



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

NEXT RES. NO.
R22-17

NEXT ORD. NO.
O22-01

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

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

Pledge of Allegiance

Roll Call of the Council

Approval of Minutes

1. Approval of Minutes of April 12, 2022.

Correspondence

2. Ambulance Monthly Report - March 2022.

Council Disclosure of Ex Parte Communications

Public Hearing

Consent Items

NOTICE TO THE PUBLIC

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

3. Claims entered through April 22, 2022.
4. Approval of Payrol Register for PPE's through 4/22/2022 totaling \$193,588.33.

Ceremonial Calendar

Reports of Boards and Commissions

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

Audience Participation (Three-Minute Limit)

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

Scheduled Matters

- [7.](#) Resolution No. R22-17: A Resolution Of The City Council Authorizing The Mayor To Execute The Amendment To Owner-Engineer Agreement, Amendment No. 2, By And Between The City Of Laurel And KLJ Engineering, Inc.
- [8.](#) Resolution No. R22-18: A Resolution Of The City Council Authorizing The Mayor To Execute A Memorandum Of Understanding By And Between The City Of Laurel And The City Of Laurel Library Board Of Trustees
- [9.](#) Resolution No. R22-19: A Resolution Of The City Council Authorizing The Mayor To Execute A Retention Fee Agreement By And Between The City Of Laurel And Olness & Associates, P.C.
- [10.](#) Resolution R22-20: A Resolution Of The City Council Authorizing The Removal Of Former City Of Laurel Clerk/Treasurer Bethany Keeler, F/K/A Bethany Langve, From All City Accounts And Adding Acting City Of Laurel Clerk/Treasurer Kelly Strecker To All Such Accounts.

Items Removed From the Consent Agenda

Community Announcements (One-Minute Limit)

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

Council Discussion

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

Mayor Updates

Unscheduled Matters

Adjournment

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

DATES TO REMEMBER

File Attachments for Item:

1. Approval of Minutes of April 12, 2022.

DRAFT

MINUTES OF THE CITY COUNCIL OF LAUREL

April 12, 2022

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

COUNCIL MEMBERS PRESENT: Emelie Eaton Heidi Sparks
 Bruce McGee Richard Herr
 Scot Stokes Irv Wilke
 Richard Klose Don Nelson

COUNCIL MEMBERS ABSENT: Heidi Sparks

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

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

MINUTES:

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

CORRESPONDENCE:

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

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS:

PUBLIC HEARING:

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

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

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

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

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

Mayor Waggoner asked if there were any proponents.

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

Mayor Waggoner asked again if there were any proponents.

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

Council Minutes of April 22, 2022

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

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

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

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

Mayor Waggoner closed the public hearing.

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

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

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

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

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

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

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

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

Mayor Waggoner closed the public hearing.

CONSENT ITEMS:

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

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

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

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

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

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS:

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

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

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

Motion by Council Member Eaton to approve the Mayor's appointment of Benjamin Spencer to the Laurel Police Department, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

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

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

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

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

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

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

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

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

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

Council Minutes of April 22, 2022

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

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

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

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

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

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

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

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

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

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

Motion by Council Member Mize to approve Resolution No. R22-16, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

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

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

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

MAYOR UPDATES:

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

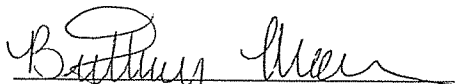
UNSCHEDULED MATTERS: None.

DRAFT

ADJOURNMENT:

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

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


Brittney Moorman, Administrative Assistant

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

Dave Waggoner, Mayor

Attest:

Kelly Strecker, Acting Clerk/Treasurer

STAFF REPORT
LAUREL GOLF CLUB
Annexation and Initial Zoning

Applicant:

Laurel Golf Club
1020 Golf Course Road
Laurel MT 59044

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

Request:

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

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

Process:

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

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

Analysis of the Request

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

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

Findings:

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

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

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

12 Point Test for Zoning:

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

Finding:

The requested zoning is in accordance with the Growth Policy.

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

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

Finding:

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

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

Finding:

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

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

Finding:

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

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

Finding:

The requested zoning will provide adequate light and air.

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

Finding:

The proposed zoning will prevent the overcrowding of land.

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

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

Finding:

The proposed zoning will prevent the undue concentration of population.

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

Finding:

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

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

Finding:

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

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

Finding:

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

XI. Will the zoning conserve the value of buildings;

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

Finding:

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

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

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

Finding:

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

Conclusion:

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

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

City Of Laurel

P.O. Box 10
Laurel, Montana 59044



Office of the Building Official

INTRODUCTION

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

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

PLANNER RESPONSIBILITY

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

STANDARD OF REVIEW Zoning Commission/City Council

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

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

VARIANCES REQUESTED

N/A. None Requested.

