



**AGENDA
CITY OF LAUREL
CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 28, 2021
6:30 PM
COUNCIL CHAMBERS**

NEXT RES. NO.
R21-103

NEXT ORD. NO.
O21-04

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 14, 2021.

Correspondence

2. Beartooth RC&D Correspondence
3. Ambulance Monthly Report - August 2021.
4. Laurel Airport Authority Minutes of August 24, 2021.

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.*

5. Claims entered through September 24, 2021.
6. Approval of Payroll Register ending 9/19/2021 totaling \$204,606.49.
7. Approval of Payroll Register for Retro Pay for Non-Union totaling \$6,877.75.
8. Council Workshop Minutes of September 7, 2021.

Ceremonial Calendar

Reports of Boards and Commissions

9. Budget/Finance Committee Minutes of September 14, 2021.
10. Tree Board Minutes of August 19, 2021.
11. Public Works Committee minutes of August 16, 2021.

12. Emergency Services Committee minutes of August 31, 2021.

Audience Participation (Three-Minute Limit)

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

Scheduled Matters

- 13. Appointment of Alan Kasemodel to the Laurel Airport Authority for a five-year term ending June 30, 2026.
- 14. Appointment of Timothy Frick to the Laurel Volunteer Fire Department.
- 15. Resolution No. R21-103: A Resolution Approving An Increase In Firefighter Call-Out Pay For The City Of Laurel Fire Department.
- 16. Resolution No. R21-104: A Resolution Of The City Council Authorizing The Mayor To Sign An Agreement With MP Environmental For Services Relating To Cleaning Of The City's Backwash Pond.
- 17. Resolution No. R21-105: A Resolution Declaring The Existing Playground Equipment Located At Kids' Kingdom "Surplus Property" And Authorizing Its Removal And Disposal By City Staff And Volunteers.
- 18. Resolution No. R21-106: A Resolution Of The City Council Authorizing The Mayor To Sign An Agreement With Lexipol, LLC For Services Provided For The City's Police Department.
- 19. Resolution No. R21-107: A Resolution Requesting Distribution Of Bridge And Road Safety And Accountability Program Funds
- 20. Ordinance No. O21-04: An Ordinance Amending Certain Chapters Of Title 8 Of The Laurel Municipal Code Relating To Health And Safety Matters, Including Nuisances For The City Of Laurel.

Items Removed From the Consent Agenda

Community Announcements (One-Minute Limit)

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

Council Discussion

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

Mayor Updates

Unscheduled Matters

Adjournment

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

DATES TO REMEMBER

File Attachments for Item:

1. Approval of Minutes of September 14, 2021.

MINUTES OF THE CITY COUNCIL OF LAUREL

SEPTEMBER 14, 2021

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 14, 2021.

COUNCIL MEMBERS PRESENT:

Bruce McGee	Heidi Sparks
Scot Stokes	Richard Herr
Richard Klose	Irv Wilke

COUNCIL MEMBERS ABSENT:

Emelie Eaton	Don Nelson
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OTHER STAFF PRESENT:

Nick Altonaga, Planning Director

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

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

MINUTES:

- **Approval of Minutes of August 24, 2021.**

Motion by Council Member McGee to approve the minutes of the regular meeting of August 24, 2021, as presented, seconded by Council Member Klose. There was no public comment or Council discussion. A vote was taken on the motion. All six Council Members present voted aye. Motion carried 6-0.

- **Approval of Minutes of September 7, 2021.**

Motion by Council Member Sparks to approve the minutes of the regular meeting of September 7, 2021, as presented, seconded by Council Member McGee. There was no public comment or Council discussion. A vote was taken on the motion. All six Council Members present voted aye. Motion carried 6-0.

CORRESPONDENCE:

- **Laurel Airport Authority Minutes of July 27, 2021.**
- **Fire Monthly Report – August 2021.**
- **Police Monthly Report – August 2021.**
- **Building Department Monthly Report – August 2021.**

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None.

PUBLIC HEARING:

- **Public Hearing: Budget Amendment Resolution Amending Appropriations And Revenues For The Federal Equitable Sharing Fund For Fiscal Year 2020-2021.**

Mayor Nelson stated this is the time and place set for the public hearing on the City of Laurel's Budget Amendment Resolution Amending Appropriations And Revenues For The Federal Equitable Sharing Fund For Fiscal Year 2020-2021.

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

Mayor Nelson stated this is the money we get for our work on the Drug Task Force with the Federal Government. We have an officer who works with that task force when they work on a case, and items are confiscated when those items are sold; the City receives a portion of those monies. We are

Council Minutes of September 14, 2021

not allowed to budget for any of that since we do not know what those funds will be. At the end of the year, we do a budget amendment for those funds received.

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 (3) 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.

- **Public Hearing: A Resolution Adopting An Official Schedule Of Fees And Charges For The City Of Laurel Repealing All Previous Resolutions That Set Fees Or Charges That Conflict With The Schedule Attached Hereto.**

Mayor Nelson stated this is the time and place set for the public hearing on the City of Laurel's A Resolution Adopting An Official Schedule Of Fees And Charges For The City Of Laurel Repealing All Previous Resolutions That Set Fees Or Charges That Conflict With The Schedule Attached Hereto.

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

Nick Altonaga, Planning Director, briefly reviewed the changes to the Schedule of Fees. There were significant changes to the Building and Planning Departments Fees. Those fees have not been changed in a very long time. These fees more closely match Billings and various towns across the State.

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 (3) times if there were any proponents. There were none.

Mayor Nelson asked if there were any opponents.

David Atkins, 7 3rd Avenue, stated that they are taking about raising taxes without asking what they think of that. I think it should be put up to a vote of the citizens if they want to raise taxes.

Mayor Nelson asked two (2) additional times if there were any opponents. There were none.

Mayor Nelson asked Staff if they would like to respond to the comments.

Nick Altonaga, Planning Director, clarified these are fees and do not have anything to do with taxes. These are fees for permits and things like that.

David Atkins stated that any fee the Government charges is a tax; that's just how it is; if you want to charge citizens money, that's a tax.

Mayor Nelson closed the public hearing.

- **Public Hearing: A Resolution Of The City Council Approving An Application For Special Review For Project Telephone Authorizing The Construction Of A Fiberoptic Hut At 1013 8th Avenue, City Of Laurel.**

Mayor Nelson stated this is the time and place set for the public hearing on the City of Laurel's A Resolution Of The City Council Approving An Application For Special Review For Project Telephone Authorizing The Construction Of A Fiberoptic Hut At 1013 8th Avenue, City Of Laurel.

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

Nick Altonaga, Planning Director, briefly reviewed the attached Staff report.

Council Minutes of September 14, 2021

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 if there were any proponents.

Troy Unrein, Worden, stated he is the local area manager for Nemont doing business as Project Telephone. He stated that what they are doing is building a transport fiber from Absorakee to Billings to tie in our network and provide redundancy. He stated he does have a building maintenance person on Staff. He goes around to all the buildings making sure all the sites are up to date. Grass is mowed, snow is removed, that kind of stuff. This site is just a transport site; they are not providing service out of it. They have a fiber coming in; it runs through some equipment and then expresses out. It is more of a transport at this point. He asked if there were any questions that he could answer.

Mayor Nelson asked an additional two (2) 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.

- **Public Hearing: Resolution Of Intent To Approve The Application For Bitterroot Grove Townhomes, A Sixty Unit Planned Unit Development As An Addition To The City Of Laurel With Changes.**

Mayor Nelson stated this is the time and place set for the public hearing on the City of Laurel's Resolution Of Intent To Approve The Application For Bitterroot Grove Townhomes, A Sixty Unit Planned Unit Development As An Addition To The City Of Laurel With Changes.

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

Nick Altonaga, Planning Director, briefly reviewed the attached Staff report.

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 if there were any proponents.

Travis West, Great West Engineering, stated they are the engineers on this project. They are in favor of this project. They are available if there are any questions.

Mayor Nelson asked an additional two (2) 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.

- **Public Hearing: Resolution Of Annexation And Zoning For Nutting Brothers Subdivision, Block 6, Lots 1-12 And Block 7, Lots 1-12 And The Abandoned Portion Of Hazel Avenue And Alleyways Located Between Blocks 6 And 7 And Adjoining Rights Of Way, As An Addition To The City Of Laurel, Yellowstone County, Montana.**

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

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Travis West, Great West Engineering, stated they are the engineers on this project. They are in favor of this project. They are available if there are any questions.

Mayor Nelson asked an additional two (2) 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.

- **Public Hearing: A Resolution Of Annexation And Approval Of Zone Change For The Cherry Hills Subdivision, Third Filing, An Addition To The City Of Laurel, Subject To Conditions Imposed By The City.**

Mayor Nelson stated this is the time and place set for the public hearing on the City of Laurel's A Resolution Of Annexation And Approval Of Zone Change For The Cherry Hills Subdivision, Third Filing, An Addition To The City Of Laurel, Subject To Conditions Imposed By The City.

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

Nick Altonaga, Planning Director, briefly reviewed the attached Staff report.

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 if there were any proponents.

Marty Gagnon, Morrison Maierle, stated they are in favor of this project. He stated there is one item he would like to state on the record. It is item number four on the conditions. It is if public improvements are not constructed at the time of annexation, they should post a bond. But in the improvements agreement, it explicitly states that no financial guarantees are anticipated for the required infrastructure. Which makes sense; the developer is going to put the infrastructure in the ground. And prior to final plat, it will be constructed, but not prior to annexation. He will have some time to put it in the ground prior to final plat. He is assuming it is going to be annexed prior to that. He would like a clarification of that if we could.

Mayor Nelson asked again if there were proponents.

Angela Klein-Hughes, 2641 Buffalo Horn Drive (Montana Meadows Subdivision), stated she is a real estate broker and owner of A Haus of Reality. She has been in real estate for about 20 years. She has been part of this project for the last past year now; as you know that with this current market, with this Covid, we are experiencing the most limited inventory of housing, we have ever seen. Having a housing shortage for people that are desiring Laurel. Laurel has become a community that many would like to move to. They love our schools; they love our community. We just have nowhere to put them. This subdivision will be very beneficial to allow additional housing for families who are wanting to Laurel. She is a proponent of this development.

Mayor Nelson asked one (1) 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 have Staff respond to questions.

Nick Altonaga, Planning Director, clarified that point number four is directly lifted from the annexation policy. Council can choose to strike down that condition when voting on the item.

Council Minutes of September 14, 2021

Marty Gagnon, Morrison Maierle, stated that it is not a big thing. One of the things with developers is they like predictability. It is a little bit unclear what is going to be required of them. The improvements agreement doesn't require a bond. So he is not planning on posting a bond. But this condition requires a bond. How do we want to move forward with that? That is all we need tonight.

Nick Altonaga, Planning Director, stated we do not even need to include that condition of approval and can strike it from the resolution and the staff report it mentions. We can remove it and go by the annexation agreement and use it as the guiding principle.

Mayor Nelson clarified Council would need to strike that condition under scheduled matters when that item comes up for a vote.

Nick Altonaga, Planning Director, further clarified that Planning Board is a statutory body, but they recommend things to Council. Council can amend the conditions of approval.

Mayor Nelson closed the public hearing.

- **Public Hearing: A Resolution To Approve The Preliminary Plat Of Cherry Hills Subdivision, Third Filing, An Addition To The City Of Laurel Subject To Conditions.**

Mayor Nelson stated this is the time and place set for the public hearing on the City of Laurel's A Resolution To Approve The Preliminary Plat Of Cherry Hills Subdivision, Third Filing, An Addition To The City Of Laurel Subject To Conditions.

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

Nick Altonaga, Planning Director, briefly reviewed the attached Staff report.

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 if there were any proponents.

Marty Gagnon, Morrison Maierle, stated that he thinks we have covered everything. I think we are squared away. The only clarification, something I want on the record, is item number one. The reference in that July 8th letter that refers to the booster station and a proposed utility lot. That booster station now resides in an existing utility, public utility, and right-of-way easement. That's kind of a non-issue that has been solved. He thinks both the Planning Director and himself are on the same page there. He wanted to make sure it is on the record.

Mayor Nelson asked again if there were any proponents.

Angela Klein-Hughes, A Haus of Realty, stated one more time that she is a proponent of this subdivision. As many of us know, right now, we are out of residential lots to build on. The Monterro subdivision has completely filled. The Elena subdivision is completely sold out. We have no place for growth. So if we want Laurel to grow for residential lots, we need to get this subdivision approved.

Mayor Nelson asked one (1) 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 have Staff respond to questions.

Nick Altonaga, Planning Director, has no additional clarifications.

Mayor Nelson closed the public hearing.

- **Public Hearing: A Resolution Of The City Council Granting A Variance From Certain Sections Of Chapter 17 Of The City's Sign Code For The Property Located At 202 SE 4th Street To Allow The Removal And Replacement Of A Freestanding Pole Sign With An Electronic Controlled Sign Which Is Currently Prohibited.**

Council Minutes of September 14, 2021

Mayor Nelson stated this is the time and place set for the public hearing on the City of Laurel's A Resolution Of The City Council Granting A Variance From Certain Sections Of Chapter 17 Of The City's Sign Code For The Property Located At 202 SE 4th Street To Allow The Removal And Replacement Of A Freestanding Pole Sign With An Electronic Controlled Sign Which Is Currently Prohibited.

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

Nick Altonaga, Planning Director, briefly reviewed the attached Staff report.

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 if there were any proponents.

Ken Fitchner stated he is a long-time Laurel resident. He is the prior owner of Fitchner Chevrolet. Sold the dealership, Jan made a decision against my will, and you all know how that turned out. That business is no longer a business in Laurel and has been repurchased by Mr. Jones of Ashland, Oregon, who also owns Laurel Ford and 13 other stores. He now owns Laurel Chevrolet and asked him to come back and operate the dealership for him. Nick has been great to work with. It was a pleasurable experience to go through the Planning Committee. We agreed to these conditions. And to be able to operate that sign in its existing location to be used by the City, School, and Civic groups for other public announcements. We are happy to do that. As he told the Planning Committee, for us to ever think that we can display marketing messages that would really sell a car or sell a service. That isn't the case. Our intent is to use that to promote Laurel and welcome folks to the City of Laurel. He is happy to answer any questions that anyone might have.

Mayor Nelson asked two (2) additional 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 entered through September 10, 2021.**
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Approval of Payroll Register for PPE 8/22/2021 totaling \$194,748.46.**
- **Approval of Payroll Register for PPE 9/5/2021 totaling \$207,090.58.**
- **Approval of Retro Pay for Union 316 totaling \$7,075.36.**

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

Motion by Council Member McGee to approve the consent items as presented, seconded by Council Member Sparks. There was no public comment or Council discussion. A vote was taken on the motion. All six Council Members present voted aye. Motion carried 6-0.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS:

- Budget/Finance Committee Minutes of August 24, 2021.
- Park Board Minutes of September 2, 2021.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):

David Atkins, 7 3rd Avenue, stated first he would like to apologize to Councilmen Stokes for annoying you with my opinion earlier. I saw you roll your eyes. That's only the first... that's just the latest in the contempt that I have experienced from this Council and from City Officials who are dictators. We've been trying to get our parking fixed for 15 years. Oh, transparency, last week, you guys started at 6:30; you posted on your website that you start at 7:00. So you basically had a secret

meeting from 6:30 to 7:00. Pretty sure that's not legal. Last, my wife emailed all of you guys and the Mayor. The one that went to the Mayor came back, saying, you're blocked. Seems like the Mayor doesn't want to hear from citizens. Maybe he just blocked my wife; maybe he blocks everyone. I don't know. I am ashamed that the two from Ward 1 are ... I don't know why I have to fight this battle. My Council people who represent me should be fighting this battle. The Central Business District is languishing because we do not have enough parking. So as you know ... well, I also want to address that at last week, I don't know if the Police Chief was lying or just mistaken, but he stated to you guys that we had been asked to remove the parking lines. We have not been asked that until we got a letter from your attorney today. Another thing about transparency, we are not able to find a lawyer to represent us in your malicious lawsuit against us because they keep telling us that we're the City of Laurel's attorney. We can't represent you and the City. I don't know why you need more than Sam Painter. It seems it kind of leads me to believe that you guys bought up all the lawyers so no one could stand up for themselves. As far as the safety issues that the EMT Director and the Fire Chief brought up about it being too narrow, less safe, we're the same width as other Avenues. Colorado and Pennsylvania Avenues, they have nose in parking exactly what we're wanting. I have measured those streets; they are exactly the same width. I am curious to know how many additional accidents happen on those Avenues to ours. I think this is all political. I think City Officials don't like it when people stand up to them and refuse to be bullied. Thanks.

SCHEDULED MATTERS:

- **Resolution No. R21-97: Budget Amendment Resolution Amending Appropriations And Revenues For The Federal Equitable Sharing Fund For Fiscal Year 2020-2021**

Motion by Council Member Herr to approve Resolution No. R21-97, seconded by Council Member Wilke. There was no public comment or Council discussion. A vote was taken on the motion. All six Council Members present voted aye. Motion carried 6-0.

- **Resolution No. R21-98: A Resolution Adopting An Official Schedule Of Fees And Charges For The City Of Laurel Repealing All Previous Resolutions That Set Fees Or Charges That Conflict With The Schedule Attached Hereto.**

Motion by Council Member Wilke to approve Resolution No. R21-98, seconded by Council Member Klose. There was no public comment or Council discussion. A vote was taken on the motion. All six Council Members present voted aye. Motion carried 6-0.

- **Resolution No. R21-99: A Resolution Of The City Council Approving An Application For Special Review For Project Telephone Authorizing The Construction Of A Fiberoptic Hut At 1013 8th Avenue, City Of Laurel.**

Motion by Council Member Klose to approve Resolution No. R21-99, seconded by Council Member McGee. There was no public comment or Council discussion. A vote was taken on the motion. All six Council Members present voted aye. Motion carried 6-0.

- **Resolution No. R21-50: Resolution Of Intent To Approve The Application For Bitterroot Grove Townhomes, A Sixty Unit Planned Unit Development As An Addition To The City Of Laurel With Changes.**

Motion by Council Member Stokes to approve Resolution No. R21-50, seconded by Council Member Wilke. There was no public comment or Council discussion. A vote was taken on the motion. All six Council Members present voted aye. Motion carried 6-0.

- **Resolution No. R21-51: Resolution Of Annexation And Zoning For Nutting Brothers Subdivision, Block 6, Lots 1-12 And Block 7, Lots 1-12 And The Abandoned Portion Of Hazel Avenue And Alleyways Located Between Blocks 6 And 7 And Adjoining Rights Of Way, As An Addition To The City Of Laurel, Yellowstone County, Montana.**

Motion by Council Member Stokes to approve Resolution No. R21-51, seconded by Council Member Wilke. There was no public comment or Council discussion. A vote was taken on the motion. All six Council Members present voted aye. Motion carried 6-0.

- **Resolution No. R21-100: A Resolution Of Annexation And Approval Of Zone Change For The Cherry Hills Subdivision, Third Filing, An Addition To The City Of Laurel, Subject To Conditions Imposed By The City**

Motion by Council Member McGee to approve Resolution No. R21-100, seconded by Council Member Wilke.

Marty Gagnon, Morrison Mairele, stated he thought we were going to strike condition number four. The requirement for a bond.

Council stated they thought that was in regards to Resolution No. R21-101.

Motion by Council Member McGee to approve Resolution No. R21-100 striking condition number four, seconded by Council Member Wilke. There was no additional public comment or Council discussion. A vote was taken on the motion striking condition number four requiring a bond. All six Council Members present voted aye. Motion carried 6-0.

- **Resolution No. R21-101: A Resolution To Approve The Preliminary Plat Of Cherry Hills Subdivision, Third Filing, An Addition To The City Of Laurel Subject To Conditions**

Motion by Council Member McGee to approve Resolution No. R21-101, seconded by Council Member Wilke. There was no public comment or Council discussion. A vote was taken on the motion. All six Council Members present voted aye. Motion carried 6-0.

- **Resolution No. R21-102: A Resolution Of The City Council Granting A Variance From Certain Sections Of Chapter 17 Of The City's Sign Code For The Property Located At 202 SE 4th Street To Allow The Removal And Replacement Of A Freestanding Pole Sign With An Electronic Controlled Sign Which Is Currently Prohibited.**

Motion by Council Member Sparks to approve Resolution No. R21-102, seconded by Council Member Wilke. There was no public comment or Council discussion. A vote was taken on the motion. All six Council Members present voted aye. Motion carried 6-0.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Council thanked Mayor Nelson and all the Department Heads who spoke at the 9/11 Ceremony this past Saturday.

The third Friday of September is the National POW/MIA Recognition Day. At 10:00 a.m. Friday, a POW/MIA ceremony will be held at the Thomson Park shelter. Last year many students were able to attend.

Public Works Committee will meet Monday, September 20, 2021, at 6:00 p.m. in Council Chambers.

Council requested Emergency Services Committee review the parking issues brought forward at this meeting.

MAYOR UPDATES:

Mayor Nelson noted that he does not block anyone's emails. That is an IT issue.

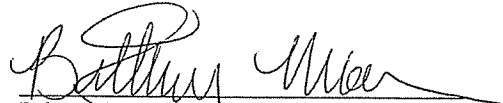
UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Council Member Herr 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 six Council Members present voted aye. Motion carried 6-0.

There being no further business to come before the Council at this time, the meeting was adjourned at 8:00 p.m.

