
 5. Undertaking investigations and studies including, but not limited to:
 - a. detailed consideration of operations, maintenance, and overhead expenses;
 - b. based on the engineering and technical aspects of the Project, the preparation of feasibility studies (such as those that include projections of output capacity, utility project rates, project market demand, or project revenues) and cash flow analyses, provided that such services do not include rendering advice regarding municipal financial products or the issuance of municipal securities;

- c. preparation of appraisals;
 - d. evaluating processes available for licensing, and assisting Owner in obtaining process licensing;
 - e. detailed quantity surveys of materials, equipment, and labor; and
 - f. audits or inventories required in connection with construction performed or furnished by Owner.
6. Furnishing services of Consultants for other than Basic Services.
7. Providing data or services of the types described in Exhibit B, when Owner retains Engineer to provide such data or services instead of Owner furnishing the same.