File Attachments for Item:

2. Ambulance Monthly Report - March 2022.

Laurel Emergency Services Report created 4/22/22:

2020

1090 requests for service

159 times LEMS was unavailable

72 times AMR was unavailable

288 responses in Ward 5 = 27% of calls outside of the city of Laurel

2021

1228 requests for service

135 times LEMS was unavailable

34 times AMR was unavailable

318 responses in Ward 5 = 26% of calls outside of the city of Laurel

Recent Month Summary:

March 2022:

Requests	91
Missed Calls	9=10 %
Shortest Delay	2 minutes
Longest Delay	31 minutes
Average Delay	20 minutes
Fire Driver Available	28 times
City Driver Available	1 time
QRU Response With 1 Provider	4 times **
On A Previous Call	1 times
No Crew / Provider Available	5 times
AMR Transported or Responded	5 times
Red Lodge Transported	0 times
HELP Flight Transported	0 times
Columbus Transported	0 times
Joliet Transported	0 time
Park City Transported	0 time
PD Assisted Pt no transport	0 time
FD Assisted Pt no transport	1 time
POV Transport	2 times
YCSO Transported	0 times
MHP Transported	0 times

**3 times the QRU responded and the patient refused / no transport to hospital or no patient found and 1 time the QRU paramedic rode in with AMR BLS unit to transport

*21 responses in Ward 5 = 23 % of calls outside of the city of Laurel



2022 Running Totals

	January	February	March	April	May	June	July	August	September	October	November	December	Total 2021
Requests	100	84	91										
Missed Calls	11	10	9										
Shortest Delay (minutes)	12	9	2										
Longest Delay (minutes)	69	63	31										
Average Delay (minutes)	31	33	20										
Fire Driver Available	22	27	28										
QRU Response w 1 Provider	6	5	4										
On A Previous Call	3	0	1										
No Crew / Provider Available	2	5	5										
AMR Transported or Responded	5	6	5										
Columbus Transported	1	1	0										
Joliet Transported	0	0	0										
Park City Transported	0	1	0										
Red Lodge Transported	0	0	0										
HELP Flight Transported	0	0	0										
POV Transport	5	0	2										
PD Assisted Pt no transport	0	1	0										
FD Assisted Pt no transport	0	0	1										
YCSO Transported	0	0	0										
MHP Transported	0	0	0										
QRU/AMR Refusal or No Patient	0	1	1										
Responses in Ward 5	30	25	21										

Other Reporting Information:

- I am working with the Mayor, City Clerk and City Attorney to see if we can come up with some creative ideas to help us recruit and retain our staff.
- The 2 new volunteer EMTs have started and have both been training a lot and are doing very well. We have been busy and our staff is truly amazing. We continue to struggle with some schedule holes but our staff, both part time and many of the volunteers are absolutely invaluable and work extremely hard to help.
- Crew sleeping quarters construction is under way and going great, hope to have it completed in the next couple of weeks. Once this is completed the full time schedule will be able to go to a much better start and stop time. Currently their shift is midnight to midnight for their 24 hour shift and not well liked by the staff. This is a deterrent when trying to recruit as well. We will most likely be changing to an 8am to 8am shift, the staff is extremely excited.
- Our radio repeater went down a couple of weeks ago which led to an inability to communicate on the radios. Fire was extremely gracious in allowing us to use their channels to communicate with dispatch. We had anticipated this issue and had planned for a replacement, Chief Langve was invaluable in helping get the new one set up and running.
- We have received excellent feedback from the hospitals that our EMS service has been one of the best in our stroke patient care and documentation recently with new patient care protocols. Super excited to see our crews get a kudos for this.
- Our first Safe Kids Yellowstone County Car Seat Check will be held Tuesday, April 26th at 5pm – 7pm. Please share this event with anyone that has kids or grandkids! It is a great way to make sure kiddos are buckled in properly!
- We have taught Stop the Bleed for the high school sports medicine class last semester and this semester and we have taught the course in 2 classes to the CHS Refinery Rescue squad. This is a totally of approximately 60 people so far! We will continue to get this course out to the public.