DRAFT


Brittney Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 28th day of September 2021.

Thomas C. Nelson, Mayor

Attest:

Bethany Langve, Clerk/Treasurer



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board
FROM: Nicholas Altonaga, Planning Director
PROJECT: Project Telephone Fiber optic Hut Special Review
DATE: August 25, 2021

DESCRIPTION OF REQUEST

An application for Special Review was applied for by Project Telephone for the installation and operation of a fiberoptic utility hut within a residential district. The proposed location of the hut is 1013 8th Avenue. This property is located within the Laurel City Limits. Project Telephone has entered into a lease agreement with the property owner of 1013 8th Avenue to install and operate the fiberoptic utility shed.

The Laurel Municipal Code Chapter 17.21 states directly that utility operators should work to locate telecommunications infrastructure away from residential areas whenever possible. It further states that any Telecommunications huts and support buildings to be approved by Special Review if they do not meet the requirements of that chapter. An approval of this special review application would enable Project Telephone to install and operate a fiberoptic utility shed within a residential district.

Owner: Karl Morledge
Legal Description: S09, T02 S, R24 E, C.O.S. 68, (.77 ACRES)
Address: 1013 8th Avenue, Laurel, MT
Parcel Size: 0.77 Acres (Special Review to include only 50'x50' of southern portion of property)
Existing Land Use: Residential, vacant/unused southern portion of property
Proposed Land Use: Residential, Fiber optic utility tract on southern portion of property
Existing Zoning: Residential 7500 (R-7500)

BACKGROUND AND PROCEDURAL HISTORY

- Initial conversations between Planning and Jim Tuell, the representative for the applicant, began on January 19, 2021

- Planning Director met with Jim Tuell on June 14, 2021, to visit sites to possibly locate the proposed fiberoptic utility hut.
- July 29, 2021: Planning Director provided information regarding the Zoning Code regulations on Telecommunications facilities and the Special Review Process.
- July 29, 2021: Applicant requested a Special Review application be placed on the Laurel City-County Planning Board and Laurel City Council agenda.
- The Applicant provided a Special Review application to the Planning Department on August 10, 2021.
- The Special Review Application has been placed on the agenda for the Planning Board meeting on August 18, 2021
- August 18, 2021 – Planning Board voted to approve the Special Review application for Project Telephone with the stated staff conditions.
- The Special Review Application has a public hearing scheduled in front of City Council on September 14, 2021. The City Council shall approve, conditionally approve, or deny the special review request.

STAFF FINDINGS

The Planning Director determined that while the fiberoptic utility facility does not fully conform to the requirements of LMC 17.21 – Telecommunications Towers and Antennae, it closely aligns with the spirit of the code in the type, scope, and scale of the specific projects regulated within said code.

A Special Review process is required as the proposed development is located in close proximity to residential parcels, as well as does not meet the requirements of

- 1) LMC 17.21.030 – Standards for Wireless Communications Facilities,
 - a. Part A. 1 states: “Encourage the location of antenna support structures in non-residential areas and minimize the total number of antenna support structures throughout the community;”
 - b. Part A, 3 states: Require wireless communication facilities to be located, to the extent possible, in areas where the adverse impact on the community is minimal;”
- 2) LMC 17.21.030.D – Commercial Antenna Support Structures and Antennae located in Residential Zoning Codes, Part 1 states: “Antenna support structures and antennae shall be permitted as an allowed use in all residential zoning districts provided they meet all of the following criteria:
 - a. Alternative antenna support structures conforming to all applicable provisions of this chapter and roof-mounted antennae that do not add more than twenty feet to the total height of the building on which they are mounted shall be permitted as an allowed use only when located on school, government-owned utility, and other government sites.

Proposed antennae or antenna support structures that are contrary to this section are subject to the special review requirements of these zoning regulations. After the special review hearing and reaching its decision, the city-county planning board shall forward its recommendations to the city council for its decision.”

The proposed fiberoptic utility shed is not located on a school, government-owned utility, or other government site.

The proposed fiberoptic utility shed is within a residential zoning district.

The Applicant has provided a Special Review application including:

- Justification and Scope of Work letter
- Building Site Map
- Utility hut Location drawing

The applicant has paid the required fee for the Special Review application.

The public noticing provisions of LMC 17.68 have been met.

PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

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

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

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

The following actions are to be taken by City Council:

17.68.50 - City council action.

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

RECOMMENDATIONS

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

1. Any applicable permits, including but not limited to building permits must be applied for within six (6) months of special review approval.
2. Construction of the structure and site must be completed within one (1) calendar year of special review approval.
3. The operation of the site shall not be done in such a manner as to be a nuisance.
4. The site shall be screened by an appropriate landscaping or site obscuring material as approved by City Staff.
5. Any use of the property not specifically included in this approval or allowable within its underlying zoning district shall be deemed a violation of the laurel Zoning Code.
6. Any subsequent use or change of use associated with this special review shall submit additional documentation to the City for subsequent processing and approval or denial.
7. Curb, gutter, and sidewalk shall be constructed along the road frontage of the 50'x50' area developed as part of the special review.

ATTACHMENTS

1. Project Telephone Justification Letter
2. Special Review Application Form
3. Site Overview
4. Landscaping Plan
5. Adjacent Property Owners List (300ft)
6. Adjacent Property Owners Map (300ft)
7. LMC 17.21 – Telecommunications Towers and Antennae
8. LMC 17.68 – Special Review Procedures



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT & FINDINGS OF FACT

TO: Laurel City-County Planning Board
FROM: Nicholas Altonaga, Planning Director
RE: Planned Unit Development – Bitterroot Grove Townhomes
DATE: August 25, 2021

DESCRIPTION OF REQUEST

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

The Planning Board shall consider the Annexation and zoning of the parcels in question, as well as the preliminary plan approval of the PUD application with the related variance for project size.

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

BACKGROUND AND PROCEDURAL HISTORY

1. A pre-application meeting for the Planned Unit Development took place on June 23, 2020 between the Applicant, their engineers, and City Staff.

2. The Application for the Planned Unit Development, Annexation, and Variance and their supporting documentation was submitted on March 15, 2021.
3. The City Staff Design Conference took place on April 27, 2021.
4. The Planning Director transmitted a letter of findings to the Applicant and their developer on May 7, 2021.
5. The Applicant and their developer resubmitted documents to the Planning Department on May 17, 2021.
6. The Planning Board held a public hearing on the proposed Planned Unit Development, Annexation, and Variance applications on May 19, 2021.
7. The Planning Director worked with the Applicant and their contractor to update the Annexation Agreement and HOA Bylaws as discussed at the May 19th meeting.
8. The Planning Board has scheduled a second public hearing on the proposed Planned Unit Development, Annexation, and Variance applications for June 16, 2021.
9. The Planning Board lacked a quorum at the scheduled public hearing on June 16, 2021.
10. The Planning Director forwarded the materials and documentation for the Bitterroot Grove Townhomes Annexation, Variance, and Planned Unit Development to the City Council on June 25, 2021.
11. The City Council held a public hearing on the Planned Unit Development, Annexation, and Variance applications on July 13, 2021.
12. The City Council decided that the information provided was insufficient to approve the application and returned it to Planning Board for further review.
13. August 18, 2021 – Public Hearing Held for Planned Unit Development at Planning Board. Planning Board Members recommended the approval of annexation and preliminary approval of the Bitterroot Grove Townhomes Planned Unit Development with the stated conditions of approval.
14. September 14, 2021 – Laurel City Council shall hold a public hearing on the applications for Annexation and Zone Change, Planned Unit Development, and Variance.

STAFF FINDINGS

1. The Application for PUD, Annexation, and Variance contain all the necessary items.
2. Annexation has been requested to hook the property into the municipal water and wastewater system, as well as garbage pick-up.
3. A variance has been sought for the minimum size requirements of a Planned Unit Development stated in the Laurel Municipal Code.
 - a. Laurel Municipal Code requires a minimum of 5 acres for a PUD
 - b. The proposed PUD is 4.68 acres.
4. The Applicant has proposed private interior streets with gated entrances.
5. Gated entrances shall be accessible by all Laurel EMS, Fire, and Police departments, as well as code enforcement and public works where necessary.
6. The Applicant has proposed private internal water and sewer connections.
7. The Applicant has proposed a water meter building, to manage the interior water system of the development.

8. The proposed project would improve a largely vacant, blighted lot with a dense residential development.
9. The application includes bylaws for a townhouse association to manage the property.
10. The subsequent submittal of documents on May 17 included a landscaping plan and weed management plan.
11. An Annexation Agreement was provided with the application which specifies adjacent public improvements, development standards, and other requirements for annexation into the City of Laurel.
12. Updated site plans were submitted to the City detailing the water and sewer lines to be installed.

PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

LMC 17.32.020 – Review and Approval, Part D states:

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

RECOMMENDATIONS

The Planning Director recommends approval for the Annexation and Zone Change to PUD – 1 Planned Unit Development 1 with the following conditions.

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

The Planning Director recommends that Planning Board grant preliminary approval to the Planned Unit Development plan and variance with the following conditions:

1. The Property shall be cleared of personal property, debris, and refuse prior to final approval of the PUD and Variance application.
2. A landscaping and maintenance plan shall be submitted to and approved by the City after it finds the plan sufficient enough to ensure the development does not operate or become a nuisance.
3. The proposed Water system shall be approved by the contracted city engineer, KLJ Inc. and the Laurel Department of Public Works.
4. The proposed Wastewater system shall be approved by the contracted city engineer, KLJ Inc. and the Laurel Department of Public Works.
5. The proposed Stormwater system shall be approved by the contract city engineer, KLJ Inc. and the Laurel Department of Public Works.
6. Weed Management Plan shall be completed and approved by the Yellowstone County Weed District.
7. The alleyways within Blocks 6 and 7 of the Nutting Brothers Subdivision shall be abandoned via a petition to abandon.
8. Utility access easement documents shall be filed for the abandoned portions of Blocks 6 and 7 of the Nutting Brothers Subdivision.
9. A survey shall be filed aggregating the lots within Blocks 6 and 7 of the Nutting Brothers Subdivision.
10. Details on the legal description of the lots in the northwest corner of Block 6, Nutting Brothers Subdivision, shall be provided to the City in order to determine the scope of project.

ATTACHMENTS

1. PUD Written Statement
2. Annexation Application
3. Annexation Agreement (updated)
4. Waiver of Right to Protest (updated)
5. Variance Application and Request Letter
6. PUD Layout/Design
7. PUD Landscaping Plan
8. Bylaws of Bitterroot Grove Townhomes Association (updated)
9. Images of proposed townhome design
10. Planner Letter to the Applicant (dated 5/17/2021)
11. Comments from Ryan Welsh, Engineer at KLJ, on proposed Water/Sewer expansion (dated June 8, 2021)



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

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

DESCRIPTION OF REQUEST

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

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

BACKGROUND AND PROCEDURAL HISTORY

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

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

STAFF FINDINGS

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

PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

LMC Chapter 16.03.040 - Staff and Agency Review:

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

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

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

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

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

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

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

RECOMMENDATIONS

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

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

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

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

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

ATTACHMENTS

Annexation and Zone Change:

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

Cherry Hills Subdivision, 3rd Filing:

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



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board
FROM: Nicholas Altonaga, Planning Director
RE: 202 SE 4th Street - Laurel Chevrolet Sign Variances
DATE: August 25, 2021

DESCRIPTION OF REQUEST

Ken Fichtner of Laurel Chevrolet submitted a request for variances to the Laurel Municipal Code for the property at 202 SE 4th Street. These include requests for variances for having multiple principal signs on a parcel, sign size, and sign type (pictographic changeable copy signs).

Laurel Chevrolet was recently sold to a new owner who has worked to clean up some of the issues of the previous owner. Laurel Chevrolet previously applied for and was granted a permit to relocate the "Chevrolet" branded sign to their property with the stated condition that a variance would be applied for to clear up the three issues now under review.

Ken Fichtner has provided a variance application packet containing all the necessary items. Approval of the variances for multiple signs, sign size, and sign type are required for the continued operation of the electronic pictographic changeable copy sign.

Owner: SPARTAN LAUREL 2 REAL ESTATE LLC
Legal Description: HAGEMAN SUBD 3RD FILING, S16, T02 S, R24 E, BLOCK 11A, Lot 1A1, AMD (12)
Address: 202 SE 4th Street
Parcel Size: 3.093 acres
Existing Land Use: Automobile sales
Existing Zoning: Highway Commercial, Community Entryway Zoning District

BACKGROUND AND PROCEDURAL HISTORY

- July 30, 2020 – Planning Director Met with Applicant Ken Fichtner to discuss the signage situation and proposed plans to relocate "Chevrolet" Sign back to property from off-site and the impact it would have.

- July 19, 2021 – Planning Director met with Ken Fichtner to discuss the Variance application and the process for Planning Board and City Council.
- The Variance application was submitted on July 22, 2021.
- Planning Board held a public hearing on the Variance application on August 18, 2021. Planning Board voted to recommend approval of the Sign variance with the conditions stated in this report.
- City Council has scheduled a public hearing on the variance application at the meeting on September 14, 2021.
- City Council shall receive public comment and approve, approve with conditions, or deny the variance request at the meeting on September 14, 2021.

STAFF FINDINGS

Three variances are required to continue the operation of the pictographic changeable copy sign currently on the Laurel Chevrolet property. The variances are for LMC 17.26.052.A.2 and for LMC 17.42.050 – Table. These two sections of code are provided below.

LMC 17.26 – Community Entryway Zoning District, provides requirements for properties within the zoning district on height and size. 17.26.052 – Development Standards, Part A includes:

- **2. Only one sign is allowed per parcel of record and there shall be at least one thousand feet between signs.**
- **4. Signs shall be limited to one hundred sixty square feet in copy area.**

The table in 17.42.050 states the signs which are **Not Allowable** within the CEZD. Prohibited signs include but are not limited to:

- Animated Sign (Including Flashing, Blinking, Scrolling)
- **Pictographic Changeable Copy Signs which depict only still frames and change not less than 60 seconds**
- Pictographic Changeable Copy Signs which depict motion, flashing and blinking of any kind
- Off Premise Sign

The Planning Director has provided his direct findings on the items presented in LMC 17.60.020 – Land Use Variances Issuance and Denial – Determination Procedure.

1. Unless the denial would constitute an unnecessary and unjust invasion of the right of property;
 - The construction of the current Electronic sign was done in violation of a previous Variance application by the former owner of the property.
 - Prohibit
2. Unless the grant relates to a condition or situation special and peculiar to the applicant;

- The situation is not peculiar to the applicant, as new owners/managers obtaining properties that are out-of-compliance is common.
- The level of mishandling by the previous owner should be noted, as there were many issues with the processing of the original sign variance, as well as the subsequent construction of the electronic sign and multiple dealings with the City.
- 3. Unless the basis is something more than a mere financial loss to the owner;
 - The electronic pictographic changeable copy sign is seen by the owner as a community asset.
 - The applicant has stated his goal to utilize the electronic sign to announce news and information about Laurel and local events taking place.
- 4. Unless the hardship was created by someone other than the owner;
 - The current use of the electronic pictographic changeable copy sign that is oriented for highway traffic was installed against the official decision of the Laurel City Council. A variance was applied for that requested that the Rimrock Chevrolet be allowed to install this sign, as it was not allowable under the zoning at the time. On May 5, 2015, the City Council held a public hearing and subsequently voted 6-1 against the "...granting of a variance from Chapter 15.40 of the City's Sign Code for the property located at 202 SE 4th Street to allow the removal and replacement of a freestanding pole sign with an animated sign which is currently prohibited."
 - A building permit was subsequently applied for and granted by the Building Official at that time. This building permit should not have been approved and was updated with stipulations in 2016 and the property was given a notice of violation in 2017 regarding its animation. This sign does not count as pre-existing non-conforming as it was deemed to not be allowed by City Council through the variance process.
 - I have attached both the meeting minutes in which the variance was discussed and the two notices discussing the issues with the electronic sign.
- 5. Unless the variance would be within the spirit, intent, purpose and general plan of this title;
 - The Applicant has a proven, positive history with the Laurel community.
 - Laurel Chevrolet has been a good partner and community asset to the people of Laurel for many years.
 - The applicant has stated their desire to use the sign for displaying community news, information and other announcements by civic and local groups.
- 6. Unless the variance would not affect adversely or injure or result in injustice to others; and
 - The sign was erected in 2016 and has operated since that time.
 - The sign has not caused any noticeable community concern or issues.
 - Granting of a variance would make official the status quo of sign operations.
- 7. Ordinarily unless the applicant owned the property prior to the enactment of this title or amendment.
 - The applicant was the previous owner of the property prior to the 2015 variance process and eventual sign construction.
 - The applicant seeks to make right some of the existing issues with the property to ensure compliance with the City.

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.

RECOMMENDATIONS

The Planning Director recommends that the Planning Board approve the variance requests with the following conditions of approval. These conditions may be amended, added to, or removed as the Planning Board sees fit.

- 1. Any future alteration of the Electronic pictographic changeable copy sign shall be reviewed and approved by the City.
- 2. The new digital sign shall only display still framed images and text. No video or motion shall be displayed. Still displays shall not change less than every 30 seconds, as per Planning Board discussion.
- 3. The variance shall only apply to the sign and location identified in the application. Any alteration will be considered a zoning violation.
- 4. The variance approval shall only apply to the sign in its current identified location.
- 5. Any alteration to the electronic pictographic changeable copy sign done without City approval shall be considered a violation of the Laurel Municipal Code.
- 6. The owner of the property shall work with local groups to advertise and/or announce events within the community. A percentage of time should be decided upon for use by local groups.

ATTACHMENTS

1. Variance Justification Letter
2. Variance Application Form
3. 202 SE 4th Street Site Plan
4. Electronic Sign specifications
5. Adjacent property owners list (300ft radius)
6. Adjacent property owners map (300ft)
7. LMC 17.26 – Community Entryway Zoning District
8. LMC 17.42 – Sign Code
9. May 5, 2015, Laurel City Council Meeting Minutes
10. 202 SE 4th Street Notices of Violation (2016 and 2017)

File Attachments for Item:

2. Beartooth RC&D Correspondence

Beartooth RC&D Area, Inc.

Board of Director's Meeting Agenda

Meeting 1:00 P.M.

Old Roosevelt School 519 Broadway Ave S

Thursday, September 16th, 2021

Conference Number

605-475-5900

Access code 8472365



1:00 pm	<u>Meeting Called to Order</u>	Chair	
	Pledge of Allegiance, Introduction of Members and Guests	Chair, All	
	Review July Board Minutes	Chair, All	Action
	<u>Congressional Updates</u>		
	Maddie Alpert (Sen. Tester)		
	Tory Kolkhorst (Sen. Daines)		
	Cade Overstreet (Rep. Rosendale)		Information
	<u>Treasurer/Financial Reports</u>		
	1. Treasurer Update	Knutson	Information
	2. RC&D Financials	Knutson	Action
2:30 PM	3. RLF Financials	Knutson	Action
	<u>CDBG CV BIG HORN CO</u>		
		Bertolino	Information
	<u>Staff Reports – Program/Project updates</u>		
	1. Food/Ag Program – Joel Bertolino	Bertolino	Information
	2. Revolving Loan Fund – Jillann Knutson	Knutson	Information
	3. Economic Development/ CRDC – Jacy Head	Head	Information
	4. Operations Support- Myrna Lastusky	Lastusky	Information
	<u>Regional Roundup</u> – <i>News and updates from regional members on projects and activities in key CEDS categories.... (see topics on next page)</i>	Roe et al	Information
	<u>Next Beartooth RC&D Area, Inc. Board of Directors Meeting</u>		
2:30 PM	<i>November 18th, 2021 - Big Timber</i>		Information
	Adjourn		

Regional Roundup

Our goals for the Roundup are to find out what's happening in the area, keep the conversations focused, inform the others attending the meeting, and to tie it all back to and reinforce the importance of the CEDS. Please help us identify the projects in their area that fit into our CEDS categories:

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

NOTES:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Beartooth RC&D Area, Inc. Board of Director's Meeting MINUTES July 15th, 2021

Agenda

1:00 pm	<p><u>Meeting Called to Order</u></p> <p>Pledge of Allegiance, Introduction of Members and Guests</p> <p>Review March Board Minutes</p> <p><u>Congressional Updates</u> Maddie Alpert (Sen. Tester) Tory Kolkhorst (Sen. Daines) Cade Overstreet (Rep. Rosendale)</p> <p><u>Treasurer/Financial Reports</u> 4. Treasurer Update 5. RC&D Financials 6. RLF Financials</p> <p><u>Staff Reports – Program/Project updates</u> 5. Food/Ag Program – Joel Bertolino 6. Revolving Loan Fund – Jillann Knutson 7. Economic Development/ CRDC – 8. Operations Support- Myrna Lastusky</p> <p><u>Regional Roundup</u> – <i>News and updates from regional members on projects and activities in key CEDS categories.... (see topics on next page)</i></p> <p><u>Next Beartooth RC&D Area, Inc. Board of Directors Meeting</u> September 16th, 2021 - Red Lodge</p> <p>Adjourn- Social</p>	<p>Chair</p> <p>Chair, All</p> <p>Chair, All</p> <p></p> <p>Knutson Knutson Knutson</p> <p></p> <p>Bertolino Knutson Lastusky</p> <p>Roe et al</p>	<p></p> <p>Action</p> <p>Information</p> <p>Information Action Action</p> <p></p> <p>Information Information Information Information</p> <p>Information</p> <p>Information</p>
2:30 PM			

ATTENDANCE

Board of Directors Meeting July 15th, 2021 Minutes

Members Present:

Joel Bertolino, BRCD
Jillann Knutson, BRCD
Steve Simonson, BRCD
Myrna Lastusky, BRCD
Ryan Van Ballegooyen, Billings Job Service
Bill Foisy, City of Red Lodge
Lorene Hintz, Big Sky EDA
Melanie Roe, Sweet Grass County
Holly Higgins, First Interstate Bank of Hardin
Marvin Carter, City of Laurel
Dan Lowe, Big Horn County Conservation District
Raymond Porter, Sweet Grass County Chamber Director
Josiah Porcel, Senator Tester
Don Jones, Yellowstone County Commissioner
Scott Blain, Carbon County Commissioner
Heidi Sparks, City of Laurel (via conference call)

Location: Beartooth RC&D

12:30: Social Luncheon

1:00: Meeting called to order.

Pledge of Allegiance, Introduction of Members and Guests

Review May Board Minutes

- Bill Foisy motioned to approve. Melanie Roe seconded.

Congressional Updates

Josiah Porcel (Sen. Tester)

- Sen. Tester is working on infrastructure package – member of core group of 5 Republicans/5 Democrats. Significant investment in MT's roads, bridges, broadband and creating good-paying jobs.
- Energy & Natural Resources Committee:
 - Advanced more than \$300 million for Montana-specific water projects.
 - Includes \$211M for regional water projects, like the Musselshell-Judith rural waterway project.
- Drought assistance to MT ranchers and farmers – CRP land will be authorized to offer relief to producers.
- Combatting housing shortage for wildfire fighters
 - Press release available

- Housing crisis – Sen. Tester has authored a bi-partisan bill to remove barriers for HUD – especially to help middle-income homebuyers.
- Meat Processing Grants? Joel asked & Josiah will check on it.
- Ryan: Said he heard Tester on the radio this morning & he said he's making sure we don't just get population dollars – to allow for our state's geographic size

Treasurer/Financial Reports

- **Treasurer Update**
 - P. 15 – Beartooth Books. In a perfect budget world, it would be 50%, but that never works. Overall, we're good – we're in the positive.
 - Bank of Joliet Building Account – replacing the front door and doing better locks, and that will come out of this account.
 - Contractual account – mostly pass-through money for Stillwater County grants.
 - P. 16:
 - We had auditors here this past week. They are short-staffed and behind. Our end of the audit is wrapped up, and they hope to have draft out by middle to end of August.
 - We have to send loan clients a letter and get feedback, so that slows down the process a little.
 - Ryan: Once it's done, they'll issue a letter for the entire Board to review.
- **RLF Financials**
 - One loan in Yellowstone County was paid off, and the Wildflower Gardens was paid off, so about \$240K paid off recently.
 - A couple semi-decent prospects Jillann is working with right now.
- **RC&D Financials**
 - Melanie moved to approved the Financials as presented. Lorene seconded. Motion carried.

Staff Reports – Program/Project updates

- **Food/Ag Program – Joel Bertolino**
 - Steve Simonson moved to a new job with Big Sky EDA. One job application in so far. Please send good applicants our way.
 - Our program got cut this year (5 existing centers cut) by 45%. They added another Food and Ag Center in Lewistown. Joel will do more CRDC this year.
 - Waiting to hear on whether MT Ag Rescue Program gets funded with ARPA funds.
 - Lane Gobbs – new engineer. Took him on tour at Stillwater Packing. He wants to go to the vineyard in Laurel next month.
 - GTA projects – still ongoing
 - JWK Enterprises and Basin Inc. – probably won't know until October.
 - Carbon County Pryor Mountain wind farm about to stop being reported.
 - 406 Bovine – he's looking for investors.
 - Stillwater Packing – looking for more money. Joel sent them opportunities through USDA and State funds.
 - Melanie asked how incinerator is working – working well, but DEQ said it wasn't working quite right. The right size of gas line wasn't installed, so it was down for a couple months while they worked on that.
 - Jillann said it's made a huge difference in bad smells – she doesn't notice the smell anymore.
 - Joel sent USDA funding info to Pioneer Meat, also.

- Becky's Berries: Great tour after last meeting. She wants a bigger fridge and a few other things – we'll see if she's eligible for ARPA funding.
- Yohannes Tedessee – biz in Billings marketing
- Beartooth Fertilizer – Red Lodge
- Crazy Peak Brewing – Big Timber. Has some needs.
- Cory Wilson Mushrooms – sent to us by SBDC. Talked about potential for mushrooms and GTA grants.
- **Revolving Loan Fund – Jillann Knutson**
 - De-federalization of federal funds is driving Jillann crazy. But they are getting closer (8th or 9th revision of same report . . .).
- **Economic Development / CRDC –**
 - Working on Quarterly CRDC reporting next week after finishing Food & Ag.
 - 2 BSTF grants still moving forward.
 - Pea Cannery - almost signed. Waiting for High Plains Architects to sign. Not a full PAR, but close. Not sure of the use yet – alternative use analysis. Randy Hafer of HPA is familiar with the building and is excited to be involved. There is some Brownfields in this, too. New owners are paying the match. They gave them credit for assessments already done and some new money for DEQ Brownfields.
 - Sandstone School – moving forward on BSTF. Finished contract on that.
 - West Laurel Interchange – waiting on proof of matching
- **Operations Support – Myrna Lastusky**
 - Myrna is working with Joel & Jillann to complete reporting requirements and maintain communication with Steve's projects & contacts.
 - This includes the Bozeman Trail group we have been working with for the past 6 months.
 - Deb Brown with SaveYour.Town – Deb & Myrna have weekly/bi-weekly meetings to stay current on projects and deadlines.
 - Social media – please search for BRCD on LinkedIn as we now have a page! Please follow us on Facebook & like/share our posts, as well. And send Myrna any information/events you would like posted from your areas.

Regional Roundup: News and updates from regional members on projects and activities in key CEDS categories....

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

- Human Capital
 - Workforce
 - Education

Heidi Sparks:

- Public Works Director and Treasurer working on first round of ARPA grants. 4 projects identified for those.
- Having conversations about rebuilding south side of Laurel, specifically Railroad and 4th Street that are heavily used & need work.
- Developer talking with City about putting in planned unit development on Tree Street. 60 units, 55+ gated community.
- Early talks about extending water out to the golf course. The club wants to build a new clubhouse. The project is out 3-5 years, but we'll look at extending services then.
- Might add a 2nd water reservoir for City. The one they have is pretty old and are doing some repairs this summer. In next 3 years want to add the 2nd one and do major repairs on the old reservoir.

Dan Lowe:

- Things are status quo at aquatic check station.
- Shipton's has been a great addition to community and using the old Shopko building.
- Conservation District has a new office – in a good location.
- New bank & new clinic – the community is growing a bit.
- An honor to be on this Board & hear details of the rest of the region.

Bill Foisy:

- We had a fire . . . 80% contained now, but it's been disconcerting. Lot of support from firefighters, emergency personnel.
- Girl missing in the Beartooths – had Garmin In-Reach Explorer. It sets waypoints every so often, so others can see where you are.
- Summer weekly events – this weekend is Motorcycle Rally. Car Show coming next month. Shakespeare in the Parks, Fun Run, Arts Festival all coming.
- New Biz: Montana Store, Moo Country, Southern Dish, Kitchen & Home (kitchen store, but everyone comes in looking for food).
- Main Street Program – Dept of Commerce put out new quarterly reporting requirement that is fairly complicated.
- Council is debating an Urban Renewal TIF District – Bill would like to talk to someone else who is dealing with this. You declare a certain section of town as blighted, and it gets everyone's attention.
- Roosevelt Center – fire suppression system being put in now. The rooms are completely rented out. When fire suppression system is in place, we can open up the 3rd floor.
- Red Lodge has done annual electronic recycling event for past 9 years. Finally transitioned so Red Lodge Recycling Center teamed up with e-Waste out of Billings and is doing this full-time. Personally, a big deal for Bill to hand this off and see it succeed.

Lorene:

- PTAC (Procurement Technical Assistance) – doing annual Gov Match and doing it virtually this year. July 27th – if any companies could potentially do government contracting, they should attend. This is statewide.
- Aug. 24th – Housing Conference from 8:00-1:30

- SBDC & Rock31 working on documentary called Edge of the Plains – interviewed entrepreneurs in our region and had a film crew. Will be showing this around the region in Sept/Oct.
 - Sept 9: Harlowton
 - Sept 16: Big Timber
 - Sept 23: Hardin
 - Sept 30: Red Lodge
 - Oct. 7: Billings
 - Lorene had flyers/posters for everyone to put up in their areas.
- Joel said it was nice to have the SBDC meeting in person last week.

Raymond Porter:

- Infrastructure – new subdivision in Big Timber. Many people renovating, many new people moving to town from other states.
- City/County using ARPA funding for water expansion on west end – vacant space between interstate and downtown. Good to see housing go in there.
- Economy – platinum is steady, so good at mine. Agriculture – not having the best year.
- Crazy Peak Brewing – want to make beer using local ingredients grown on Boulder River. Secret Beer coming this fall – possibly unveiled at an Oktoberfest event. Stay tuned . . .
- New Business: Heritage Christian Group opened Greycliff Mill – highly recommend going there. They took a barn from upstate NY and refurbished it. Also have grist mill that they refabricated. Grindstone in mill is from the 18th century on east coast. Restaurants, glamping accommodations, horseback rides – putting it on the map.
- Crazy Creek Boutique – Susan Metcalf opened women’s clothing store and boutique.
- Some façade improvements in downtown.
- Pioneer Meats just opened a storefront in downtown. Also have seafood now.
- Chamber is launching a new website.
- City of Big Timber is working on rebranding. Election with people actually running.
- Town Pump tore down old facility and built a new one – nicest in the state! Casino in back.
- Pioneer Medical Center is having a ribbon cutting.
- Municipal Transfer Site doing some expansions.
- Next event is Friday, Aug. 20th: Brewfest.
- PRCA Rodeo every Wednesday and Farmer’s Market every Friday until September.
- 1500 people attended Friday and 2500 on Saturday for rodeo.
- Housing solution – government properties not being used for housing could be released back into the market. E.g. School district had some that used to be used for housing and no longer are. Or something being used for storage – turn it into housing. We need to take on this problem piece by piece, house by house, not just with grandiose development plans.

Melanie Roe, Sweet Grass County:

- Same struggles – losing employees because there is no place to live.
- Businesses can’t find any help. Many randomly closed because of this.

Holly Higgins, First Interstate Bank in Hardin:

- Housing – not much there and nowhere to build new housing.
- Hired new police chief, but tough to hire deputies, nurses, teachers when there isn’t anywhere to live. What housing we do have is pretty low-end.
- Shipton’s – open since March and doing well.

- Only 10 houses listed last Holly heard.
- New Super 8 will hopefully give competition and get people to stop before heading to Billings.
- 4-H Fair coming week after next. Different this year – more like the Billings one.
 - Beer Garden
 - Rodeo
 - More events going to get people coming in.
- Couple businesses in town closed.
- *Change of Plans* finally reopened.
- Lariat Country Kitchen is listed for sale. Just leaves a couple other restaurants.

Don Jones:

- Same problems as everywhere else.
- Fair share of crime – pretty scary when you look at the number of released convicts who end up in Billings. Way too many shootings.
 - Sober Living places, but no supervision.
 - 14 former inmates living together and most of the shootings happening in these sort of facilities. Working with DOC to find solutions here.
- ARPA money
 - Doing a lot of infrastructure work at Metra. Emergency hospital included there. Need more technology, bigger pipeline, etc. Important for entertainment but also if there would be a natural disaster.
- Laurel Natural Gas Generator will be very nice. Power supply is getting a little shaky, so this will be a good boost. Existing pipeline will be used – it's been vacant all this time.
 - Melanie asked how many megawatts the plant will be – Don wasn't sure.
- No plans at this point to expand Yellowstone County Detention Center.
 - Looking to hire more police officers, but the judicial system is bogged down.
 - Police are frustrated because they don't know where to go with the criminals.
 - Mill for public safety (\$1 million) .
 - Kurt Alme was instrumental. Trying to get the different groups to work together.
- City bought the Stillwater building, and commissioners are moving – possibly down to Miller Building, where they can continue to rent out part of it and grow into it as needed.
- Parking downtown is back-in diagonal parking. It's safer for motorists & cyclists.
- Have a sheriff's helicopter now – government surplus. They got 3 of them – only allowed to fly one and use the other two for parts. They helped in the Robertson Fire.
 - Gary Blain is the pilot – he is loving this.
 - They've captured some really bad criminals this way.

Scott Blain:

- Carbon County Detention Center – ballots went out yesterday for levy and construction bond.
- Caught meth-heads robbing a house and just had to take them to a friend's house in another town. There is just no place to house them unless the crime is egregious.
- 50-50 chance of bond passing. Good meetings around the county until they came to Joliet. It got pretty ugly.
 - Holly: It was tough to pass in Hardin when they did the Big Horn County – they have the empty one sitting there.
 - Scott: That has hurt us here, too.
 - Lot of support on both sides.

- Ballots are due on Aug. 3rd. If that passes, groundbreaking would be May 2022 and first prisoner in 2023.
- We own the 13 acres outside of Joliet, and RLACF put in some ARPA money to do a study on affordable housing – maybe they can use that space for some affordable housing.
 - Can't hire deputies because they have to live in the county within a year and there is no housing.
 - Ryan asked if they can change some of the rules – allow them to live outside the county? Scott said it is something they are looking at.
- Pryor Mountain Wind Farm is complete.
- Roads project will be more expensive than they thought it would be to finish.
- Lots of people coming through Red Lodge – many businesses not open because they can't find enough workers.
 - Quick Stop closed for the season – no one to work . . .

Ryan:

- Inflation is as high as it's been since 2008.
 - Raymond asked if Ryan had some statistics – Ryan said to call him at Job Service.
- Employers are having a conversation now about wages and what to do when McDonald's is paying \$15/hour plus tuition assistance.
- We were desperate for employees pre-pandemic and it hasn't gotten better.
- A high percent of people say they will never go back to an office – many want to work remotely.
 - It is being coined "The Great Resignation" – people are comfortable resigning knowing they can find a job somewhere else.
- Americans work more hours than countries across the world. Countries like Iceland have gone down to 35-hour work weeks with no downturn in productivity.
 - Myrna mentioned schools who went to 4-day school week and the improvement in morale, less costs, better test scores, etc.
 - Ryan talked about restaurants who have looked for a different business model – like *just* a drive-through – and they've found that it helps their bottom line.
 - Don: Remote workers are living in Montana, working here, but not paying income taxes to Montana. MT is really missing out on revenue.
 - Ryan said this issue is being looked at with international companies and remote work.
 - Holly: Many people don't have to file income taxes (like ranching on a reservation). If we had sales tax, we might capture some of that revenue.

Next BRCD Board meeting is Sept. 16th in Red Lodge. Location TBA.

Meeting adjourned at 2:29 pm with social time to follow.

Beartooth Books- Reporting Ending June 2021

	<u>Budgeted</u>	<u>Actual</u>	<u>% of budgeted</u>
Income			
AG-FOOD AND AG CENTER	85,007	59,495	70%
AG-MCDC	1,000	0	0%
BOARD - EDA SPONSOR DUES	55,907	42,664	76%
BOARD-INTEREST INCOME	400	99	25%
BOARD-FOUNDATION MONEY	3,700	3,372	91%
RLF-STAFF REIMBURSE	18,000	0	0%
RLF-ORIG FEES	5,000	0	0%
CRDC	71,907	17,961	25%
MISC GRANT ADMIN \$	10,750	0	0%
EDA - GRANT	70,000	0	0%
NOT BUDGED INCOME	-	355,149	0%
TOTAL INCOME	321,671	478,740	149%

Expense			
TOTAL STAFF EXPENSE	256,044	124,969	49%
COMMUNICATIONS	6,000	4,426	74%
EQUIPMENT & VEHICLE	8,520	1,879	22%
CONTRACTUAL	21,220	326,931	1541%
SUPPLIES	9,800	6,274	64%
TRAVEL	10,140	963	9%
OTHER	8,430	8,798	104%
RESERVE	-		
EXPENSE TOTAL	320,154	474,240	148%

Account Balances

Bank of Joliet-Building Account	\$4,475.22
Bank of Joliet- Savings Account	\$75,470.79
Bank of Joliet- Checking Account	\$115,738.62

Revolving Loan Fund Books- June 2021

Loan Client Review

<u>County</u>	<u># of loans</u>	<u>\$ Loaned out</u>
Big Horn	2	\$169,575
Stillwater	3	\$429,149
Yellowstone	7	\$370,720
Carbon	2	\$20,900
Sweet Grass	2	\$171,580

- A \$200K loan was for Yellowstone County. This will not be funded until Spring 2021.
- One Yellowstone Co loan was paid in full in April.
- Loan interest is very slow. I have been doing a lot of promotion.
- Work is being done to de-federalize the EDA funding, I hope to have this completed and approved soon.

Bank Balances as of June 2021 Total available for lending

Bank of Joliet- EDA	\$39,417	39,417
Bank of Joliet-CDBG	\$396,566	396,566
Bank of Joliet- IRP	\$377,451	377,451
Bank of Joliet-Fromberg	\$29,859	<u>29,859</u>
		\$842,885

FOOD AND AG CENTER PROJECTS

Beartooth FADC

Beartooth FADC activities have been focused on assisting producers with the new USDA funding for food chain resiliency and waiting on the Montana Ag Rescue Program funding updates as well as conference calls with the Dept of Ag and an in person meeting September 9th in Helena. we have scheduled a visits with Project Meats in Huntley and F Bar Three Vineyard to introduce the Montana Manufacturing Engineer for our Region Lane Gobbs and offer assistance and updates on funding opportunities.

Growth Through Ag Projects

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

Business/ Project Name: **Basin Inc**

Contact- Judy Edwards

Location- Big Timber, MT

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

Business/ Project Name: **Project Meats**

Contact-

Location- Sheperd, MT

Beartooth FADC visited Project meats in Sheperd and toured their meat plant. Future expansion plans were discussed as they are seeing a large demand for their products they have been growing the size of their operation and have plans to double the size of their operation in Huntley in addition to the meat plant they purchased in Miles City the does the initial processing before sending products to Huntley for final processing.

Business/ Project Name: **Primitive Meats**

Contact- Kelsey Grice

Location- Worden, MT

Kelsey Grice and her husband are looking for funding assistance through the GTA grant to help them with construction costs and equipment for their start up meat processing business.

On Going Projects

Business/ Project Name: **Basin Inc**

Contact- Judy Edwards

Location-Big Timber, MT

The Hagerman family raises natural grass fed beef in Sweet Grass County and is developing a fresh beef business that will add value to their beef production business. These products will be marketed as grass-fed locally grown beef. Beartooth FADC is assisting this business with a USDA Value Added Producer Grant application to help them expand their business to increase the number of animals processed and sold in an effort to meet increased demand for local beef. The VAPG grant for \$90,000.00 was approved and the USDA will be doing a site visit to their ranch on the 17th.

Business/ Project Name: **Charter Ranch Vermicast Soil Amendment**

Contact-

Location-Sheperd, MT

The Charter Ranch has developed a regenerative vermicast soil amendment using the cultivation of worms adding non-chemical nutrients to soil. Beartooth FADC assisted them with the development of a Growth Through Ag Grant that was funded for \$14,000 to expand their operation. A future visit will be scheduled to discuss the progress of their project.

Business/ Project Name: **Yellowstone Valley Food Hub**

Contact- Schahczenski

Location-Billings, MT

The Yellowstone Valley Food Hub is looking to expand their business and add space for aggregating locally produced foods. Beartooth FADC assisted them with applying for a Growth Through Ag Grant that was approved for \$20,000.00 to expand. Beartooth will be scheduling a follow up visit with this business to determine any further needs.

Business/ Project Name: **406 Bovine LLC**

Contact- Bryan Elliott

Location-Laurel, MT

406 Bovine LLC has worked with Beartooth staff and is nearing the commercialization and launch of his Ag Tech product. Bryan Elliott has developed a facial recognition software that can be used on computer and iphones to track livestock. He has produced a youtube video outlining his product that can be viewed via this link. <https://youtu.be/kTwkhUj9leA> Beartooth will continue to assist this business as needed.



Stillwater Packing Co/ Emmett's Meats

Location- Columbus, MT

Contact- Jason Emmett

Stillwater Packing has been working through an increase in business due to the COVID 19 having shut down some large national meat plants shifting some buyer interest to smaller plants like theirs. Beartooth FADC staff has visited the business to discuss upcoming funding opportunities, they looked at the USDA MPIRG grant but it was not a good fit and are interested in any upcoming funding opportunities.



Pioneer Meats

Location- Big Timber, MT

Contact- Brian Engle

Pioneer Meats received a Montana Meat Processors Infrastructure grant of over \$100,000.00 which will allow them to expand their meat processing business, they have purchased another meat processing location in Big Timber that will allow them to process wild meat at one location while expanding their beef, pork, bison and lamb processing at their main facility. Beartooth FADC staff will continue to work with Pioneer to utilize any new funding opportunities in completing their expansion, they are working on a USDA Meat and Poultry Inspection Readiness Grant.