File Attachments for Item:

5. Budget/Finance Committee Minutes of March 22, 2022.

**Minutes of City of Laurel
Budget/Finance Committee
Tuesday, March 22, 2022**

Members Present: **Richard Klose – Chair** **Emelie Eaton**
 Heidi Sparks **Michelle Mize**

Others Present: **Mayor Waggoner, Bethany Keeler via phone**

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

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.*

There was no public in attendance

General Items –

1. Review and approved March 8, 2022, Budget and Finance Committee meeting minutes. Heidi Sparks moved to approve the minutes of the March 8, 2022, Budget and Finance Committee meeting. Emelie Eaton seconded the motion, all in favor, motion passed 4-0.
2. Review and approve purchase requisitions –
The Committee was presented with one purchase requisition from the Fire Department for their annual replacement of turnout gear. Fire Chief, Brent Peters, had written a letter of explanation for the annual turnout gear replacement since this was the first time some members of the City Council had reviewed this purchase. Heidi Sparks made a motion to approve the purchase requisition for the annual replacement of turnout gear. Emelie Eaton seconded the motion to approve the purchase requisition for the annual replacement of turnout gear, all in favor, motion passed 4-0.
3. Review and recommend approval to Council; claims entered through March 18, 2022. The Committee had previously reviewed the claims and check register. Heidi questioned the \$250.00 donation to the Animal shelter. Officer Booth asked to donate and Mayor and Civil Attorney approved Heidi Sparks made a motion to approve the claims entered through March 18, 2022. Emelie Eaton seconded the motion, all in favor, motion passed 4-0.
4. Review and approve the February 2022 Utility Billing Adjustments. Emelie Eaton made a motion to approve the Utility Billings adjustments through February 2022. Michelle Mize seconded the motion, all in favor, motion passed 4-0.
5. Review and approve Payroll Register for the pay period ending March 6, 2022, totaling \$198,799.95. Emelie Eaton motioned to approve the payroll register for the pay period ending March 6, 2022, totaling \$198,799.95. Heidi Sparks seconded the motion, all in favor, motion passed 4-0.

New Business – None

Unfinished Business –

6. Review the burial totals for the last four year average. Mayor and Public Works Director is going to meet Richard Klose to discuss a Kiosk and road issues. They will discuss a columbarium. The estimate cost is \$80,000.00
7. The Budget and Finance Chair gave an update regarding the cemetery parking lot.

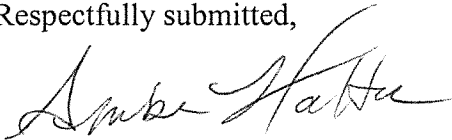
Other Items –

8. Sweeper is still down after repairs
9. Review Comp/OT reports for the pay period ending March 6, 2022. The Committee reviewed March 6, 2022, Comp/Overtime reports.
10. Mayor Update – The Mayor discussed garbage cans purchase that was above the annual purchase. The Mayor would like to fees associated with the special events permits.
11. Clerk/Treasurer Update.

Announcements –

12. The next Budget and Finance Committee meeting will be held on May 10, 2022, at 5:30 pm.
13. Committee member to be determined for reviewing claims for the next Budget and Finance Committee meeting.

Respectfully submitted,



Amber Hatton
Accounts Payable

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

File Attachments for Item:

6. Park Board Minutes of April 7, 2022.

April 7, 2022

Laurel Park Board Meeting

Started 5:33 PM by Scot Stokes with Irv Wilke, Rick Herr, Jon Rutt, Evan Bruce, Matt Wheeler, Kirk Markegard, Mayor Dave Waggoner and Paul Kober.

Public Comment:

Mary and Elizabeth from the LARC came to volunteer LARC to facilitate opening the Laurel Pool this year.

Approved minutes from February 3, 2022, meeting, Irv motioned and Rick 2nd. Motion passed
No minutes from March 3, 2022, meeting, because of a lack of quorum.

New Business:

Andrea Johnson from the Montana Tennis Association and the USTA spoke on building tennis courts and possible pickle ball courts in Laurel. Several locations suggested along with working with the schools and Pickle Ball group on raising funds when a location is found. Motion made by Irv, 2nd by Jon to investigate the feasibility of this being done in Laurel. Motion passed.

Kirk and the Mayor made a presentation on building a Bike Park and Skate Park similar to the one in Billings called Blue Creek Bike Park. Proposed location is an unused park area north of the Fir Field soccer park. Very doable project with low cost and the skate park people have already raised \$6,000 towards the building of a skate park. Grants and fundraising can be kicked into gear with a location. Motion made by Evan, 2nd by Irv to study the feasibility of accomplishing this project as soon as possible. Motion passed.

Old Business:

Riverside Park Updates. A lot of work has been done to clean up the park and some landscaping needs to be completed to be ready for summer. Discussion on the addition of another vault toilet, rebuilding the shower building and fixing some septic tank systems. Perc tests are being run by Riverstone for feasibility. Motion made by Irv to pursue money from the Exxon penalty to complete some of these projects, Paul 2nd. Motion passed.