Big Sky Beef

Contact- Gary Guesman

Gary Guesman is working with Big Sky EDA the Department of Ag and Beartooth FADC on their potential 300-500 head a day meat processing project they are interested in developing in the Yellowstone County area. Beartooth FADC staff met August 21st to discuss the project and initial steps and potential barriers to the project with Allison Corbin, Ty Thompson, Joe Goggins, Weston Merrill from Montana Department of Ag as well as Gary Guesman. Beartooth FADC staff look forward to the potential to utilize funding to assist with this project.

Restoration Beef Project

Contact- Jess Peterson

Restoration beef has developed a feasibility study around building a high quality beef plant that processes between 300-500 per day, they are in the process of developing interest and funding but are interested in the Yellowstone Valley area.

Yellowstone Region Ag Sustainability Project- RCPP

Location- Huntley,

Contact- Dave Dougherty

The group had their last meeting in June, to discuss the final reporting for the project and the success of the funded projects. The final reporting completed by NRCS shows the positive impacts this project has had on value added agriculture. The final summary of the economic impacts of this project was submitted to us by NRCS and is on our website for review



Becky's Berries- Absarokee, MT

Location-Absarokee

Becky Stahl has been a client of Beartooth for several years and we last assisted her with development of an expansion plan for her Jams, Jellies and Barbeque sauce business. She has completed construction of the facility. Beartooth staff assisted Becky with the development of a successful Ag Adaptability Grant for \$9,000.00 for a makeup air system in her new processing facility and a commercial food processor. She has installed the commercial food processor and the new makeup air system has been installed. Becky has purchased a new commercial freezer needed to keep up with increased demand for her products she said her business has been very busy this summer and fall.

Potential New Projects

Yohannes Tedesse- Billings

Beartooth Fertilizer-Red Lodge

Crazy Peak Brewing-Big Timber

Cory Wilson Mushrooms- Billings

Economic Development Director Report for September 2021

EDA CARES Act:

-Deb Brown, from Save Your Town, continues her work with the rural revitalization of the economy within our five counties. She holds weekly watch parties and meetings with BRCD in regards to the Bozeman Trail project. She will visit the area in October to meet with various officials involved in their communities.

-BSEDA is still in the process of assisting regional economic recovery and affordable housing with their primary focus being Yellowstone County.

-Cushing Terrill is finishing their housing study over our five counties which should be available in October. They presented at the Housing Summit this past August.

BSTF Projects:

-Red Lodge Pea Cannery- The architects are currently creating a plan.

-Sandstone School- The check has been issued.

-Laurel West Interchange feasibility study- For this project to move forward, the City of Laurel must decide how they would like to proceed.

EDA American Rescue Plan Programs:

In total, the EDA has \$3 billion for supplemental funding to assist in building communities back from the effects of COVID-19. There is a series of six challenges:

- 1) Build Back Better Regional Challenge: This challenge has two phases for approval.
- 2) Good Jobs Challenge
- 3) Economic Adjustment Assistance
- 4) Indigenous Communities
- 5) Travel, Tourism, and Outdoor Recreation
- 6) Statewide Planning, Research & Networks

*There will be a Coal Communities Commitment which will be allocated \$300 million from the \$3 billion: \$100 million from Build Back Better Challenge and \$200 million from Economic Adjustment Assistance.

With each of these, some will require bigger regions to be considered an adequate fit such as the Build Back Better Challenge. The most flexible of the challenges is the Economic Adjustment Assistance; there is a plethora of eligible options that meet local needs, construction and non-construction.

CRDC Working Group Meeting & Commissioner's Meeting:

During these two meetings, there were discussions about the three buckets of money for upscaling and rescaling. The first bucket of money will be utilized towards Accelerate Workforce Training Program to existing state workforce program operators. The second bucket of money will be utilized for the Workforce Training Grant Program to reimburse businesses for training of new and existing full-time workers. The third bucket of money will set up the Rapid Retraining Program to expand customized training opportunities. The Montana Department of Labor & Industry and the Department of Commerce will be proposing these programs. With the upcoming CRDC meeting in White Sulphur Springs, there should be more clarification and guidance offered about these programs. The entire agenda is still to be determined with the exception of the copper mine tour.

Frequently Used Acronyms

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

Beartooth Books- Reporting Ending August 2021

	<u>Budgeted</u>	<u>Actual</u>	<u>% of budgeted</u>
Income			
AG-FOOD AND AG CENTER	85,007	80,262	94%
AG-MCDC	1,000	0	0%
BOARD - EDA SPONSOR DUES	55,907	42,664	76%
BOARD-INTEREST INCOME	400	99	25%
BOARD-FOUNDATION MONEY	3,700	3,372	91%
RLF-STAFF REIMBURSE	18,000	0	0%
RLF-ORIG FEES	5,000	0	0%
CRDC	71,907	35,922	50%
MISC GRANT ADMIN \$	10,750	0	0%
EDA - GRANT	70,000	0	0%
NOT BUDGED INCOME	-	363,249	0%
TOTAL INCOME	321,671	525,568	163%

Expense			
TOTAL STAFF EXPENSE	256,044	164,082	64%
COMMUNICATIONS	6,000	5,405	90%
EQUIPMENT & VEHICLE	8,520	2,643	31%
CONTRACTUAL	21,220	341,431	1609%
SUPPLIES	9,800	8,775	90%
TRAVEL	10,140	1,003	10%
OTHER	8,430	9,298	110%
RESERVE	-	-7,069	#DIV/0!
EXPENSE TOTAL	320,154	525,568	164%

Account Balances

Bank of Joliet-Building Account	\$4,475.22
Bank of Joliet- Savings Account	\$75,470.79
Bank of Joliet- Checking Account	\$104,119.54

Revolving Loan Fund Books- August 2021

Loan Client Review

<u>County</u>	<u># of loans</u>	<u>\$ Loaned out</u>
Big Horn	2	\$168,693
Stillwater	3	\$429,049
Yellowstone	7	\$349,628
Carbon	2	\$20,900
Sweet Grass	2	\$169,196

- A \$200K loan was for Yellowstone County that hasn't been funded yet.
- Loan interest is very slow.
- Work is being done to de-federalize the EDA funding, I hope to have this completed and approved soon.

Bank Balances as of August 2021 Total available for lending

Bank of Joliet- EDA	\$47,677	47,677
Bank of Joliet-CDBG	\$415,384	415,384
Bank of Joliet- IRP	\$384,408	132,811
Bank of Joliet-Fromberg	\$29,859	<u>29,859</u>
		\$6525,731

File Attachments for Item:

3. Ambulance Monthly Report - August 2021.



Laurel Emergency Services Report created 9/22/21:

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

Recent Month Summary:

August 2021:

Requests	100
Missed Calls	12=12 %
Shortest Delay	7 minutes
Longest Delay	52 minutes
Average Delay	23 minutes
Fire Driver Available	20 times
QRU Response With 1 Provider	9 times **
On A Previous Call	1 time
No Crew / Provider Available	2 times
AMR Transported or Responded	5 times
Red Lodge Transported	0 times
HELP Flight Transported	0 times
Columbus Transported	0 times
Joliet Transported	1 time
PD Assisted Pt no transport	0 times
POV Transport	3 times
YCSO Transported	0 times
MHP Transported	0 times

**4 times the QRU responded and the patient refused / no transport to hospital or no patient found

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

2021 Running Totals

	January	February	March	April	May	June	July	August	September	October	November	December	Total 2021
Requests	92	98	117	96	108	89	127	100					827
Missed Calls	8=9%	2=3%	10=9%	12=12%	8=7%	16=18%	11=9%	12=12%					79
Shortest Delay (minutes)	20	43	15	15	36	10	14	7					7
Longest Delay (minutes)	45	70	80	87	73	60	75	52					87
Average Delay (minutes)	25	47	30	50	61	36	35	23					41
Fire Driver Available	11	21	26	9	15	7	16	20					125
QRU Response w 1 Provider	6	1	5	7	3	14	9	9					54
On A Previous Call	3	1	4	2	1	1	1	1					14
No Crew / Provider Available	0	2	1	3	4	2	2	2					16
AMR Transported or Responded	4	1	5	7	5	5	4	5					36
Columbus Transported	0	0	0	1	1	1	0	0					3
Joliet Transported	0	0	0	0	0	0	0	1					1
Park City Transported	1	0	1	0	0	0	0	0					2
Red Lodge Transported	0	0	0	0	0	1	0	0					1
HELP Flight Transported	0	0	0	0	0	1	1	0					2
POV Transport	3	1	4	3	2	2	3	3					21
PD Assisted Pt no transport	0	0	0	0	0	1	0	0					1
Responses in Ward 5	21=23%	40=41%	30=26%	28=29%	36=33%	27=30%	43=34%	26=26%					251=31%

Other Reporting Information:

- We are working with MSU Paramedic Program to start assisting with their ambulance clinical time. One of our own EMTs is in the program and he will begin riding along in October. This is a great opportunity for us as a recruitment tool and to have a great partnership with an EMS training program.
- One full time paramedic has resigned due to receiving a full time position with BFD. He is a great paramedic and a big loss for us but we are very grateful to say that he will stay on as a volunteer. We are working on recruiting to fill that spot.
- We have brought on an additional EMT volunteer that lives here in Laurel and believe would fit in great with our staff. We have 2 paramedic applications for volunteers that we are looking at possibly bringing on.
- We have applied for an MDT grant for an ambulance, I believe we should hear back on whether we will be awarded this by mid October.
- We were not awarded the grant for First Responder Training class. I will work on ideas for funding of this course and see if we can find any other possible grants to apply for so that we can move forward with training of fire drivers.
- If you know of any businesses or groups that would like to have Stop the Bleed training, please let me know and we can work on getting a class scheduled.

File Attachments for Item:

4. Laurel Airport Authority Minutes of August 24, 2021.

MINUTES
LAUREL AIRPORT AUTHORITY BOARD MEETING
Tuesday, August 24, 2021

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

BOARD MEMBERS PRESENT:

- ☐ Randy Hand, Chairman
- ☐ Brock Williams, Secretary
- ☐ Shane Linse

OTHERS PRESENT:

Craig Canfield and Nathan Schroht, KLJ

1. General Items

- a. Previous minutes approved by unanimous consent
- b. Claims prepared by Steven Cosner were approved for payment without dissent.

2. Reports from KLJ

- a. Review of CIP. Craig to revise and present for approval at next meeting.
- b. Discussion regarding proposed shooting range. KLJ is concerned that the access road would conflict with the RWY 22 RPZ.

3. New Business

- a. Planning Consultant Proposals. We received a proposal from KLJ, which was reviewed. No other proposals were received. Motion to accept the proposal from KLJ was approved without dissent.
- b. FAA Single Audit. Waiting to hear back from Summers McNea.

- c. Courtesy Car. We are going to proceed with leasing the car to the FBO, who will provide insurance and maintenance and make it available to users.
- d. Request to use Quonset / Grass area for a Remembrance of Life for Doc Smith. Motion approved without dissent.
- e. SuperAWOS. Discussion regarding what to do with the old SuperAWOS. Motion was made to offer to give it to Columbus if they would like to use it. Motion approved without dissent. If Columbus doesn't want it, we will continue to review options.
- f. Surplus Beam. A motion was made to sell the surplus beam instead of storing it indefinitely. Motion approved without dissent.
- g. Quonset. Discussion regarding use of Quonset by the public now that FBO is open. Motion was made to lock the quonset and not allow public use. Motion approved without dissent.
- h. Remote participation and voting. Motion was made to allow participation and voting via teleconference, and was approved without dissent.

4. Old Business

- a. SRE Building. Almost complete. Discussion regarding concrete in front of doors. We are going to get proposals.
- b. Beacon. Still needs to be installed.
- c. Fly-in still on hold. Volunteer appreciation function will hopefully be scheduled in the fall.
- d. Web page. Brock will work to clean up the web page and get at least a basic web page up with inaccurate information removed.

5. Public Input

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

- a. none

6. Other Items

none

7. Announcements

- a. none

The meeting was adjourned at 20:20.

Respectfully submitted,

Brock Williams
Secretary

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

File Attachments for Item:

8. Council Workshop Minutes of September 7, 2021.

**MINUTES
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, SEPTEMBER 07, 2021**

A Council Workshop was held in Council Chambers and called to order by Mayor Tom Nelson at 6:30 p.m. on September 7, 2021.

COUNCIL MEMBERS PRESENT:

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

OTHERS PRESENT:

Bethany Langve, Clerk /Treasurer
Nick Altonaga, Planning Director
Sherri Phillips, Court Clerk
Stan Langve, Police Chief
Brent Peters, Fire Chief
Jaime Swecker, Firefighter
Shane Willis, Firefighter
Jono DeRudder, Firefighter
Armondo Hernandez

Public Input:

There were none.

General Items:

There were none.

Executive Review

1. Resolution - Budget Amendment Resolution Amending Appropriations And Revenues For The Federal Equitable Sharing Fund For Fiscal Year 2020-2021

Stan Langve, Police Chief, stated these are monies received back from the feds from our work with the Drug Task Force.

Bethany Langve, Clerk/Treasurer, stated per the Department of Justice, the City is not allowed to budget revenues or expenditures. There is a budget amendment each year.

It was questioned if they knew the actual dollars the City would be receiving. It was clarified that the budget amendment contained the actual dollars received from that fiscal year. This year those amounts were \$12,798.52 and \$6,071.38.

2. Resolution - A Resolution Adopting An Official Schedule Of Fees And Charges For The City Of Laurel Repealing All Previous Resolutions That Set Fees Or Charges That Conflict With The Schedule Attached Hereto.

Nick Altonaga, Planning Director, briefly reviewed the changes to the Schedule of Fees. These fees should bring in a lot more revenue for the Planning Department and get it moving in the right direction.

It was clarified that there were additional changes made since the intent was passed. Those changes are noted in yellow.

3. Resolution - A Resolution Of The City Council Approving An Application For Special Review For Project Telephone Authorizing The Construction Of A Fiberoptic Hut At 1013 8th Avenue, City Of Laurel.

Nick Altonaga, Planning Director, briefly reviewed the attached Staff report.

It was questioned if there were any comments from neighbors in that area. It was clarified there have been no comments received by the Planning Director.

4. Resolution No. R21-50: Resolution Of Intent To Approve The Application For Bitterroot Grove Townhomes, A Sixty Unit Planned Unit Development As An Addition To The City Of Laurel With Changes.

Nick Altonaga, Planning Director, briefly reviewed the attached Staff report. There will be minor changes to the Staff report as this is a resolution of intent.

Council had no questions.

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

Nick Altonaga, Planning Director, briefly reviewed the attached Staff report.

It was questioned what the timeline is for this project. It was clarified that a Planned Unit Development is put into an ordinance and added to our Municipal Code. Once all those things are in place, the developer can build. It was further questioned if the developer could take as much time as they please to build this development. It was clarified that yes, they could, but they would be held to the initial agreement should another developer come in. It was questioned who would enforce these stipulations. It was clarified that Code Enforcement would enforce these stipulations.

The developer wants to get started on this project as soon as possible and plans to complete a good chunk in the next year.

6. Resolution - A Resolution Of Annexation And Approval Of Zone Change For The Cherry Hills Subdivision, Third Filing, An Addition To The City Of Laurel, Subject To Conditions Imposed By The City

Nick Altonaga, Planning Director, briefly reviewed the attached Staff report.

7. Resolution - A Resolution To Approve The Preliminary Plat Of Cherry Hills Subdivision, Third Filing, An Addition To The City Of Laurel Subject To Conditions

Nick Altonaga, Planning Director, briefly reviewed the attached Staff report.

8. Resolution - A Resolution Of The City Council Granting A Variance From Certain Sections Of Chapter 17 Of The City's Sign Code For The Property Located At 202 SE 4th Street To Allow The Removal And Replacement Of A Freestanding Pole Sign With An Electronic Controlled Sign Which Is Currently Prohibited.

Nick Altonaga, Planning Director, briefly reviewed the attached Staff report.

Council Issues

9. Ambulance PayScale Discussion

Council Member McGee asked that this item be moved to a future Workshop due to time constraints. He will bring this forward at Emergency Services Committee and bring it forward when ready to come forward.

10. 3rd Avenue Diagonal Parking Update

Police Chief Langve: Mr. Mayor and members of the Council, thank you. Regarding the illegal parking on 3rd Avenue, notice was given, warning...an opportunity to remediate the issue. That was completed, a citation has been issued, those charges are pending in Laurel City Court. So, I can't speak too much beyond that. It was requested at the time...that notification was given at the time that if it is not fixed, then we are going to go ahead and fix it, and it is not to this date. So, with the schedule this week, I am working with Public Works, and we are going to get vehicles moved this week or next and then take that striping off.

Public comment: "Boo."

Mayor Nelson: Any Council questions or comments for Police Chief Langve? None, no questions. K... Is that all you wanted was to hear from the Police Chief, I take it?

Council Member McGee: – Was there a specific Council Member that brought this up, Mr. Mayor?

Mayor Nelson: A couple had brought it up that wanted to talk about it, and one's not here tonight.

Council Member McGee: – ok, well if the other one has something to say, if they don't...they don't.

Mayor Nelson: I'll ask if the other Staff member, Fire Chief, would like to bring anything...is there anything you would like to bring forward or not?

Fire Chief Peters: Thank you, Mayor and Council. I see the cause for the people sitting here in the room for parking downtown; I know we have a lot for parking. Unfortunately, I am not the one tasked to fix that problem; that's why we have a planning department. I do know that when I look at any situation, such as diagonal parking, I look at what's safe for the citizens as well as the first responders. 3rd Ave is our direct roadway to West Main in responding to the West. So, it does concern me that we have this diagonal parking on 3rd Ave. I tasked a couple of my firefighters to go out there and measure the distances, and it is pretty tight if you put two large vehicles side by side. One thing I noticed while we respond is on-coming traffic has a tendency not yield to emergency response vehicles. So, if you put two large vehicles, one responding to an emergency side-by-side in that area, there is a chance of somebody colliding and possibly getting hurt. That is my biggest concern. I know that we have striped parking over by the Palace and everything. We don't respond through there unless we have an incident at the Palace or the Pawn Shop or the Liquor Store. But we do respond on a constant basis going down 3rd Ave when we have less. The other concern I have, and I understand the passion of creating this parking. I'm going to tell you a little story...I was stationed in Fairbanks, Alaska, many years ago, and I lived off post, I lived in an apartment complex. And by the time I got off duty and got to my apartment complex, there was no parking in front of my apartment. Most of my parking was five, six blocks away at 70 below zero. So, I understand the, you know, what you guys have to go through not having parking right in front of their residence. Ok...I went through it also...it's the way it is. What my biggest concern is that this parking was designed with the approval of the City. And I say that, as I have several laws, codes, and rules out there, and it's for public safety if we don't do something about this and go through proper channels of putting in diagonal parking or anything else. Where is this going to stop...next week? Are we going to have cows in everyone's back yards? Because they feel they deserve to have cows and not follow the codes and laws of the City of Laurel...that's a concern of mine. I stood up here in front of the Council ten years ago to allow recreational burning within the City limits. I determined that it was safe enough as long as all the rules and laws were followed. Minimized the size of the burn permit...burn pit...they had to have a water source for combustible materials. If you allow this to go on, the residents in the community may look at it and go, "we don't have to follow code anymore." So, it's nothing against you guys; back here, it's about following the right procedures to get this done. K...I applaud the motivation to get it done. I'm kind of like you...I try to make things happen...but there is a process to make it happen, but this isn't it...K?

Public comment: Can I ask what the process is?

Fire Chief Peters: You can ask that man right back there.

City Planner Nick Altonaga: I don't know what the process is.

Fire Chief Peters: I help with the health and safety of the City of Laurel, the health and safety of responders that respond to that location. And I thought of questions that I thought maybe asked. And one of the questions was, "Why can we just respond down 4th, 5th Ave, all the way down to 8th Ave?". If we allow this to go on without the proper channels, who's to say next week, they aren't going to spray paint stripes on 4th, 5th, 6th? And now it becomes a problem if we get called out to an emergency and delaying our response because we don't have direct access to West Main...K? I am fine with the process, going through these people to approve diagonal striping. I believe that's what happened over on wherever street the Palace is on. It was approved by the Council to make it happen. That's all I ask of you, people; let's go through the process and do it right. Because it can create a huge problem for City of Laurel...possibly Billings, Billings can handle their own thing, but the City of Laurel it can create a problem of what laws and codes are followed from here on out. So, any questions from Council...any questions from you guys...audience?

Public comment: My point is...You guys are putting all this money into the historical district...

Mayor Nelson: Could you come up and state your name and address real quick, please.

My name is Ron Seder; I've glad to introduce myself to you...I own the King Coin Laundry Mat. And you guys are putting all this money into the historical district, but you have not created one more parking spot for anybody to get more consumers down there in the area. So, all this money you're putting out there is really not doing any good for the owners of the properties. Yes, the town is looking better, but you cannot bring any more consumers to make your income beneficial for the City. I am planning on putting a three-story in right next to the laundry mat. And I need more parking if I have...for tenants upstairs. So, somehow, we need to come to a compromise so everyone can benefit from the improvements of the City. So...that's what I have to say. Thank you.

Fire Chief Peters: I believe the right process is starting with that man right back there.

Fire Chief Peters: I get that...but I have seen several plans come through here. I can't speak from, I can't speak from Nick. But all I can say is this is where it all starts to do the right thing. So. Do you guys have anything else for me? Thank you.