The Little League and the American Legion want to enter into a long term 25 year lease to secure stability in their investment in the fields. Motion made by Irv to draft a lease with regular increases that would be agreeable along with reports from the organizations on their investment and improvements. Paul 2nd. Motion passed.

Richard Klose, Ken Olson, and George Waddell spoke on behalf of the American Legion post adopting/championing the building in Riverside Park. Discussion followed about ways to incentivize the organization through reduced or waived rent of a long-term lease after proof of investment in improving the functionality of the building. Some problems need to be addressed with the septic and utilities before an agreement can be made.

Other Items:

Matt presented the need for replacement of the soccer nets in Murray Park. Jon made a motion to approve this purchase, Irv 2nd and motion passed.

Lions Club is using the former Jaycee Hall and would like to consider adopting/championing the building and would we consider renaming Lions Hall?

We agreed to meet on May 5, 2022, for the next meeting.

Meeting adjourned at 7:03

Jon Rutt

File Attachments for Item:

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

RESOLUTION NO. R22-17

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE MAYOR TO
EXECUTE THE AMENDMENT TO OWNER-ENGINEER AGREEMENT,
AMENDMENT NO. 2, BY AND BETWEEN THE CITY OF LAUREL AND KLJ
ENGINEERING, INC.**

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

Section 1: Approval. The Amendment to Owner-Engineer Agreement, Amendment No. 2, by and between the City of Laurel and KLJ Engineering, Inc., a copy attached hereto and incorporated by reference herein, is hereby approved.

Section 2: Execution. The Mayor is hereby given authority to execute the Amendment to Owner-Engineer Agreement, Amendment No. 2, on behalf of the City.

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

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

APPROVED by the Mayor the 26th day of April 2022.

CITY OF LAUREL

Dave Waggoner, Mayor

ATTEST:

Kelly Strecker, Clerk-Treasurer

APPROVED AS TO FORM:

Michele L. Braukmann, Civil City Attorney

This is **EXHIBIT K**, consisting of 2 pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated 8/24/21, KLJ Project NO. 2004-00862.

AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 2

The Effective Date of this Amendment is: _____

Background Data

Effective Date of Owner-Engineer Agreement:

Owner: City of Laurel

Engineer: KLJ Engineering, Inc.

Project: 2022 Pavement Maintenance

Nature of Amendment: [Check those that are applicable and delete those that are inapplicable.]

- X Additional Services to be performed by Engineer
- Modifications to services of Engineer
- X Modifications to responsibilities of Owner
- X Modifications of payment to Engineer
- Modifications to time(s) for rendering services
- Modifications to other terms and conditions of the Agreement

Description of Modifications:

Scope of Services is modified in accordance with Amendment 2 – Exhibit A

Agreement Summary:

Original agreement amount:	\$ <u>595,800.00</u>
Net change for prior amendments:	\$ <u>85,000</u>
This amendment amount:	\$ <u>22,000</u>
Adjusted Agreement amount:	\$ <u>702,800</u>

Change in time for services (days or date, as applicable): 0

Engineer's Services- 2022 Pavement Maintenance (Amendment 2)

PART 1 – BASIC SERVICES

The amendment adds the following to the project:

1. Removal and replacement of the trees along the I-90 ROW.
2. Replace existing playground equipment with new contemporary equipment.
3. Installation of an underground sprinkler system with automatic controls to aid in controlling pressure drops in the water system during the summer months

The following amends Exhibit A of the Agreement

A1.01 *Project Management – No Change*

A1.02 *Topographic Survey Phase- No Change*

A1.03 *Preliminary Engineering- No Change*

A1.04 *Final Design Phase*

- A. Expand services described under Final Design Phase of Original Agreement to include the following:
 1. Removal and replacement of the trees along the I-90 ROW.
 2. Replace existing playground equipment with new contemporary equipment.
 3. Installation of an underground sprinkler system with automatic controls to aid in controlling pressure drops in the water system during the summer months.
- B. Engineer shall provide the following services in addition to those described in original agreement:
 1. Landscaping Design
 - a. Provide a tree removal and plantings schedule for an equal number of trees to be planted along the I-90 R/W boundary.
 - b. Design a zoned irrigation system with controls to irrigate the entirety of the park along with the newly planted trees.
 - c. Provide construction plans with details for all improvements described above.
 - d. Include this package within the construction contract.
 2. Playground Equipment
 - a. Coordinate with the City's current equipment supplier to provide new contemporary playground equipment.