Mayor Nelson: Do you want to make a comment, Nick?

City Planner Nick Altonaga: So right now, we have nothing on the books, changing the parking, no process, no nothing. So, generally, it would fall to City Council. So, they would need to submit something to City Council. I've worked with Ron, and I've talked to Leslie before. And I believe I have forwarded these things on to Police Chief Langve and Chief Peters. And so that's almost as best I can do right now. As I mentioned previously, I want to update our zoning code, and I am going to try to actually put in place specific processes for change in parking. So right now, I usually, for the...I am 100% for parking, parking plans, updating parking. Still, right now it falls, the actual enforcement and management for parking, it's really Police Department, Public

Works and you know, EMS to make sure to get the vehicles through and move their trucks and everything. So, that's just my take. Is that, yes, it is me, but right now what technically is out there, we've got nothing for me for guidance, to...so just...normally I would suggest...like right now...I'd suggest submitting a letter and having it at City Council to come here as an agenda item for the design. That's my thought. I think I've gone through this with Ron that we need EMS and emergency services sign off, so that's from my point of view, that is the thing that was stopping it. Is that they viewed those streets as West 2nd and West 3rd, is that those are major routes for Police, Ambulance, and Fire. So that is why it kinda never got off the ground...but.

Mayor Nelson: Any Council questions or comments? Chief Langve, before we ask for public comment.

Police Chief Langve: Yes, thank you. There is a law...Laurel Municipal Code out there and coming across some things, but that the Chief of Police may have worked decades ago. Parking and signage of all of this and maintaining of boulevards, I'm thinking that's because you had four or five employees and you wore more hats. I would like to see proposed going forward that we take some of those responsibilities, especially when it comes to planning on streets what is admissible, permissible best practice...I should go to our engineers, and when this process did go through, and I stood up here and spoke...and just having research it because we are getting multiple requests for trying to find parking space. I can spend some considerable time researching it for best practice, and historically, when you are backing out into traffic and narrowing up those roads, it is a little bit more hazardous, and it's definitely more hazardous here. I flashback to multiple calls going over to the Palace, and you know you have to slow your response for people walking out from the end of their vehicles and backing out and not paying attention, so that is a legitimate concern. The other point being that you look at it; these are engineers; they're the ones making suggestions along with departments, especially emergency services input, and having a voice in that process. In as far as when we were speaking of that if you go over and look at how Colorado and Montana is marked, whatever is out there now wouldn't suffice. You're going to have to make room for handicap parking. And there again, they know when you are going to have to have handicap, you are going to give up two spots for a van...so if you look at it, and what our engineer comment that day when his was here with Kurt, was talking about different issues. You don't really gain much of anything...you might gain one more spot. So, I would like to see that going forward because parking is more meaningful to you. Everyone wants to buy the property and maximize the return. But we can't stretch the street. We can't make more space as a city. That would be great if we could, but we don't own that property. We have the public right-of-way; we have the roads that were laid down. Take it toward South of town, where you have carriage width roads. Just the issues we're going to have there. Luckily, we have modernized and moving forward with new developments; these things are for consideration. But we recall this part of town...it's model-t's and what-not. It's been an issue for a long time. If there is a fair optical way moving forward, it would think it would be best. But even having said that, without prejudice, without biased...my task is to enforce the law, and I work hard to do that judiciously, and fairly, and relevantly, and that is what we are going to continue to do here. Thank you.

Mayor Nelson: Do you have yours that you want to read now?

Clerk/Treasurer Langve: This did come before Council on June 15, 2021. Your Police Chief did speak about it as to the safety aspect of it over there for Fire, Ambulance, and Police. Your Public Works director did speak about his concerns, and he was against this. He spoke regarding the new guidelines for corners and alley approaches. And Ryan Welsh with KLJ did speak about this to Council, and he was concerned that it would be taking 18-20 feet off each side of the street; he said there were concerns on regarding straight-in parking versus this diagonal parking because there are some new guidelines. So, this did come before Council on June 15th, and those three did speak to you about this. So, this has been brought before Council.

Mayor Nelson: Any public comment, if you would like to come up and make sure the microphone is on and state your name and address for the record, please. Thank you.
Folks...My name is Sam Johnson; I live at 103 East Main; I have resided there for eight years. I work in Billings, varied shifts, and a lot of time. I am very sympathetic and patronize many of the business owners downtown. They have frustrations; as far as apartment buildings with the 103 East Main block there, not everybody needs cars. But quite a few of us do, and you know. She mentioned 18-20 feet on each side; let's do one side, it doesn't necessarily have to be both, you know. But and somewhere, somebody mentioned that down there by the pawnshop got angled parking, and I don't know when that was approved or anything like that but some of the side streets. I know up by Yellowstone Bank and the park, on 1st Street there it's pretty narrow...very sympathetic, when I lived down there, I heard constant sirens, Fire Department, Police Department there is a lot of traffic there, completely understand...but some people aren't. I'm respectful of that, I'm mindful of that, sometimes when they park, like that, all hours of the day [talking away from microphone] ...

Mayor Nelson: We can't hear you.

Sam Johnson: All I am saying is that you guys...I guess one of my things on a time frame is the gentlemen said there is no established policy on how to do this exactly, officially. So, my question to him would be, "what kind of time frame are we looking at to establish some kind of policy or procedure on modifying the parking?"

Nick Altonaga: four months...three months?

Sam Johnson: It's something to work with...it's something to work with...if you don't set a date and a goal, you might never reach it, you know. But I appreciate your time, appreciate you guys taking the opportunity and to recognize the issues so we can start moving forward in the right way to maybe resolve a couple of problems. Thank you.

Mayor Nelson: Thank you.

Leslie Atkins: I have something to say to this...your website says that it started at 7:00 and not 6:30.

Mayor Nelson: Oh...that was at the City Council meeting, not the workshop.

Leslie Atkins: Oops...I have some things I would like to say...because I'm sure you've all...

Mayor Nelson: If you could state your name and address for the record.

Leslie Atkins: Sorry...Leslie Atkins, I live at seven 3rd Ave. I own the building, the Lennox Hotel. We're at the corner of West Main and 3rd Ave. Hi. So, first thing I want to say is that I am sorry for the way I went about the parking. I thought that I had reasonable permission to do what I did. Apparently, that was not the case, and I apologize that I didn't harass the City more than I should have. I did hear somebody tell me that if you ask for something over, and over, and over and over and over again, eventually...the City will get around to it. And after all of the tenants got ticketed on Main Street, there was no way for me to say I can't do this. It has to be done. Because I know the parking study is done, so there is space to do the parking. It's just never been implemented. So, I do apologize, I should have not jumped the gun there like I did, but I did. So, the parking in the Central Business District is a nightmare. It's a nightmare; it's a nightmare for my tenants, it a nightmare for everybody who wants to shop downtown. Because Laurel is growing, like exponentially growing. And people need parking, and I don't think the way the parking is there right now is wrong. I've got letters, emails, and letters from community members who said to just fight for it, just keep fighting for it, what you did was right. And I'm like, "that's great!". But now I have to go to court to stand up for what I did when I didn't think what I did was wrong. So, again I apologize that I went about it kinda sideways. But my hope is that if we can get a permanent process done faster than four months, please...I would be happy to pay for a permit. I would be happy to submit to whatever needed to happen. And if that means that I have to erase the lines and then move them over a little bit. But...technically, you can erase the lines all you want; I do apologize for that...I don't apologize that much...I'm so sorry. So, you can erase the lines all you want. But I cannot promise you that my tenants will not continue to park exactly like we are doing right now. I can't promise, but I can stop them from that. Because there were else for them to go. So, I hope that there will actually be a process, actual legal process, for that to happen. And I do understand that allowing everybody, it's like the wild West...I didn't think about it when it I did it. I probably should have thought about it a little better. But it has to happen; it has to happen...our City is growing; it needs to happen. So...thank you...I'm sorry, please do not make me remove my parking.

Mayor Nelson: Any other public comment on the parking? Go ahead, if you could state your name and address, please...

Hi, my name is Brandon Ellis; I own Dirty Paws of Montana in Leslie's building here at 221 West Main Street. I've lived in Laurel; I live on the other side of town for about 13 years now. And I know through about quite a few times about the parking issues of downtown. When I went to open my business, I had to decide if I was going to open my business in Billings and get a lot of business or in Laurel, and you know I am going to have a little less business. But, like she said, the town is growing exponentially. But my business is also getting busier. I've even had people coming from Billings down here. I've had...speaking on the safety side of things; there is no crosswalk there on 3rd Avenue, crossing that. That's a safety concern. A lot of my clients, because of the way parking was to drop their dogs off, they had to get off at Main Street, which was dangerous for the dogs to do the way there were parked. Or they pulled into the yellow zone on the corner. Otherwise, they had to go blocks away. No one is going to support a business when they have to quickly just drop a dog in and go to work themselves when they have to go blocks away. There's plenty of other places in Billings they can go to. My business is actually picking up quite a bit; I have letters as well about the parking is and how great the parking is there, and how helpful it is. They've written letters that their kids are safer getting out

of the car. I've been hit; I've been almost hit a couple times crossing the street getting to my car because people from Main Street whip around that corner. I've got to say that parking on the right side there has slowed that traffic down. And people aren't getting out of their car right into that traffic right there. I don't know the exact history of that corner what happened right there, but I do see it. My windows are right on the corner, so I see all the cars whip by it all day long. It has slowed it down quite a bit, so it has slightly helped with safety in some way. So, if there is just a way that we can just get this resolved and a process to get it taken care of. Cause I, you know, if winter comes and the parking is that bad, and my business is booming, I might just have to move to Billings. I hate to see that happen because all of the other people that have rented these spots in the building for retail have all moved because of the parking. And because no resolution has ever been made about it. That's all that I have to say. Thank you.

Mayor Nelson: Thank you. There anyone else who would like to...Nick.

City Planner Altonaga: I just want to clarify couple things...so when I said three to four months, that's for the ordinance to go into effect for zoning and putting something in place. Right now, if things aren't in code...like this has come up in Public Works items for some developments and things. If it's not in our code, it defaults to City Council for review and approval. So, if we don't have in the zoning code or the Public Works standards, if we don't have it in our guidance standards, City staff nearly could not, clearly should not, for liability sake, approve something. So, it falls on City Council for their review and approval. So, I think, three months because if we roll something into the zoning code, it will be basically stating a permit should be applied for, XYZ departments will be involved, that type of thing. But going through City Council is the default. So that's just in general...wanted to put that out there. That's what I meant. So, this body is the governing body, that is, the final decider. So, anything can be brought here and made a decision on, generally. So just want to throw that out there. Thank you.

Mayor Nelson: Thank you. Are there any other public input? If not, there's three letters that I've been asked to be read into the record...that you have Bethany?

Clerk/Treasurer Langve: Read the attached letter from Brian Roat, 1415 Beartooth Drive.

Clerk/Treasurer Langve: Read the attached letter from Nancy Schmidt, Library Director.

Clerk/Treasurer Langve: Read the attached letter from Lyndy Gurchiek, Ambulance Director.

Mayor Nelson: I'll conclude with my comment because I would like to make a comment. Everyone of my department heads know I've spoken to them many, many times about parking and the problem with parking in the City. And I've often said parking is a double edge sword. You don't have a parking problem; then you have a problem. You've got a growth problem; you've got some problem. And so, parking is a problem that you always want to have, but you always want to have some solution to attend to it at each step when you run in to that stretch where we need more parking. And as a city, that's very difficult to do from the thought of City parking lot versus a private parking lot. Where a certain amount of tenants allowed to park free, and then other people that want to go to City businesses if their parking is full along the streets in front of businesses can park and pay something. Obviously, it's a property issue that doesn't

come free, most of the time, as you see in Billings, parking garages, parking lots. There's creative ways to generate parking. Your TIF District Funds are one of those areas can be looked at and, to be determined, can be utilized there to take on parking. Along with engineers and studies to find and determine what's the best way to solve this problem. So, there's no problem that can be...that has no solution, in my mind. It's just a solution that hasn't been uncovered yet. And I hope everyone, you and I hope the Council, will continue to do my part all work together to find the solution. I'm a big proponent of diagonal parking. And we did East 6th; I wanted diagonal parking. We got the engineer to show diagonal parking and Council to sign off it. I believe in it...there's a lot of people that don't, and there's a lot of reasons for pros & cons of diagonal parking. My Police Chief can tell you there is more accidents in diagonal parking than none. It's just a fact of life. Anyway, I think all of us together can constructively work on this situation on this issue, and I believe there is a resolution to be found; it's just going to take a lot of work and cooperation with all of us. I'm glad everybody showed up tonight. With that, then we will move on to other items. Oh, go ahead, yes sir...

Public Comment Brandon Ellis: If we end up removing the parking that was put in improperly and it goes back to the Main Street in front of our buildings, is there a way we can get rid of the 2-hour parking right there for the people that live all upstairs? Is there some solution we can also try to find for that? What solution process we would go through for such a thing for that too?

Mayor Nelson: Again, I will start with the Planning Department...and...

Brandon Ellis: I know...It's not easy...

City Planner/Nick Altonaga: Honestly...to speak frankly...It beats the hell out of me. So...

Brandon Ellis: I'll do my due diligence and will look to see if there is a process for that; if not, then I guess leave it up to you guys...

City Planner: ...Public Works...and you know...

Mayor Nelson: I'll take it up as well. I'll talk to my Public Works Director, and we'll start that discussion as well.

Brandon Ellis: ok...thank you.

Mayor Nelson: Yep...you're welcome. Police Chief Langve.

Police Chief Langve: Just speaking to that issue, the 2-hour parking is there for the businesses, and they're the ones that call to complain that people are camping out or over-turning it. So, that's where all of our complaints are coming from. They want traffic coming in and traffic moving out. And that is why that district is there. The same as the sweeping district, they pay, they want it monitored, cars moved so they can be clean and presentable. So, the 2-hour parking was brought in for the businesses.

Mayor Nelson: We'll have some discussions on that; I'll have some inner department head talks, so we'll just continue to have that conversation. Alright? Thank you all. Now we will move on to all other items...for which I have none...

Other Items

Review of Draft Council Agendas

11. Review Draft Council Agenda for September 14, 2021.
There were non suggested changes.

Attendance at Upcoming Council Meeting


All present should be at next week's meeting.

Announcements

The American Legion will be doing their annual 9/11 ceremony at the Firefighters Memorial at 10:00 a.m. This year's guest speaker is Governor Gianforte. This year is the 20th anniversary of 9/11.

The council workshop adjourned at 8:13 p.m.

Respectfully submitted,



Brittney Moorman
Administrative Assistant

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



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board
FROM: Nicholas Altonaga, Planning Director
PROJECT: Project Telephone Fiber optic Hut Special Review
DATE: August 25, 2021

DESCRIPTION OF REQUEST

An application for Special Review was applied for by Project Telephone for the installation and operation of a fiberoptic utility hut within a residential district. The proposed location of the hut is 1013 8th Avenue. This property is located within the Laurel City Limits. Project Telephone has entered into a lease agreement with the property owner of 1013 8th Avenue to install and operate the fiberoptic utility shed.

The Laurel Municipal Code Chapter 17.21 states directly that utility operators should work to locate telecommunications infrastructure away from residential areas whenever possible. It further states that any Telecommunications huts and support buildings to be approved by Special Review if they do not meet the requirements of that chapter. An approval of this special review application would enable Project Telephone to install and operate a fiberoptic utility shed within a residential district.

Owner: Karl Morledge
Legal Description: S09, T02 S, R24 E, C.O.S. 68, (.77 ACRES)
Address: 1013 8th Avenue, Laurel, MT
Parcel Size: 0.77 Acres (Special Review to include only 50'x50' of southern portion of property)
Existing Land Use: Residential, vacant/unused southern portion of property
Proposed Land Use: Residential, Fiber optic utility tract on southern portion of property
Existing Zoning: Residential 7500 (R-7500)

BACKGROUND AND PROCEDURAL HISTORY

- Initial conversations between Planning and Jim Tuell, the representative for the applicant, began on January 19, 2021

- Planning Director met with Jim Tuell on June 14, 2021, to visit sites to possibly locate the proposed fiberoptic utility hut.
- July 29, 2021: Planning Director provided information regarding the Zoning Code regulations on Telecommunications facilities and the Special Review Process.
- July 29, 2021: Applicant requested a Special Review application be placed on the Laurel City-County Planning Board and Laurel City Council agenda.
- The Applicant provided a Special Review application to the Planning Department on August 10, 2021.
- The Special Review Application has been placed on the agenda for the Planning Board meeting on August 18, 2021
- August 18, 2021 – Planning Board voted to approve the Special Review application for Project Telephone with the stated staff conditions.
- The Special Review Application has a public hearing scheduled in front of City Council on September 14, 2021. The City Council shall approve, conditionally approve, or deny the special review request.

STAFF FINDINGS

The Planning Director determined that while the fiberoptic utility facility does not fully conform to the requirements of LMC 17.21 – Telecommunications Towers and Antennae, it closely aligns with the spirit of the code in the type, scope, and scale of the specific projects regulated within said code.

A Special Review process is required as the proposed development is located in close proximity to residential parcels, as well as does not meet the requirements of

- 1) LMC 17.21.030 – Standards for Wireless Communications Facilities,
 - a. Part A. 1 states: “Encourage the location of antenna support structures in non-residential areas and minimize the total number of antenna support structures throughout the community;”
 - b. Part A, 3 states: Require wireless communication facilities to be located, to the extent possible, in areas where the adverse impact on the community is minimal;”
- 2) LMC 17.21.030.D – Commercial Antenna Support Structures and Antennae located in Residential Zoning Codes, Part 1 states: “Antenna support structures and antennae shall be permitted as an allowed use in all residential zoning districts provided they meet all of the following criteria:
 - a. Alternative antenna support structures conforming to all applicable provisions of this chapter and roof-mounted antennae that do not add more than twenty feet to the total height of the building on which they are mounted shall be permitted as an allowed use only when located on school, government-owned utility, and other government sites.

Proposed antennae or antenna support structures that are contrary to this section are subject to the special review requirements of these zoning regulations. After the special review hearing and reaching its decision, the city-county planning board shall forward its recommendations to the city council for its decision.”

The proposed fiberoptic utility shed is not located on a school, government-owned utility, or other government site.

The proposed fiberoptic utility shed is within a residential zoning district.

The Applicant has provided a Special Review application including:

- Justification and Scope of Work letter
- Building Site Map
- Utility hut Location drawing

The applicant has paid the required fee for the Special Review application.

The public noticing provisions of LMC 17.68 have been met.

PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

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

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

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

The following actions are to be taken by City Council:

17.68.50 - City council action.

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

RECOMMENDATIONS

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

1. Any applicable permits, including but not limited to building permits must be applied for within six (6) months of special review approval.
2. Construction of the structure and site must be completed within one (1) calendar year of special review approval.
3. The operation of the site shall not be done in such a manner as to be a nuisance.
4. The site shall be screened by an appropriate landscaping or site obscuring material as approved by City Staff.
5. Any use of the property not specifically included in this approval or allowable within its underlying zoning district shall be deemed a violation of the laurel Zoning Code.
6. Any subsequent use or change of use associated with this special review shall submit additional documentation to the City for subsequent processing and approval or denial.
7. Curb, gutter, and sidewalk shall be constructed along the road frontage of the 50'x50' area developed as part of the special review.

ATTACHMENTS

1. Project Telephone Justification Letter
2. Special Review Application Form
3. Site Overview
4. Landscaping Plan
5. Adjacent Property Owners List (300ft)
6. Adjacent Property Owners Map (300ft)
7. LMC 17.21 – Telecommunications Towers and Antennae
8. LMC 17.68 – Special Review Procedures



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT & FINDINGS OF FACT

TO: Laurel City-County Planning Board
FROM: Nicholas Altonaga, Planning Director
RE: Planned Unit Development – Bitterroot Grove Townhomes
DATE: August 25, 2021

DESCRIPTION OF REQUEST

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

The Planning Board shall consider the Annexation and zoning of the parcels in question, as well as the preliminary plan approval of the PUD application with the related variance for project size.

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

BACKGROUND AND PROCEDURAL HISTORY

1. A pre-application meeting for the Planned Unit Development took place on June 23, 2020 between the Applicant, their engineers, and City Staff.

2. The Application for the Planned Unit Development, Annexation, and Variance and their supporting documentation was submitted on March 15, 2021.
3. The City Staff Design Conference took place on April 27, 2021.
4. The Planning Director transmitted a letter of findings to the Applicant and their developer on May 7, 2021.
5. The Applicant and their developer resubmitted documents to the Planning Department on May 17, 2021.
6. The Planning Board held a public hearing on the proposed Planned Unit Development, Annexation, and Variance applications on May 19, 2021.
7. The Planning Director worked with the Applicant and their contractor to update the Annexation Agreement and HOA Bylaws as discussed at the May 19th meeting.
8. The Planning Board has scheduled a second public hearing on the proposed Planned Unit Development, Annexation, and Variance applications for June 16, 2021.
9. The Planning Board lacked a quorum at the scheduled public hearing on June 16, 2021.
10. The Planning Director forwarded the materials and documentation for the Bitterroot Grove Townhomes Annexation, Variance, and Planned Unit Development to the City Council on June 25, 2021.
11. The City Council held a public hearing on the Planned Unit Development, Annexation, and Variance applications on July 13, 2021.
12. The City Council decided that the information provided was insufficient to approve the application and returned it to Planning Board for further review.
13. August 18, 2021 – Public Hearing Held for Planned Unit Development at Planning Board. Planning Board Members recommended the approval of annexation and preliminary approval of the Bitterroot Grove Townhomes Planned Unit Development with the stated conditions of approval.
14. September 14, 2021 – Laurel City Council shall hold a public hearing on the applications for Annexation and Zone Change, Planned Unit Development, and Variance.