- b. Attend two (2) meetings with Owner to provide options of equipment available.
- c. Provide probable cost opinions for purchase and installation of equipment.
- d. Provide site design and site details for the construction of equipment. This will include ground fall protection under equipment.

A1.05 *Bidding or Negotiating Phase*

- A. Expand services described under Bidding and Negotiating Phase of Original Agreement to include improvements described in this amendment.

A1.06 *Construction Phase*

- A. Expand services described under Construction Phase of Original Agreement to include improvements described in this amendment.
- B. Engineer will provide the follow construction staking in addition to that described in Section A1.06.A.10 of the original Agreement:
 - 1. Provide Construction Staking for trees and extents of playground in Russell Park.
- C. Modify anticipated RPR time specified in Section A1.06.A.3 of the original Agreement, to 760 hours. Modify recommended construction contract time in same section, to 140.

A1.07 *Post-Construction Phase*

- A. Expand services described under Post-Construction Phase of Original Agreement to include stormwater improvements described in this amendment.

PART 2 – ADDITIONAL SERVICES

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

- B. Add to Section A2.01.A of the original Agreement (Additional Services Requiring Written Authorization):

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:

City of Laurel

ENGINEER:

KLJ Engineering, Inc

By:

Print name: Dave Waggoner

Title: Mayor

By:

Print name: Mark Anderson

Title: Senior Vice President, EPW

Date Signed:

Date Signed:

File Attachments for Item:

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

RESOLUTION NO. R22-_____

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

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

Section 1: Approval. The Memorandum of Understanding by and between the City of Laurel and the City of Laurel Library Board of Trustees, a copy attached hereto and incorporated herein, is hereby approved.

Section 2: Execution. The Mayor is hereby given authority to execute the Memorandum of Understanding on behalf of the City.

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

PASSED and APPROVED by the City Council of the City of Laurel the _____ day of April, 2022.

APPROVED by the Mayor the _____ day of April, 2022.

CITY OF LAUREL

Dave Waggoner, Mayor

ATTEST:

Kelly Strecker, Clerk-Treasurer

APPROVED AS TO FORM:

Michele L. Braukmann, Civil City Attorney

MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF LAUREL AND THE LAUREL LIBRARY BOARD OF TRUSTEES

This Memorandum of Understanding (“Agreement”) is entered into this ____ day of _____ 2022 by and between the City of Laurel, Montana, a municipality of the State of Montana (hereinafter, “the City” or “the City of Laurel”), and the Laurel Library Board of Trustees (hereinafter, “the Library Board” or the “Laurel Library Board”), together referred to hereafter as “the parties”.

RECITALS

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

WHEREAS, the City, and the Montana Federation of Public Employees (“Association”) have entered a Collective Bargaining Agreement (“CBA”), in which Library employees are considered member employees;

WHEREAS, said CBA was established through collective bargaining procedures as provided for under Montana law, “the promotion of harmonious relations” between the City and Association and “the establishment of an equitable and peaceful procedure for the resolution of differences; and the establishment of rates of pay, hours of work, and fringe benefits, employee safety, and other conditions of employment”;

WHEREAS, pursuant to § 22-1-309(3), MCA, the Library Board is empowered to contract with the City to provide certain library services, including personnel management;

WHEREAS, based upon recent decisions of the insuring entity for the City of Laurel (the Montana Municipal Interlocal Authority), it has become apparent that the City cannot continue to insure the Library without a clear understanding and agreement with regard to how personnel matters are handled by and between the City of Laurel and the Library Board;

WHEREAS, in relationship to the issues that have arisen related to insurance for the Library and the Library Board, and substantial legal precedent through the State of Montana, it is clear that both the City of Laurel and the Library Board need to have input and decision-making authority in relationship to how personnel decisions are made for library personnel, which includes all decisions related to hiring, discipline, and termination of library personnel;

WHEREAS, the Library Board acknowledges and agrees that significant impediments exist that would impair the Library Board from obtaining insurance coverage, if it does not share the rights and responsibilities with regard to personnel management, with the City;

WHEREAS, the Library Board is agreeable to specific terms and conditions that allow the City to engage in personnel management decisions, address various employment concerns, as allowed by law, in a collaborative and equal manner; and

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

UNDERSTANDING OF THE PARTIES

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

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

2. **TERM:** This Agreement shall commence effective upon the date executed below. The Agreement will automatically renew for each subsequent year unless one party provides written notice to the other at least ninety (90) days prior to the end of the term, of its intention to not renew the same.

3. OBLIGATIONS OF THE CITY:

3.A. Insurance Coverage: The City agrees to provide property insurance coverage for the City of Laurel Library building and contents, as well as liability and Employment Practices Liability Insurance coverage under the City's insurance policies with the Montana Municipal Interlocal Authority, upon execution of this Memorandum of Understanding.