STAFF FINDINGS

1. The Application for PUD, Annexation, and Variance contain all the necessary items.
2. Annexation has been requested to hook the property into the municipal water and wastewater system, as well as garbage pick-up.
3. A variance has been sought for the minimum size requirements of a Planned Unit Development stated in the Laurel Municipal Code.
 - a. Laurel Municipal Code requires a minimum of 5 acres for a PUD
 - b. The proposed PUD is 4.68 acres.
4. The Applicant has proposed private interior streets with gated entrances.
5. Gated entrances shall be accessible by all Laurel EMS, Fire, and Police departments, as well as code enforcement and public works where necessary.
6. The Applicant has proposed private internal water and sewer connections.
7. The Applicant has proposed a water meter building, to manage the interior water system of the development.

8. The proposed project would improve a largely vacant, blighted lot with a dense residential development.
9. The application includes bylaws for a townhouse association to manage the property.
10. The subsequent submittal of documents on May 17 included a landscaping plan and weed management plan.
11. An Annexation Agreement was provided with the application which specifies adjacent public improvements, development standards, and other requirements for annexation into the City of Laurel.
12. Updated site plans were submitted to the City detailing the water and sewer lines to be installed.

PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

LMC 17.32.020 – Review and Approval, Part D states:

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

RECOMMENDATIONS

The Planning Director recommends approval for the Annexation and Zone Change to PUD – 1 Planned Unit Development 1 with the following conditions.

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

The Planning Director recommends that Planning Board grant preliminary approval to the Planned Unit Development plan and variance with the following conditions:

1. The Property shall be cleared of personal property, debris, and refuse prior to final approval of the PUD and Variance application.
2. A landscaping and maintenance plan shall be submitted to and approved by the City after it finds the plan sufficient enough to ensure the development does not operate or become a nuisance.
3. The proposed Water system shall be approved by the contracted city engineer, KLJ Inc. and the Laurel Department of Public Works.
4. The proposed Wastewater system shall be approved by the contracted city engineer, KLJ Inc. and the Laurel Department of Public Works.
5. The proposed Stormwater system shall be approved by the contract city engineer, KLJ Inc. and the Laurel Department of Public Works.
6. Weed Management Plan shall be completed and approved by the Yellowstone County Weed District.
7. The alleyways within Blocks 6 and 7 of the Nutting Brothers Subdivision shall be abandoned via a petition to abandon.
8. Utility access easement documents shall be filed for the abandoned portions of Blocks 6 and 7 of the Nutting Brothers Subdivision.
9. A survey shall be filed aggregating the lots within Blocks 6 and 7 of the Nutting Brothers Subdivision.
10. Details on the legal description of the lots in the northwest corner of Block 6, Nutting Brothers Subdivision, shall be provided to the City in order to determine the scope of project.

ATTACHMENTS

1. PUD Written Statement
2. Annexation Application
3. Annexation Agreement (updated)
4. Waiver of Right to Protest (updated)
5. Variance Application and Request Letter
6. PUD Layout/Design
7. PUD Landscaping Plan
8. Bylaws of Bitterroot Grove Townhomes Association (updated)
9. Images of proposed townhome design
10. Planner Letter to the Applicant (dated 5/17/2021)
11. Comments from Ryan Welsh, Engineer at KLJ, on proposed Water/Sewer expansion (dated June 8, 2021)



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

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

DESCRIPTION OF REQUEST

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

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

BACKGROUND AND PROCEDURAL HISTORY

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

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

STAFF FINDINGS

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

PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

LMC Chapter 16.03.040 - Staff and Agency Review:

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

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

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

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

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

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

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

RECOMMENDATIONS

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

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

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

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

11. A map of pre-developed stormwater conditions including the boundary, routing, and calculations must be provided to and approved by the City.
12. Water quality storm volumes and calculation sheets shall be provided to the City.
13. An Updated cost estimate for the Geotechnical report shall be provided to the City for verification.
14. The conditions of the Geotechnical report shall be followed during the construction of the public infrastructure.
15. The Wetland delineation report dated March 2021 shall be provided to the city for verification with stated plans.
16. A Weed Management Plan shall be prepared for the project and approved by the Yellowstone County Weed District.

ATTACHMENTS

Annexation and Zone Change:

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

Cherry Hills Subdivision, 3rd Filing:

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



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board
FROM: Nicholas Altonaga, Planning Director
RE: 202 SE 4th Street - Laurel Chevrolet Sign Variances
DATE: August 25, 2021

DESCRIPTION OF REQUEST

Ken Fichtner of Laurel Chevrolet submitted a request for variances to the Laurel Municipal Code for the property at 202 SE 4th Street. These include requests for variances for having multiple principal signs on a parcel, sign size, and sign type (pictographic changeable copy signs).

Laurel Chevrolet was recently sold to a new owner who has worked to clean up some of the issues of the previous owner. Laurel Chevrolet previously applied for and was granted a permit to relocate the "Chevrolet" branded sign to their property with the stated condition that a variance would be applied for to clear up the three issues now under review.

Ken Fichtner has provided a variance application packet containing all the necessary items. Approval of the variances for multiple signs, sign size, and sign type are required for the continued operation of the electronic pictographic changeable copy sign.

Owner: SPARTAN LAUREL 2 REAL ESTATE LLC
Legal Description: HAGEMAN SUBD 3RD FILING, S16, T02 S, R24 E, BLOCK 11A, Lot 1A1, AMD (12)
Address: 202 SE 4th Street
Parcel Size: 3.093 acres
Existing Land Use: Automobile sales
Existing Zoning: Highway Commercial, Community Entryway Zoning District

BACKGROUND AND PROCEDURAL HISTORY

- July 30, 2020 – Planning Director Met with Applicant Ken Fichtner to discuss the signage situation and proposed plans to relocate "Chevrolet" Sign back to property from off-site and the impact it would have.

- July 19, 2021 – Planning Director met with Ken Fichtner to discuss the Variance application and the process for Planning Board and City Council.
- The Variance application was submitted on July 22, 2021.
- Planning Board held a public hearing on the Variance application on August 18, 2021. Planning Board voted to recommend approval of the Sign variance with the conditions stated in this report.
- City Council has scheduled a public hearing on the variance application at the meeting on September 14, 2021.
- City Council shall receive public comment and approve, approve with conditions, or deny the variance request at the meeting on September 14, 2021.

STAFF FINDINGS

Three variances are required to continue the operation of the pictographic changeable copy sign currently on the Laurel Chevrolet property. The variances are for LMC 17.26.052.A.2 and for LMC 17.42.050 – Table. These two sections of code are provided below.

LMC 17.26 – Community Entryway Zoning District, provides requirements for properties within the zoning district on height and size. 17.26.052 – Development Standards, Part A includes:

- **2. Only one sign is allowed per parcel of record and there shall be at least one thousand feet between signs.**
- **4. Signs shall be limited to one hundred sixty square feet in copy area.**

The table in 17.42.050 states the signs which are **Not Allowable** within the CEZD. Prohibited signs include but are not limited to:

- Animated Sign (Including Flashing, Blinking, Scrolling)
- **Pictographic Changeable Copy Signs which depict only still frames and change not less than 60 seconds**
- Pictographic Changeable Copy Signs which depict motion, flashing and blinking of any kind
- Off Premise Sign

The Planning Director has provided his direct findings on the items presented in LMC 17.60.020 – Land Use Variances Issuance and Denial – Determination Procedure.

1. Unless the denial would constitute an unnecessary and unjust invasion of the right of property;
 - The construction of the current Electronic sign was done in violation of a previous Variance application by the former owner of the property.
 - Prohibit
2. Unless the grant relates to a condition or situation special and peculiar to the applicant;

- The situation is not peculiar to the applicant, as new owners/managers obtaining properties that are out-of-compliance is common.
- The level of mishandling by the previous owner should be noted, as there were many issues with the processing of the original sign variance, as well as the subsequent construction of the electronic sign and multiple dealings with the City.
- 3. Unless the basis is something more than a mere financial loss to the owner;
 - The electronic pictographic changeable copy sign is seen by the owner as a community asset.
 - The applicant has stated his goal to utilize the electronic sign to announce news and information about Laurel and local events taking place.
- 4. Unless the hardship was created by someone other than the owner;
 - The current use of the electronic pictographic changeable copy sign that is oriented for highway traffic was installed against the official decision of the Laurel City Council. A variance was applied for that requested that the Rimrock Chevrolet be allowed to install this sign, as it was not allowable under the zoning at the time. On May 5, 2015, the City Council held a public hearing and subsequently voted 6-1 against the "...granting of a variance from Chapter 15.40 of the City's Sign Code for the property located at 202 SE 4th Street to allow the removal and replacement of a freestanding pole sign with an animated sign which is currently prohibited."
 - A building permit was subsequently applied for and granted by the Building Official at that time. This building permit should not have been approved and was updated with stipulations in 2016 and the property was given a notice of violation in 2017 regarding its animation. This sign does not count as pre-existing non-conforming as it was deemed to not be allowed by City Council through the variance process.
 - I have attached both the meeting minutes in which the variance was discussed and the two notices discussing the issues with the electronic sign.
- 5. Unless the variance would be within the spirit, intent, purpose and general plan of this title;
 - The Applicant has a proven, positive history with the Laurel community.
 - Laurel Chevrolet has been a good partner and community asset to the people of Laurel for many years.
 - The applicant has stated their desire to use the sign for displaying community news, information and other announcements by civic and local groups.
- 6. Unless the variance would not affect adversely or injure or result in injustice to others; and
 - The sign was erected in 2016 and has operated since that time.
 - The sign has not caused any noticeable community concern or issues.
 - Granting of a variance would make official the status quo of sign operations.
- 7. Ordinarily unless the applicant owned the property prior to the enactment of this title or amendment.
 - The applicant was the previous owner of the property prior to the 2015 variance process and eventual sign construction.
 - The applicant seeks to make right some of the existing issues with the property to ensure compliance with the City.

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.

RECOMMENDATIONS

The Planning Director recommends that the Planning Board approve the variance requests with the following conditions of approval. These conditions may be amended, added to, or removed as the Planning Board sees fit.

- 1. Any future alteration of the Electronic pictographic changeable copy sign shall be reviewed and approved by the City.
- 2. The new digital sign shall only display still framed images and text. No video or motion shall be displayed. Still displays shall not change less than every 30 seconds, as per Planning Board discussion.
- 3. The variance shall only apply to the sign and location identified in the application. Any alteration will be considered a zoning violation.
- 4. The variance approval shall only apply to the sign in its current identified location.
- 5. Any alteration to the electronic pictographic changeable copy sign done without City approval shall be considered a violation of the Laurel Municipal Code.
- 6. The owner of the property shall work with local groups to advertise and/or announce events within the community. A percentage of time should be decided upon for use by local groups.

ATTACHMENTS

1. Variance Justification Letter
2. Variance Application Form
3. 202 SE 4th Street Site Plan
4. Electronic Sign specifications
5. Adjacent property owners list (300ft radius)
6. Adjacent property owners map (300ft)
7. LMC 17.26 – Community Entryway Zoning District
8. LMC 17.42 – Sign Code
9. May 5, 2015, Laurel City Council Meeting Minutes
10. 202 SE 4th Street Notices of Violation (2016 and 2017)



LAUREL FIRE/EMS

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

Re: 3rd Avenue Diagonal Parking

There is no disagreement from the Fire Department that there needs to be more parking downtown but there needs to be an overall picture looked at, not just how it affects a few. Proper assessments and studies need to be conducted and the approval by resolution from the City Council must be obtained before any changes are made. Changes also need to be communicated to city residents and city staff to avoid confusion and a possible safety hazard. Two strong concerns of the Fire Chief are the safety of citizens and first responders and following proper process according to LMC, MCA and any other regulatory program.

1. The current situation poses a safety concern for responding emergency apparatus gaining access to west bound calls on Main Street. It narrows the driving lane for oversized trucks. The distance from curb to curb is 59'. Normal curb parking would give 47- 49' of roadway access. Currently the diagonal lines extend 16' on each side of 3rd Avenue limiting roadway access to 29- 32'. Since this is the main access for emergency vehicles when responding to Main Street and to the west is there enough room for an oversized apparatus and an oncoming vehicle not yielding to the apparatus. Apparatus widths are between 9 and 11'. In theory there is enough room however, that is only true if on coming motorist yields right away to the apparatus. Several times when responding with lights and siren oncoming motorist do not yield to emergency responders.
2. If it is allowed for changes in traffic patterns to include parking without the approval of changes by the City Council, then it opens up allowing anyone to change anything without proper authorization. That includes changing parking to the very narrow streets on the South and East sides of Laurel, livestock within city limits, unapproved fires and so forth. Since the streets are the property of the City of Laurel proper authorization must be obtained from the City of Laurel. There has to be a process with a study and approval before allowing such changes. Where would the limits end? Today it's parking, tomorrow it may be another issue.

I completely understand the frustrations of lack of parking but as I have been informed several times that public on street parking is just that, public. Not private to do as one feels to. There is lack of parking situations throughout the city to include parking for responding emergency responders.

Brent Peters
Fire Chief



LAUREL FIRE/EMS

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City of Laurel Fire

Reference material

12.04.030 - Streets.

A. Supervision. All maintenance and repairs of public streets, alleys, sidewalks, and other public ways shall be under the supervision of the city engineer. He shall be charged with the enforcement of all ordinances and provisions relating to such public places (except traffic ordinances) and is authorized to enforce such ordinances.

B. Construction. It is unlawful to construct or lay any pavement on any public street, sidewalk, alley, or other public way, or to repair the same, without having first secured a permit therefor. Applications for such permits shall be made to the city clerk-treasurer, and approved by the city engineer, and shall state the location of the intended pavement or repair, the extent thereof, and the person or firm who is to do the actual construction work. No such permit shall be issued except where the work will conform to the ordinances of the city.

C. Engineer Plans.

1. Each applicant for construction or reconstruction of any public street, alley or other public way, shall file with the city engineer engineering plans and specifications prepared by an engineer certified by the state. No permit shall be issued until the engineering plans and specifications are approved by the city engineer.

2. The city engineer or any certified engineer may prepare the engineering plans and specifications for construction or reconstruction of any public street. Engineering plans and specifications preparation costs of the city engineer shall be paid by the applicant. The engineering plans and specifications preparation costs to be based on the reasonable, customary charges for such services.

D. Inspection. All street improvements shall be inspected during the course of construction by an inspector appointed by the city engineer, salaries and other costs in connection with such inspections to be paid by the applicant, such costs to be based on the reasonable, customary charges for such services.

E. Bond. Each contractor for construction or reconstruction of any public street shall file a bond in the amount equal to the estimated cost of construction of the improvement and conditioned to indemnify the city for any loss or damage resulting from the work undertaken or the manner of doing the same.

F. Specifications. All street and sidewalk pavements shall be made in conformity with specifications laid down or approved from time to time by the city council.

12.16.030 - Sign placement—Permit required.



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No person shall place or maintain any shafts of wood, iron or other material, billboards, signs, fences, poles, rods, cables, or wires in any of the streets, public places or alleys of the city without having first obtained a permit from the city council.

12.16.040 - Encroachment permit—Required.

No encroachment on any public right-of-way, public sidewalk or other public property shall be allowed except by authority of an encroachment permit issued by the city council. Applications for an encroachment permit shall be made on the forms and in accordance with the procedure prescribed by the city engineer. A fee for the permit application shall be charged to cover the administrative costs of processing as prescribed by council resolution. If the issuance of the permit is approved, the city council shall issue the permit. If the permit is denied, the applicant shall be provided with a statement of the reasons therefor, which reasons shall be entered in writing on the application.

"Street or highway" means the entire width between the boundary lines of every street, highway and related structure as have been, or shall be, built and maintained with appropriated funds of the United States and which have been, or shall be, built and maintained with funds of the state of Montana, or the city, or which have been or shall be dedicated to public use or have been acquired by eminent domain.

10.04.040 - Authority.

The chief of police and any policemen are authorized and empowered to direct, control, restrict, and regulate, in the interest of public safety, health, and convenience, the movement of pedestrians, vehicles, and traffic of every kind within the city, and may when necessary to protect the safety or welfare of the inhabitants of the city, temporarily divert or exclude all such traffic from any public highway within the city.

10.04.070 - Police and authorized emergency vehicles. (MCA § 61-8-107)

- A. The driver of a police vehicle or authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions stated in this section.
- B. The driver of a police vehicle or authorized emergency vehicle may:
 - 1. Park or stand, irrespective of the provisions of this title;
 - 2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - 3. Exceed the speed limits so long as he does not endanger life or property;
 - 4. Disregard regulations governing direction of movement or turning in specified directions.



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- C. The exemptions granted to a police vehicle or authorized emergency vehicle apply only when such vehicle is making use of an audible or visual signal, or both, meeting the requirements of Section 10.28.070.D. The foregoing provisions shall not relieve the driver of a police vehicle or authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

10.12.110 - Driving on divided streets. (MCA § 61-8-330)

Whenever any street or highway has been divided into two roadways by leaving an intervening space or by physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only on the right-hand side of the roadway and no vehicle shall be driven over, across, or within any such dividing space, barrier or section except through an opening in such physical barrier or dividing section or space or at a crossover or intersection established by public authority.

10.12.230 - Operation of vehicles on approach of police or authorized emergency vehicles. (MCA § 61-8-346)

- A. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirement of Section 10.28.070, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right hand side edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the police vehicle or authorized emergency vehicle has passed, except when otherwise directed by a police officer or highway patrolman.
- B. This section shall not operate to relieve the driver of a police vehicle or authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Montana Code Annotated 2019
TITLE 7. LOCAL GOVERNMENT

CHAPTER 14. TRANSPORTATION

Part 45. Municipal Parking

Acquisition, Construction, And Maintenance Of Parking Areas



LAUREL FIRE/EMS

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7-14-4501. Acquisition, construction, and maintenance of parking areas. A city or town council may:

- (1) acquire by lease, gift, purchase, or condemnation pursuant to Title 70, chapter 30, lots or lands for use as parking areas for motor vehicles;
- (2) construct and maintain on the acquired land or on any premises owned or under lease by the city or town suitable parking facilities for the use of the public and for general traffic control; and
- (3) charge for the use of parking facilities.

September 3, 2021

Laurel Mayor and City Council
City Hall
Laurel, MT

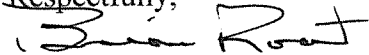
Re: 3rd Ave. Parking

I believe the diagonal parking that Leslie Atkins took upon herself to implement is a logical solution to limited curbside parking in the area. Third Avenue is certainly wide enough to accommodate this type of parking. It certainly is a safer solution than the back in diagonal parking in Billings. The arrangement obviously accommodates the parking for more vehicles.

I request that the Council take action in assisting and making this type of parking in this area legal.

Thank you.

Respectfully,

A handwritten signature in black ink, appearing to read "Brian Roat", written over the printed name.

Brian Roat
1415 Beartooth Drive
Laurel



Laurel Public Library

720 West 3rd St. • P.O. Box 68 • Laurel, MT 59044

(406) 628-4961 • library@laurelpubliclibrary.org • www.laurelpubliclibrary.org

September 7, 2021

Mayor Nelson & Council Members,

The issue before the Council tonight regarding parking has garnered a lot of emotion for residents of this city. I would like to show my support for the Emergency Services departments that feel using diagonal parking on the side streets would be a hazard to emergency personnel when answering calls. This is an issue that needs to be revisited in the proper manner, not just allowing citizens to do as they please when it comes to parking.

Is there an easy answer? I don't think so, but I do trust the Directors/Chiefs of our emergency personnel to know what would make their jobs harder to do in the long run. In the interest of keeping everyone safe, I feel the diagonal parking on 3rd Ave should be removed until a parking study can be updated.

Sincerely,

Nancy L Schmidt
Director
Laurel Public Library



CITY OF LAUREL
MONTANA
EMERGENCY MEDICAL SERVICES
215 W 1ST ST
LAUREL, MONTANA – 59044
OFFICE: (406) 628 – 1611 | DISPATCH: (406) 628 - 8737



Mayor and City Council Members,

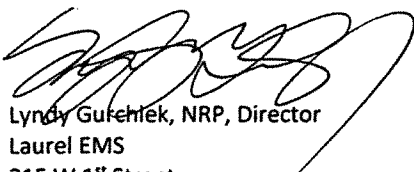
I apologize I cannot attend the meeting, however would like to voice my concerns as the EMS Director for establishing diagonal parking on 3rd Avenue without a proper study.