4. OBLIGATIONS OF THE LIBRARY BOARD:

4.A. Laws and Regulations: As a tax-supported public library, the Library Board must be aware of and ensure that all laws and regulations which relate to public libraries are properly followed. If any laws and regulations are not followed, the Library Board agrees to fully indemnify and hold harmless the City for any failure to follow such laws and regulations.

5. OPERATION OF THE LIBRARY:

5.A. Library Board Authority: The Library Board shall have the authority to

determine the policy for the operation and care of the Library; prepare budgets; authorize expenditures; determine the selection of materials; and negotiate contracts and agreements as set forth in § 22-1-309, MCA. The Library Board agrees to work with the City cooperatively to discuss modifications or changes that will facilitate the efficient operation of the Library for the benefit of the public. The Library Board further agrees to provide the City with timely notice of all policy modifications or changes, including providing any written documentation which accompanies and/or supports such modifications or changes.

5.B. Execution Contracts/Agreements: The City Mayor, with the approval of City Council, shall execute all contracts and agreements for the Library.

5.C. Personnel Management: Pursuant to § 22-1-309(3), MCA, the Library Board agrees to delegate personnel authority as found in § 22-1-310, MCA, to the City as follows:

5.C.1. Library Director.

5.C.1.a. Appointment. Pursuant to the City's Charter, Article III, and the delegation of authority herein, the City shall have the authority and responsibility for hiring, appointment, termination, and disciplinary proceedings of the Library Director. Appointment and/or termination of the Library Director, however, will be made in consultation with and be confirmed by the Library Board. If any disagreement exists between the City and the Library Board, the City is the ultimate decisionmaker in relationship to the aforementioned obligations.

5.C.1.b. Administrative status. The Library Director shall have the administrative status of a City Department Head and shall report to and be supervised by the City Mayor.

5.C.1.c. Execution of Library operation and policies. The Library Director shall manage the operations of the Library and be responsible to the Library Board for the execution of the Library Board's policies as authorized by Section 5.A. above.

5.C.2. All Other Library Employees.

5.C.2.a. Pursuant to the City's Charter, Article III, and the delegation of authority herein, the City shall have authority and responsibility for all personnel matters including but not limited to hiring, termination, and disciplinary proceedings, employee safety, and other conditions of employment for Library employees.

5.C.2.b. Supervision/management. The Library Director shall supervise and manage all Library employees, in collaboration with the City Mayor and the Library Board. The Library Director agrees to consult, on a regular basis, with the Civil City Attorney, on any personnel management decisions that may result in liability exposure for the City, including discipline and termination of any employees.

5.D. Building. The City of Laurel Library building is owned by the City. The City agrees to provide day-to-day maintenance and general repair for the building. The Library Board agrees that any rental or use of Library facilities by other entities, organizations, groups, and/or individuals, will comply with the City's process.

6. **INDEMNIFICATION AND HOLD HARMLESS:** The City and Library Board agree to a mutual indemnification in which each party will indemnify the other for the negligent acts of its employees, board members, agents and/or subcontractors. Each party shall indemnify, hold harmless and defend the other party, at that party's own expense, against any and all claims made for any accident, injury, or damage that occurs in, on, or about the Library that is caused by an act or omission of that party's employee, board member, agent and/or subcontractors.

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

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

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

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

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

9. **TIME OF ESSENCE:** Time shall be of the essence of this Agreement and all the terms, covenants and conditions hereof shall be performed at or before the times herein set forth. Any forbearance on the part of either party in the enforcement of the terms and conditions of this

Agreement shall in no way be construed as a waiver of default thereof or waiver of the obligatory effect of such provision.

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

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

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

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

CITY OF LAUREL

Dave Waggoner, City Mayor

* APPROVED AS TO FORM:

Michele L. Braukmann, Civil City Attorney

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

LAUREL LIBRARY BOARD OF TRUSTEES

Arthur Vogelee, Chair

Kate Manley, Trustee

Samantha Barnhart, Trustee

Lela Schlitz, Trustee

Katie Fjelstad, Trustee

Nancy Schmidt, Secretary



MONTANA MUNICIPAL INTERLOCAL AUTHORITY NOTICE OF INTENT FOR PUBLIC LIBRARY COVERAGE

Member:

City of Laurel

Effective 07/01/2022, libraries and library boards are excluded from coverage for liability, workers' compensation, and employee benefits in the MMIA programs. However, the MMIA and its board of directors understand the importance of providing these coverages to cities and towns and their respective libraries. As a result, the MMIA has established a process for those member-owners and libraries that desire to have these coverages with MMIA to obtain coverage through an endorsement by meeting specific underwriting criteria.

The underwriting criteria includes but is not limited to:

- Library staff must be employees of the city/town.
- Library must adopt and adhere to city/town personnel policies.
- Library agreement must allow input and authority by city/town for personnel decisions such as hiring, termination, discipline, grievances, ADA, harassment prevention, and safety.
- Agreement between the city/town and library must incorporate the items above.

Please indicate below whether City of Laurel intends to seek coverage for the public library through endorsement, and return this form to Britani Laughery at blaughery@mmia.net or via fax to Britani's attention at 406-449-7440 no later than close of business on **05/16/2022**. If no response is received by that date, MMIA will assume coverage is not being sought.

For questions, please contact Alan Hulse at 406-495-7014 or Britani Laughery at 406-495-7004.

Yes, City of Laurel intends to seek coverage for the public library through endorsement.

Authorized Representative (Print Name)

Signature

Date

No, City of Laurel does not intend to seek coverage for the public library through endorsement.

Authorized Representative (Print Name)

Signature

Date



MEMORANDUM

TO: Mary Rowe
City of Miles City

FROM: Alan Hulse, CEO

DATE: March 30, 2022

RE: Coverage Changes affecting Libraries and Library Boards

In Montana, there are various types of public library formations including: city libraries, county libraries, city-county libraries, library districts, and multi-jurisdictional libraries. It has recently come to the MMIA's attention that regardless of a public library's formation, the employees may not be employees of the city/town, but rather employees of the library board. That nuance poses a coverage challenge in workers' compensation and employee benefits as employers cannot insure the employees of another employer. It also poses a coverage challenge in liability as the city/town may not have oversight of employment related matters such as the hiring process, disciplinary process, harassment prevention, workplace safety, etc. From a risk management perspective, insuring something you can't control is not advisable.

In response to these coverage issues, **effective 7/1/2022 the MMIA is excluding coverage for libraries and library boards in the liability, workers' compensation, and employee benefits programs.** However, the MMIA and its board of directors understand the importance of providing these coverages to cities and towns and their respective libraries. As a result, the MMIA has established a process for those member-owners and libraries that desire to have these coverages with MMIA to obtain coverage through an endorsement by meeting specific underwriting criteria.

The underwriting criteria includes but is not limited to:

- Library staff must be employees of the city/town.
- Library must adopt and adhere to city/town personnel policies.
- Library agreement must allow input and authority by city/town for personnel decisions such as hiring, termination, discipline, grievances, ADA, harassment prevention, and safety.
- Agreement between the city/town and library must incorporate the items above.

It's important for cities/towns that desire to obtain coverage for their library through MMIA to work with their city/town attorney to meet the underwriting criteria. **MMIA must receive notice of intent to obtain or reject coverage for libraries from each city/town by close of business on 05/16/2022** on the enclosed form. If no response is received by that date, MMIA will assume coverage is not being sought.

Those cities/towns and libraries that do not desire to maintain coverage for the library with MMIA will need to secure other coverage for liability, workers' compensation, and employee benefits as of 07/01/2022.

For questions or concerns regarding your coverage, please do not hesitate to call me at 406-495-7014.



**MONTANA MUNICIPAL INTERLOCAL AUTHORITY
NOTICE OF INTENT FOR PUBLIC LIBRARY COVERAGE**

Member:	City of Miles City
----------------	--------------------

Effective 07/01/2022, libraries and library boards are excluded from coverage for liability, workers' compensation, and employee benefits in the MMIA programs. However, the MMIA and its board of directors understand the importance of providing these coverages to cities and towns and their respective libraries. As a result, the MMIA has established a process for those member-owners and libraries that desire to have these coverages with MMIA to obtain coverage through an endorsement by meeting specific underwriting criteria.

The underwriting criteria includes but is not limited to:

- Library staff must be employees of the city/town.
- Library must adopt and adhere to city/town personnel policies.
- Library agreement must allow input and authority by city/town for personnel decisions such as hiring, termination, discipline, grievances, ADA, harassment prevention, and safety.
- Agreement between the city/town and library must incorporate the items above.

Please indicate below whether City of Miles City intends to seek coverage for the public library through endorsement, and return this form to Britani Laughery at blaughery@mmia.net or via fax to Britani's attention at 406-449-7440 no later than close of business on **05/16/2022**. If no response is received by that date, MMIA will assume coverage is not being sought.

For questions, please contact Alan Hulse at 406-495-7014 or Britani Laughery at 406-495-7004.