I completely understand the frustration of limited parking especially in an area that is busy. However, I do have safety concerns with changing the current structure to diagonal parking:

- This will narrow the lane which is a direct path to Main Street, this can be concern for all of the emergency vehicles, particularly the larger ambulance and fire trucks, not having adequate room to safely pass if there is is/are vehicles that try to properly yield to the emergency response. This could possibly make it impassable for the emergency vehicle. This may also cause potential panic in the driver of the non-emergency car which may cause them to run into a parked car in the narrow street.
- I honestly don't know what pedestrian traffic is in this area, however I do know that there is a pre school around the corner and if parking is increased, there is a potential for heavy foot traffic. Although we always hope that people use the sidewalks and crosswalks, we know that they often walk in the street or across a non crossing area. If diagonal parking is in place, there will be more vehicles backing out of the parking spaces. An increase in backing means a potential increase in auto vs pedestrian accidents.
- An increase in vehicle backing also means an increase in backing into other vehicles which could increase the needed response of our emergency services.

I understand that there needs to be a solution for the lack of parking spaces, however I don't think creating diagonal parking without a proper study for the best/safest plan is not the best answer.

Thank you for the opportunity to discuss our concerns.



Lyndy Gurchiek, NRP, Director
Laurel EMS
215 W 1st Street
Laurel, MT 591044
lgurchiek@laurel.mt.gov
406-860-8233

File Attachments for Item:

9. Budget/Finance Committee Minutes of September 14, 2021.

**Minutes of City of Laurel
Budget/Finance Committee
Tuesday, September 14, 2021**

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

Others Present: **Bethany Langve, Clerk/Treasurer**

The meeting was called to order by the Committee Vice Chair at 5:02pm.

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 input.

General Items –

1. Review and approve the August 24, 2021 Budget and Finance Committee meeting minutes. Richard Klose moved to approve the minutes of the August 24, 2021 Budget and Finance Committee meeting. Scot Stokes seconded the motion, all in favor, motion passed.
2. Review and Approve purchase requisition – There were no purchase requisitions.
3. Review and recommend approval to Council, Claims entered through 09/10/2021. The claims and check register had previously been reviewed by the Committee. Richard Klose made a motion to approve the claims entered through 09/10/2021. Bruce McGee seconded the motion, all in favor, motion passed.
4. Review and approve Payroll Register for Union #316 Retro Pay totaling \$7,075.36. Bruce McGee made a motion to recommend approval of the payroll register for Union #316 Retro Pay totaling \$7,075.36. Scot Stokes seconded the motion, all in favor, motion passed.
5. Review and approve Payroll Register for pay period ending 09/05/2021 totaling \$207,090.58. Scot Stokes made a motion to recommend approval of the payroll register for pay period ending 09/05/2021 totaling \$207,090.58. Richard Klose seconded the motion, all in favor, motion passed.

New Business –

6. City of Laurel Bank and Investment Accounts Discussion - The Clerk/Treasurer handed out December 2020 Month End Balancing reports to aid in the bank and investment discussion. She went over the top portion of the report, which lists all the City of Laurel bank and investment accounts. She stated the total of these accounts, plus any deposits in transit, less and outstanding deductions equals all the fund totals from the City of Laurel accounting software. The Committee asked if the money from the investment accounts could be used for street projects. The Clerk/Treasurer stated they could not be used for street projects because only the total amount of cash in the fund, from the cash report, belonged to the street fund. The Committee asked why the city had money in various banks/accounts. The Clerk/Treasurer explained that there used to be a law stating municipalities had to distribute money amongst different banking institutions. This law no longer exists; however, the City of Laurel continues to keep money invested in different banks. The Committee asked if it helps the city when they go to sell a bond. The Clerk/Treasurer stated it does help when we approach a bank to ask for rates. The Committee asked what the current rates are for the various bank/investment accounts. The

Clerk/Treasurer went over the current rates for the various bank accounts. She didn't have the current rates for the three CD accounts. The Committee asked if some of the cash in the money market savings could be invested into CD's if the rates were good. The Clerk/Treasurer stated they could be invested in CD's. The Committee asked the Clerk/Treasurer to get CD rates for the Committee to review at the next meeting.

7. Budget and Finance Committee Start Time Discussion – The Committee wanted to discuss the 5:00pm start time. The Committee asked if the needed to continue to meet at 5:00pm, given the fact the meetings were ending earlier than expected. The Committee discussed moving the start time back to 5:30pm. The Committee would like to meet at 5:30pm, and if there is a need to meet earlier for an individual meeting do so. Scot Stokes made a motion to move the start time of the Budget and Finance Committee meeting to 5:30pm. Richard Klose seconded the motion to move the start time of the Budget and Finance Committee meeting to 5:30pm, all in favor, motion passed.

Old Business – None

Other Items –

8. Review the Pay Period Ending 08/22/2021 Comp/Overtime Report and Pay Period Ending 09/05/2021 Comp/Overtime Report. There were no comments or questions regarding the reports.
9. Clerk/Treasurer Update – The Clerk/Treasurer stated she would be working on getting the State of Montana their budget by October 1st. She explained to the Committee the State of Montana requires the budget be presented in a different format, so there is quite a bit of work that needs to be done. The Committee asked why the current accounting software couldn't do the work. The Clerk/Treasurer stated the City should probably upgrade the accounting software, but she is afraid to know how much it would cost. The Committee stated they would like to know the cost, considering how much time it takes to redo an entire budget to present to the State. The Clerk/Treasurer stated the auditors would be onsite October 4th to begin year end close.
10. Mayor Update – The Mayor stated Resolution 15-51 should be brought before City Council at the next City Workshop. The Committee asked what could be done about fixing the Judges pay. The Clerk/Treasurer asked why the Judges wage increase couldn't simply be included in the annual budget resolution and treated like all other non-union staff. The Committee stated that was how it used to be prior to the wage matrix. The Committee stated the old CAO didn't like the way it was done and pushed for the wage matrix. The Committee asked what they needed to do. The Mayor stated they could rescind the old resolution. The Clerk/Treasurer stated the City Council could provide the Mayor with their recommendation, prior to the final budget presentation. She said once City Council passes the final budget, this is City Council setting the Judge's wages via resolution since the budget is one big resolution.

Announcements –

11. The next Budget and Finance Committee meeting will be held on September 28, 2021 at 5:30pm.
12. Scot Stokes will be reviewing claims for the next meeting.

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.

File Attachments for Item:

10. Tree Board Minutes of August 19, 2021.

Minutes
City of Laurel
Tree Board
8/19/21 9:30 AM

Council Conference Room

Attending: LuAnne Engh, Dale Ahrens, Matt Wheeler, Aaron Christensen, Paul Kober, Walt Widdis

1. Public Input
 - a. Welcome to Paul Kober, our new committee member
2. General Items
 - a. June minutes approved
 - b. Don't have our balance with the city
 - The city has a \$300 credit with River Ridge due the confusion over the second tree. They will plant a potted Maple type tree in Thomson Park this Fall.
 - c. Arbor Day 2022 – Will be Tuesday, May 3rd at South Pond unless construction isn't done. Fourth grade students will be bussed over.
 - d. We can start the art contest in September. LuAnne will contact Lynn Peterson and New Life School to hole the contest and collect the artwork.
 - e. A collection of letters from students, artwork, photos of Arbor Day and programs was put in a binder and will be circulated through the schools but for now it will be in the Graff Library.
 - f. We'll reassess the needs of the existing trees at South Pond – make a new list and determine the costs involved.
 - g. Paul said the Lions have maintained the watering system and they would like to help with the tree replacements (at least 8 or more) and possibly coordinate with churches for projects to improve the park.
 - h. Matt said a boat ramp has always been an item once the dock is done and that make affect where trees are located.
 - i. Aaron can't be involved with the planting for 2022. His job is to demanding so we'll need to get more help plus the city workers. Maybe FFA with school supervision.
3. New Business - none

4. Old Business

- a. Tree Trimming - relook at the needs in the Fall
- b. Downtown trees – We discussed educating the owners about the care of their trees and the possibility of LURA grants to replace them. Several owners have indicated the trees block their signs, they weren't the best quality or they were diseased or died and they don't want to replace them. This has left Laurel with virtually no boulevard trees on East Main downtown. Visiting with owners/renters or sending a letter might be a way to get the information to the owners.
- c. Dale suggested the use of planters instead of trees to beautify the downtown. Of course, watering and maintaining the plants would be a concern.

5. Other Items

- a. Volunteer hours - Please keep your hours concerning Arbor Day – any meetings, research or activities should be included. Walt will make up a new form and send out.
- b. South Park is on track for Fall completion of the dock/walkways.

6. Announcements

- a. Next meeting –September 16th– 9:30
- b. Meeting adjourned at 10:40am

LuAnne Engh, Chairman

File Attachments for Item:

11. Public Works Committee minutes of August 16, 2021.

**MINUTES
CITY OF LAUREL
PUBLIC WORKS COMMITTEE
MONDAY, AUGUST 16, 2021**

The Public Works Committee meeting was called to order at 6:00pm on Monday, August 16, 2021 by Committee Chair, Heidi Sparks.

Members Present: Heidi Sparks- Chair, Irv Wilke- Vice Chair, Dan Koch, Marv Carter

Others Present: Kurt Markegard- Public Works Director

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.*

No public input

General Items

1. Approval of Minutes from July 19, 2021- Irv Wilke made a motion to approve the minutes of July 19, 2021. Motion was seconded by Dan Koch. Motion carried to approve the minutes of July 19, 2021.

New Business

2. Emergency Call Out Report- Report attached
3. KLJ Report- Report attached

Old Business

Other Items

Irv raised concern regarding SE 4th at the Cenex Station. He stated there is a very rough patch and asked if the city could repair. Kurt stated he had previously approached the state regarding this since it is on the state highway. He stated the state was not willing to work with the city regarding this as part of the 2021 pavement maintenance project.

Dan called attention to the 300 block of Montana Ave and an issue with the pipe replacements. He stated there are spots that are settling and sinking. He would like the issue to be reviewed and, if possible, corrected.

Announcements

4. Next Meeting will be Monday, September 20, 2021 at 6:00pm

Meeting adjourned at 6:25pm.



City of Laurel Project Status Update August 16, 2021



2022 Pavement Maintenance Project (KLJ #2104-00862)

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

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

Current Status:

- Project Scope and Task Order Delivered to City
- Being Reviewed at Workshop on 7/20/21 and Council 7/27/21

Lindy Lane Sewer Replacement (KLJ #2014-00018)

Reason for Project: To replace a large capacity sewer main that is cracked and has a high potential for failure.

Project Scope: To remove and replace a 115 lineal foot section of 30" sanitary sewer pipe that is just south of Interstate 90 to a manhole within Lindy Lane.

Current Status:

- Bid Opening 8/12/21
- City Council 8/26/21

Water System PER (KLJ #2104-00147)

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

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

Current Status:

- Project Analysis is in Progress.
- Final Report is due Sept. 1st.

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

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



City of Laurel Project Status Update August 16, 2021



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

Current Status:

- Draft study complete and under internal review

Southside Stormwater Study (KLJ #2004-01470)

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

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

Current Status:

- Analysis and evaluations of existing conditions is complete
- Development of alternatives is in progress

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

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

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

Current Status:

- Project Bid July 1st
- Project Award July 13th
- Anticipated equipment delivery January 15th
- Project completion, February 15th

WTP Lift Well Replacement (KLJ #2004-01487)

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

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

Current Status:

- DEQ Submittal 7/30/21
- Advertise 8/26/21
- Bid Opening 9/1/21



City of Laurel Project Status Update August 16, 2021



2021 Pavement Maintenance Project (KLJ #2004-00831)

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

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

Current Status:

- Approved by Council on May 11th
- Start Construction June 1st
- Crack sealing complete this week.
- Chip Sealing to occur 7/20/21
- Project to be complete by 8/15/21
- Change Orders Issued 8/11/21

Sanitary Sewer H₂S Remediation (KLJ #1804-00122)

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

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

Current Status:

- Survey completed
- Design underway
- DEQ Submittal 7/30/21
- Advertise 8/26/21
- Bid Opening 9/1/21

Water Tank Recoat (KLJ #1904-01843)

Reason for Project: The coating on the City water tank has deteriorated to the point where it is flaking and peeling.

Project Scope: Design, bid, and administer the recoating of the water tank.

Current Status:

- Project Bid 7/1/21
- Project Award 7/13/21
- Project Completion 8/31/21



City of Laurel Project Status Update August 16, 2021



Yellowstone River Crossing (KLJ #2004-00542)

Reason for Project: The 4" waterline that serves Riverside park campground freezes during the winter months and leaks where it crosses the Yellowstone River.

Project Scope: Design, bid, and administer the replacement the waterline that is attached to the bridge crossing the Yellowstone River

Current Status:

- Preconstruction meeting scheduled for 7/21/21
- Project on Hold until Pipe can be delivered

Design Standards & Rules Update (KLJ # 1804-02569)

Reason for Project: Update old standards

Project Scope: 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.

Current Status:

- Drafts of the all sections of the manual are complete
- Final sections of streets, water and sewer are complete

Laurel Planning Services (KLJ #1804-00554)

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

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

Current Status:

- Site Plan Review – Lot 1B, Block 1, Entertainment Subdivision. 2nd submittal reviewed and sent to City on 6.15.21
- Subdivision Review – Goldberg Sporting Estates Sewer Recommended language Sent to Kurt April 22nd, 2021. Needs to go to City Council
- Subdivision Review – Cherry Hills 3rd Filing Initial Review Complete and sent to City 7.6.21
- Subdivision Review - Iron Horse Station Subdivision Water & Sewer Delivered Approved, Streets & Storm comments sent 5.28.21
- Subdivision Review - Bitterroot Grove Townhomes Engineering reports reviewed and sent to City on 6.8.21



City of Laurel Project Status Update August 16, 2021



- Growth Policy Update –Completed December 15, 2020

Laurel Capital Improvement Plan (KLJ # 2104-00649)

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

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

Current Status:

- *Task Order executed*
- *Kick-off meeting Department Heads*
- *Initial structure of CIP generated*
- *Department Heads contacted for additional projects.*
- *Document is being drafted.*

Other Notes and Information

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

Anticipated FY21 Projects

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

Other Potential Future Projects

1. West Side TIFF

August 17, 2020

Public Works Emergency Call-outs since last meeting in July

7-23 Water shut off Spruce Grove

7-29 Water shut off Thomson Park

8-4 Sewer Plant lift screws shut off

8-7 Middle School dumpster set

8-9 Water Break 600 Block Juniper Ave.

File Attachments for Item:

12. Emergency Services Committee minutes of August 31, 2021.

MINUTES
EMERGENCY SERVICES COMMITTEE MEETING
Tuesday August 31 2021 6 p.m.
COUNCIL CHAMBERS

COMMITTEE MEMBERS PRESENT:

☒ Bruce McGee Chair
☐ Irv Wilke Co Chair
☒ Bill Mountsier

☒ Richard Klose
☒ Heidi Sparks
☒ Jim Irwin

Others Present: Fire Chief Peters.

Chair called meeting to order, noted that a quorum was present and ask for approval of the minutes of May 24, 2021. Motion by Councilman Klose, second Council woman Sparks motioned to approve the minutes with the correction update the to the year 2021 from 2020 a typo on the draft copy of the minutes.

Welcome to Jim Irwin new member to the committee.

New business: Moved to later.

Old business: None

Report from Fire Chief Peters (see attached with an ambulance report)

New business:

Report to Committee of notice to Mayor and City Clerk Langve of desire to raise with a future resolution the pay of the Volunteer Ambulance crews. Scheduled for future Workshop discussion.

Adjournment



Laurel Emergency Services Report created 8/13/21:

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

Recent Month Summary:

July 2021:

Requests	127
Missed Calls	11 = 9%
Shortest Delay	14 minutes
Longest Delay	1 hour 15 minutes
Average Delay	35 minutes
Fire Driver Available	16 times
QRU Response With 1 Provider	9 times **
On A Previous Call	1 time
No Crew / Provider Available	2 times
AMR Transported or Responded	4 times
Red Lodge Transported	0 time
HELP Flight Transported	1 time
Columbus Transported	0 time
Joliet Transported	1 time
PD Assisted Pt no transport	0 time
POV Transport	3 times
YCSO Transported	1 time
MHP Transported	1 time

**1 time the QRU responded and the patient refused / no transport to hospital or no patient found

* 43 responses in Ward 5 = 34 % of calls outside of the city of Laurel



Laurel Fire Department

Report for the Month of

Jul-21

Structure Fires
Wildland Fires
Extrications
Other Rescues
Alarms
Medical Assist
Severity Staffing
Other calls
Fire Prevention
Total Training
Total Maintenance
Community Service

Calls
1
23
13
8
7
5
57

Totals

Hours
36
387
183
73
50
1600
122
2451
136
54

Total	2641
-------	------

Announcements: Also responded to 9 mutual requests for grass fires.

Structure Firefighting

Conduct all levels of Structure Firefighting to include entry and attack, ventilation, salvage, overhaul, and investigation.

A structure fire is a fire involving the structural components of various types of residential, commercial or industrial buildings.

Wildland Firefighting

Wildfire, brush fire, bush fire, desert fire, forest fire, grass fire, hill fire, peat fire, vegetation fire.

Extrications

Rescue victims entrapped in automobiles, machinery, farm equipment, buildings, and trenches.

Other Rescues

Rope Rescue, Water Rescue, Ice Rescue

Alarms

Any false alarms or malfunctions.

Other Calls

EMS assist, Industrial or Aircraft firefighting, Vehicle Fire, Hazmat, Spills, Public safety, Investigations, gas leaks, Carbon Monoxide problems, etc.

File Attachments for Item:

13. Appointment of Alan Kasemodel to the Laurel Airport Authority for a five-year term ending June 30, 2026.

8/29/21

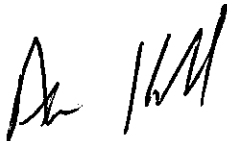
City of Laurel
City of Laurel Mayor Tom Nelson
Box 10 Laurel MT 59044

Dear Mayor Nelson,

Please consider me for appointment to the open seat on the Laurel Airport Authority Board. I have strong aviation background that started in the Army as a certified air traffic control specialist. I then achieved my aircraft mechanics and pilots licenses in the mid 80's. I then utilized my training from the armed services and was an air traffic controller in Billings until my retirement this year. I retired as a staff support specialist. I have also been a flight instructor for the past 11 years. I am very familiar with Laurel Airport and have rented a hangar there and utilized the airport for many years. I believe my broad range of skills and knowledge of aviation, FAA regulations and business and staff management would be an asset to the Laurel Airport Board.

Thank you for your consideration.

Alan Kasemodel
3759 Granger Ave West
Billings MT 59101
406-670-6322

A handwritten signature in black ink, appearing to read 'Alan Kasemodel', is written below the typed name and address.

File Attachments for Item:

14. Appointment of Timothy Frick to the Laurel Volunteer Fire Department.



LAUREL FIRE/EMS

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

City of Laurel
PO Box 10
Laurel, Mt. 59044

September 10, 2021

Mayor and Laurel City Council,

The following have been selected by the members of the Laurel Volunteer Fire Department/ Association to become volunteers.

Firefighter
Timothy Frick

Mr. Frick has been selected unanimously by the Department, approved by the Chief of the Department, and are seeking your appointment.

Brent Peters
Fire Chief
Laurel Volunteer Fire Department

File Attachments for Item:

15. Resolution No. R21-103: A Resolution Approving An Increase In Firefighter Call-Out Pay For The City Of Laurel Fire Department.

RESOLUTION NO. R21-103

**A RESOLUTION APPROVING AN INCREASE IN FIREFIGHTER CALL-OUT
PAY FOR THE CITY OF LAUREL FIRE DEPARTMENT.**

WHEREAS City Firefighters are currently compensated \$8.50 per hour, pursuant to Resolution R05-04, when responding to emergencies and such compensation is commonly known as Call-Out Pay; and

WHEREAS Call-Out Pay has not been increased since 2016; and

WHEREAS, the Fire Chief is recommending an increase to \$10.50 per hour for Call-Out Pay which has been included in the City's annual budget.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Laurel, Montana, the Call-Out Pay for the City's Firefighters is hereby increased to \$10.50 per hour based upon the request and recommendation of the City's Fire Chief.

Introduced at a regular meeting of the City Council on September 28, 2021, by Council Member ____.

PASSED and APPROVED by the City Council of the City of Laurel this 28th day of September 2021.

APPROVED by the Mayor this 28th day of September 2021.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

APPROVED AS TO FORM:

Sam Painter, Civil City Attorney

File Attachments for Item:

16. Resolution No. R21-104: A Resolution Of The City Council Authorizing The Mayor To Sign An Agreement With MP Environmental For Services Relating To Cleaning Of The City's Backwash Pond.

RESOLUTION NO. R21-104

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE MAYOR TO SIGN
AN AGREEMENT WITH MP ENVIRONMENTAL FOR SERVICES RELATING TO
CLEANING OF THE CITY'S BACKWASH POND.**

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

Section 1: Approval. The Agreement between the City of Laurel and MP Environmental a copy attached hereto and incorporated herein, is hereby approved.

Section 2: Execution. The Mayor and the City Clerk of the City of Laurel are hereby given authority to execute the Agreement on behalf of the City.

Introduced at a regular meeting of the City Council on September 28, 2021, by Council Member _____.

PASSED and APPROVED by the City Council of the City of Laurel this 28th day of September 2021.

APPROVED by the Mayor this 28th day of September 2021.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

Approved as to form:

Sam S. Painter, Civil City Attorney

INDEPENDENT CONTRACTOR SERVICE CONTRACT

This Contract is made and entered into this 16th day of September 2021, between the City of Laurel, a municipal corporation organized and existing under the laws of the State of Montana whose address is P.O. Box 10, Laurel, Montana 59044, hereinafter referred to as “City” and MP Environmental, a contractor licensed to conduct business in the State of Montana, whose address is 3748 Green Acres Drive Billings, MT 59101, hereinafter referred to as “Contractor”.