Yes, City of Miles City intends to seek coverage for the public library through endorsement.

Authorized Representative (Print Name)

Signature

Date

No, City of Miles City does not intend to seek coverage for the public library through endorsement.

Authorized Representative (Print Name)

Signature

Date

File Attachments for Item:

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

RESOLUTION NO. R22-19

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE MAYOR TO
EXECUTE A RETENTION FEE AGREEMENT BY AND BETWEEN THE CITY OF
LAUREL AND OLNES & ASSOCIATES, P.C.**

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

Section 1: Approval. The Retention Fee Agreement by and between the City of Laurel and Olness & Associates, P.C., a copy attached hereto and incorporated herein, is hereby approved.

Section 2: Execution. The Mayor is hereby given authority to execute Retention Fee Agreement on behalf of the City.

Introduced at a regular meeting of the City Council on the ____ day of April, 2022, by Council Member _____.

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

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

CITY OF LAUREL

Dave Waggoner, Mayor

ATTEST:

Kelly Strecker, Acting Clerk-Treasurer

APPROVED AS TO FORM:

Michele L. Braukmann, Civil City Attorney

CITY HALL
115 W. 1st. St.
PUB WORKS: 628-4796
PWD FAX: 628-2241
WATER OFFICE: 628-7431
WTR FAX: 628-2289
MAYOR: 628-8456

City of Laurel

P.O. Box 10
Laurel, Montana 59044



DEPARTMENT

26 April 2022

Olness and Associates, PC
2810 Central Avenue #B
Billings, MT 59102

Re: *Non-Audit Services Agreement*
By and Between Olness and Associates, PC and the City of Laurel

Dear Olness and Associates:

On behalf of the City of Laurel, we are engaging the services of Olness and Associates, PC (hereinafter "Olness") to assist with the Clerk-Treasurer transition by and between the former Clerk-Treasurer and the Acting Clerk-Treasurer. We understand that, as part of the services provided by Olness, Olness will bill the City of Laurel on an hourly professional basis at \$175.00 per hour, to be invoiced on a monthly basis, until services are hereinafter discontinued.

As part of the transitional professional services provided by Olness, the City understands that Olness will work directly with City Staff in the Finance Department of the City of Laurel to effect training, assist with providing guidance regarding cash and monthly reconciliations, consult on budget processes, and provide direction regarding processes and procedures previously unknown to the Acting Clerk-Treasurer.

The City agrees and understands that Olness will not engage in posting any transactions directly to the City's accounting records, as these will be handled by the Clerk-Treasurer. The City also agrees and understands that the City of Laurel will be fully responsible for ensuring the accuracy and reliability of any non-audit services through the City's normal review and approval processes.

Olness is providing its non-audit services solely on a consultation basis, to assist in training and guidance for City staff during the transition in the Clerk-Treasurer position.

With Best Regards,

Dave Waggoner
City of Laurel Mayor

File Attachments for Item:

10. Resolution R22-20: A Resolution Of The City Council Authorizing The Removal Of Former City Of Laurel Clerk/Treasurer Bethany Keeler, F/K/A Bethany Langve, From All City Accounts And Adding Acting City Of Laurel Clerk/Treasurer Kelly Strecker To All Such Accounts.

RESOLUTION NO. R22-20

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE REMOVAL OF
FORMER CITY OF LAUREL CLERK/TREASURER BETHANY KEELER, F/K/A
BETHANY LANGVE, FROM ALL CITY ACCOUNTS AND ADDING ACTING CITY
OF LAUREL CLERK/TREASURER KELLY STRECKER TO ALL SUCH
ACCOUNTS.**

WHEREAS, City of Laurel Clerk/Treasurer Bethany Keller, f/k/a Bethany Langve, is no longer employed with the City of Laurel as Clerk/Treasurer; and

WHEREAS, Kelly Strecker has agreed to act as Acting Clerk/Treasurer for the City of Laurel; and

WHEREAS, the personnel change within the Clerk/Treasurer's Department necessitates that Bethany Keeler, f/k/a Bethany Langve, be removed from all City accounts, while adding Acting Clerk/Treasurer Kelly Strecker to all City accounts, effective upon passage of this Resolution.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Laurel, Montana that the Mayor is hereby authorized to remove Bethany Keller, f/k/a Bethany Langve, from all City accounts, and add Acting Clerk/Treasurer Kelly Strecker to all City accounts.

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

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

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

CITY OF LAUREL

Dave Waggoner, Mayor

ATTEST:

Kelly Strecker, Clerk-Treasurer

APPROVED AS TO FORM:

Michele L. Braukmann, Civil City Attorney