SECTION ONE DESCRIPTION OF SERVICES

A. Purpose. City shall hire Contractor as an independent contractor to perform for City the services described in the Bid dated September 15, 2021, attached hereto as Exhibit “A” and by this reference made part of this contract.

B. Effective Date. This contract is effective upon the date of its execution by both Parties. Contractor shall complete the services within 60 days of commencing work. The parties may extend the term of this contract in writing prior to its termination for good cause.

C. Scope of Work. Contractor shall perform his/her work and provide services in accordance with the specifications and requirements of this contract, any applicable Montana Public Work Standard(s) and Exhibit “A”.

SECTION TWO CONTRACT PRICE

Payment. City shall pay Contractor six thousand six hundred dollars and no cents (\$6,600.00) for the work described in Exhibit A. Any alteration or deviation from the described work that involves extra costs must be executed only upon written request by the City to Contractor and will become an extra charge over and above the contract amount. The parties must agree to extra payments or charges in writing. Prior to final payment, Contractor shall provide City with an invoice for all charges.

SECTION THREE CITY’S RESPONSIBILITIES

Upon completion of the contract and acceptance of the work, City shall pay Contractor the contract price, plus or minus any additions or deductions agreed upon between the parties in accordance with Sections one and two, if any.

SECTION FOUR CONTRACTOR’S WARRANTIES AND RESPONSIBILITIES

A. Independent Contractor Status. The parties agree that Contractor is an independent contractor for purposes of this contract and is not to be considered an employee of the City for any purpose hereunder. Contractor is not subject to the terms and provisions of the City’s personnel policies or handbook and shall not be considered a City employee for workers’ compensation or any other purpose. Contractor is not authorized to represent the City or otherwise bind the City in any dealings, agreements or sub-contracts in any dealings between Contractor and any third parties. The City is

interested solely in the results of this contract. Contractor is solely responsible for all work and work product under this contract, including techniques, sequences, procedures, and means. Contractor shall supervise and direct the work to the best of his/her ability.

B. Wages and Employment. Contractor shall abide by all applicable State of Montana Rules, Regulations and/or Statutes in regards to prevailing wages and employment requirements. Contractor shall comply with the applicable requirements of the Workers' Compensation Act. Contractor shall maintain workers' compensation coverage for all members and employees of his/her business, except for those members who are exempted as independent contractors under the provisions of §39-71-401, MCA. Contractor understands that all contractors or subcontractors working on publicly funded projects are required to have withheld from earnings a license fee of one percent (1%) of the gross contract price if the gross contract price is Five Thousand Dollars (\$5,000) or more. This license fee is paid to the Montana Department of Revenue pursuant to Montana law.

C. Unless otherwise specified by the terms of this Agreement, all materials and equipment used by Contractor on the Construction Project shall be new and where not otherwise specified, of the most suitable grade for their intended uses.

D. All workmanship and materials shall be of a kind and nature acceptable to the City.

E. All equipment, materials, and labor provided to, on, or for the Contract must be free of defects and nonconformities in design, materials, and workmanship for a minimum period beginning with the commencement of the work and ending one (1) year from completion and final acceptance by the City. Upon receipt of City's written notice of a defective or nonconforming condition during the warranty period, Contractor shall take all actions, including redesign and replacement, to correct the defective or nonconforming condition within a time frame acceptable to the City and at no additional cost to the City. Contractor shall also, at its sole cost, perform any tests required by City to verify that such defective or nonconforming condition has been corrected. Contractor warrants the corrective action taken against defective and nonconforming conditions for a period of an additional one (1) year from the date of City's acceptance of the corrective action.

F. Contractor and its sureties are liable for the satisfaction and full performance of all warranties.

G. Contractor has examined the facilities and/or has made field examinations. Contractor has knowledge of the services or project sought under this Contract and he/she further understands the site conditions to be encountered during the performance of this Contract. Contractor has knowledge of the types and character of equipment necessary for the work, the types of materials needed and the sources of such materials, and the condition of the local labor market.

H. Contractor is responsible for the safety of the work and shall maintain all lights, guards, signs, temporary passages, or other protections necessary for that purpose at all times.

I. All work is performed at Contractor's risk, and Contractor shall promptly repair or replace all damage and loss at its sole cost and expense regardless of the reason or cause of the damage or loss; provided, however, should the damage or loss be caused by an intentional or negligent act of the City, the risk of such loss shall be placed on the City.

J. Contractor is responsible for any loss or damage to materials, tools, work product or other articles

used or held for use in the completion or performance of the Contract.

K. Title to all work, work product, materials and equipment covered by any payment of Contractor's compensation by City, whether directly incorporated into the Contract or not, passes to City at the time of payment, free and clear of all liens and encumbrances.

SECTION FIVE INDEMNITY AND INSURANCE

Contractor shall indemnify, defend and save City, its officers, agents and employees harmless from any and all losses, damage and liability occasioned by, growing out of, or in any way arising or resulting from any intentional or negligent act on the part of Contractor or its agents or employees.

SECTION SIX COMPLIANCE WITH LAWS

Contractor shall comply with all federal, state, local laws, ordinances, rules and regulations. Contractor shall either possess a City business license or shall purchase one, if a City Code requires a business license.

SECTION SEVEN NONDISCRIMINATION

Contractor agrees that any hiring of persons as a result of this contract must be on the basis of merit and qualification and further that Contractor shall not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability or national origin.

SECTION EIGHT DEFAULT

If either party fails to comply with any term or condition of this Contract at the time or in the manner provided for, the other party may, at its option, terminate this Contract and be released from all obligations if the default is not cured within ten (10) days after written notice is provided to the defaulting party. Said notice shall set forth the items to be cured. Additionally, the non-defaulting party may bring suit for damages, specific performance, and any other remedy provided by law except for punitive damages. The Parties hereby waive their respective claims for punitive damages. These remedies are cumulative and not exclusive. Use of one remedy does not preclude use of the others. Notices shall be provided in writing and hand-delivered or mailed to the parties at the addresses set forth in the first paragraph of this Contract.

SECTION NINE TERMINATION

Either party may terminate the contract for their convenience upon thirty days written notice sent postage prepaid, to the addresses provided herein.

SECTION TEN
GOVERNING LAW AND DISPUTE RESOLUTION

The Parties agree that the laws of the State of Montana govern this Contract. The Parties agree that venue is proper within the Courts of Yellowstone County, Montana. If a dispute arises, the Parties, through a representative(s) with full authority to settle a dispute, shall meet and attempt to negotiate a resolution of the dispute in good faith no later than ten business days after the dispute arises. If negotiations fail, the Parties may utilize a third party mediator and equally share the costs of the mediator or file suit.

SECTION ELEVEN
ATTORNEY FEES

If any action is filed in relation to this agreement, the unsuccessful party in the action shall pay to the successful party, in addition to all sums that either is ordered to pay, a reasonable sum for the successful party's attorney's fees and all costs charges and expenses related to the action.

SECTION TWELVE
ENTIRE AGREEMENT

This contract and its referenced attachment and Exhibit A contain the entire agreement and understanding of the parties and supersede any and all prior negotiations or understandings relating to this project. This contract shall not be modified, amended, or changed in any respect except through a written document signed by each party's authorized respective agents.

SECTION THIRTEENTH
ASSIGNMENT OF RIGHTS

The rights of each party under this Contract are personal to that party and may not be assigned or transferred to any other person, firm, corporation, or other entity without the prior, express, and written consent of the other party.

SECTION FOURTEEN
SEVERABILITY

Each provision, section, or subsection of this Contract shall stand separate and independent of every other. In the event that a court of competent jurisdiction shall find any provision, section, or subsection of this contract to be invalid, the remaining provisions, sections, and subsections of this contract shall remain in full force and effect.

SECTION FIFTEEN
PARAGRAPH HEADINGS

The titles to the paragraphs of this contract are solely for the convenience of the parties and shall not be used to explain, simplify, or aid in the interpretation of the provisions of this agreement.

SIGNED AND AGREED BY BOTH PARTIES ON THE 15th DAY OF SEPTEMBER 2021.

CITY OF LAUREL

CONTRACTOR

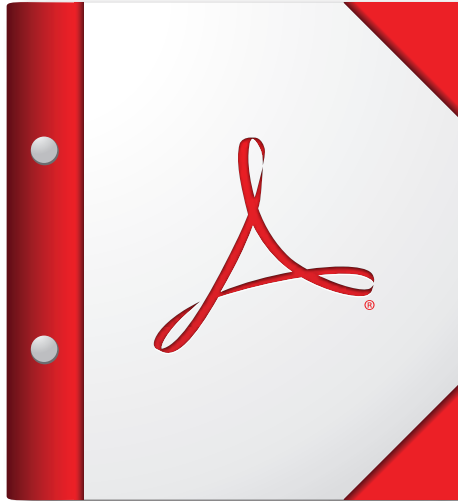
Thomas C. Nelson, Mayor

MP Enviornmental

ATTEST:

Employer Identification Number

Bethany Langve, Clerk/Treasurer



**For the best experience, open this PDF portfolio in
Acrobat X or Adobe Reader X, or later.**

Get Adobe Reader Now!

File Attachments for Item:

17. Resolution No. R21-105: A Resolution Declaring The Existing Playground Equipment Located At Kids' Kingdom "Surplus Property" And Authorizing Its Removal And Disposal By City Staff And Volunteers.

RESOLUTION NO. R21-105

A RESOLUTION DECLARING THE EXISTING PLAYGROUND EQUIPMENT LOCATED AT KIDS' KINGDOM "SURPLUS PROPERTY" AND AUTHORIZING ITS REMOVAL AND DISPOSAL BY CITY STAFF AND VOLUNTEERS.

WHEREAS, the City of Laurel owns the existing playground equipment currently installed at the City Park Location known as the Kids' Kingdom; and

WHEREAS, the playground equipment is dilapidated and no longer in a safe and useable condition, and city staff is recommending its removal due to its condition; and

WHEREAS, the Council has the authority to dispose of the worn-out equipment by declaring it surplus and of no value to the City; and

WHEREAS, the existing equipment has no sale or salvage value and should be removed and disposed of to enable new playground equipment to be installed by volunteers who intend to donate the new playground equipment to the City.

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

1. That the city council declares the existing playground equipment located at Kids' Kingdom surplus property pursuant to Montana law; and

2. City Staff and Volunteers are authorized to remove and properly dispose of the existing playground equipment as surplus property.

Introduced at a regular meeting of the City Council on September 28, 2021, by Council Member

_____.

PASSED and APPROVED by the City Council of the City of Laurel this 28th day of September 2021.

APPROVED by the Mayor this 28th day of September 2021.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

Approved as to form:

Sam S. Painter, Civil City Attorney

File Attachments for Item:

18. Resolution No. R21-106: A Resolution Of The City Council Authorizing The Mayor To Sign An Agreement With Lexipol, LLC For Services Provided For The City's Police Department.

RESOLUTION NO. R21-106

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE MAYOR TO SIGN
AN AGREEMENT WITH LEXIPOL, LLC FOR SERVICES PROVIDED FOR THE
CITY'S POLICE DEPARTMENT.**

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

Section 1: Approval. The Agreement between the City of Laurel and Lexipol, LLC a copy attached hereto and incorporated herein, is hereby approved.

Section 2: Execution. The Mayor and the City Clerk of the City of Laurel are hereby given authority to execute the Agreement on behalf of the City.

Introduced at a regular meeting of the City Council on September 28, 2021, by Council Member _____.

PASSED and APPROVED by the City Council of the City of Laurel this 28th day of September 2021.

APPROVED by the Mayor this 28th day of September 2021.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

Approved as to form:

Sam S. Painter, Civil City Attorney



Addendum to Online Subscription Agreement (OSA) between Lexipol and Laurel Police Department (Montana).

Effective Date: _____

Agency is purchasing the following additional service:

QTY	DESCRIPTION	UNIT PRICE	EXTENDED
1	Law Enforcement Tier II Implementation	USD 3,000.00	USD 3,000.00
	One-Time Line Items Total		USD 3,000.00
			USD 3,000.00
TOTAL:			USD 3,000.00

*The above subscription services, and when applicable, implementation services, shall be invoiced by Lexipol upon the execution of this Agreement.

Terms and Conditions: This subscription order falls under the provisions of the original Online Subscription Agreement signed by the authorized agent for the above agency. The services that Lexipol, LLC, a Delaware Limited Liability Company (hereinafter "Lexipol"), provides to Agency, Customer, User, Purchaser are subject to the Terms and Conditions of Use of the original Online Subscription Agreement. These Terms and Conditions are valid through the subscription agreement period. This document represents additional services to be provided, subject to the foregoing Terms and Conditions of Use. AGENCY HEREBY AGREES WITH THESE TERMS AND CONDITIONS OF USE AS APPLICABLE TO THE SERVICES ACQUIRED VIA THIS ADDENDUM.

The subscription agreement is authorized and approved by:

Agency

Signature: _____

Print Name: _____

Title: _____

Date Signed: _____

Lexipol

Signature: _____

Print Name: Van Holland

Title: Chief Financial Officer

Date Signed: _____

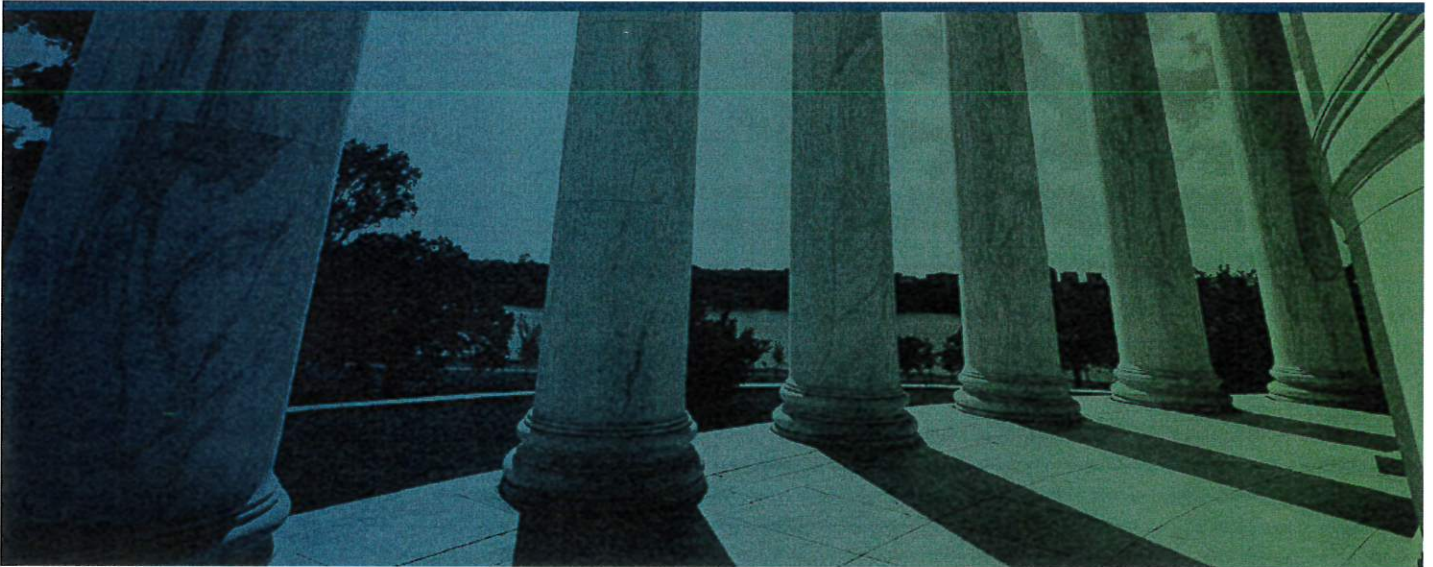
Please return to: Fax: (469)731-0847 – Email: contracts@lexipol.com

Send: Lexipol LLC, 2611 Internet Blvd. Suite 100, Frisco, TX 75034

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SOLUTIONS PROPOSAL



PREPARED FOR:

Laurel Police Department
Chief Stanley Langve
slangve@laurel.mt.gov
(406) 628-8737

PREPARED BY:

Rosemarie Curran
rcurran@lexipol.com
(949) 272-5818

2611 Internet Blvd, Ste 100
Frisco, Texas 75034
(844) 312-9500
www.lexipol.com

Executive Summary

Public safety agencies and local government organizations today face challenges of keeping personnel safe and healthy, reducing risk and maintaining a positive reputation. Add to that the dynamically changing legislative landscape and evolving best practices, and even the most progressive, forward-thinking departments can struggle to keep up.

Lexipol's solutions are designed to save you time and money while protecting your personnel and your community. Our team consists of professionals with expertise in public safety law, policy, training, mental health and grants. We continually monitor changes and trends in legislation, case law and best practices and use this knowledge to create policies, training, wellness resources and funding services that minimize risk and help you effectively serve your community.

THE LEXIPOL ADVANTAGE

Lexipol was founded by public safety experts who saw a need for a better, safer way to run a public safety agency. Since the company launch in 2003, Lexipol has grown to form an entire risk management solution for public safety and local government. Today, we serve more than 8,100 agencies and municipalities and 2 million public safety and government professionals with a range of informational and technological solutions to meet the challenges facing these dynamic industries. In addition to providing policy management, online training, wellness resources, and grant assistance, we provide 24/7 industry news and analysis through the digital communities Police1, FireRescue1, Corrections1, EMS1 and Gov1.

Our customers choose Lexipol to make an investment in the safety and security of their personnel, their agencies and their communities. We help agencies address issues that create substantial risk, including:

- Inconsistent and outdated policies
- Lack of technology to easily update and issue policies and training electronically
- Unchecked mental health needs of staff
- Difficulty keeping up with new and changing legislation and practices
- Inability to produce policy acknowledgment and training documentation
- Unfamiliarity of city legal resources with the intricacies of public safety law
- The need to secure grant funding for critical equipment, infrastructure and personnel

Lexipol is backed by the expertise of 320 employees with more than 2,075 years of combined experience in constitutional law, civil rights, ADA and discrimination, mental health, psychology, labor negotiations, Internal Affairs, use of force, hazmat, instructional design, federal and state grants and a whole lot more. That means no more trying to figure out policy, develop training or wellness content or secure funding on your own. You can draw on the experience of our dedicated team members who have researched, taught and lived these issues.

We look forward to working with Laurel Police Department to address your unique challenges.

Scope of Services

Policy Manual

Constitutionally sound, up-to-date policies are the foundation for consistent, safe public safety operations and are key to reducing risk and enhancing personnel and community safety. Lexipol's comprehensive policy manual covers all aspects of your agency's operations.

- More than 155 policies researched and written by public safety attorneys and subject matter experts
- Policies based on State and federal laws and regulations as well as nationwide best practices
- Content customized to reflect your agency's terminology and structure

Daily Training Bulletins (DTBs)

Even the best policy manual lacks effectiveness if it's not backed by training. Lexipol's Daily Training Bulletins are designed to help your personnel learn and apply your agency's policy content through 2-minute training exercises.

- Scenario-based training ties policy to real-world applications
- Understanding and retention of policy content is improved via a singular focus on one distinct aspect of the policy
- Each Daily Training Bulletin concludes with a question that confirms the user understood the training objective
- Daily Training Bulletins can be completed via computers or from smartphones, tablets or other mobile devices
- Reports show completion of Daily Training Bulletins by agency member and topic

Policy Updates

Lexipol's legal and content development teams continuously review state and federal laws and regulations, court decisions and evolving best practices. When needed, we create new and updated policies and provide them to your agency, making it simple and efficient to keep your policy content up to date.

- Updates delivered to you through Lexipol's web-based content delivery platform
- Changes presented in side-by-side comparison against existing policy so you can easily identify modifications/improvements
- Your agency can accept, reject or customize each update

Web-Based Delivery Platform and Mobile App (Knowledge Management System)

Lexipol's online content delivery platform, called KMS, provides secure storage and easy access to all your policy and training content, and our KMS mobile app facilitates staff use of policies and training completion.

- Ability to edit and customize content to reflect your agency's mission and philosophy
- Efficient distribution of policies, updates and training to staff
- Archival and easy retrieval of all versions of your agency's policy manual
- Mobile app provides in-the-field access to policy and training materials

Reports

Lexipol's Knowledge Management System provides intuitive reporting capabilities and easy-to-read reports that enhance command staff meetings and strategic planning.

- Track and report when your personnel have acknowledged policies and policy updates
- Produce reports showing completion of Daily Training Bulletins
- Sort reports by agency member, topic and other subgroups (e.g., shift, assignment)
- Reduce the time your supervisors spend verifying policy acknowledgement and training completion

Standard Policy Cross-Reference

Making the transition to Lexipol starts with understanding how your agency's current policy content compares with Lexipol's master policy content. Our Standard Policy Cross-Reference service provides a logical method to distinguishing between the two.

- Analysis of your existing policies and procedures to identify content similar to Lexipol's state specific master content, as well as content unique to your jurisdiction and not covered within the Lexipol manual
- Your existing policies returned with annotations and tips to integrate into the Lexipol master content
- One-on-one review with your agency to discuss the cross-reference report

Implementation Policy Tier I: High-Risk Policies

Benefit from our proven, systematic approach to implementing policies. Tier I represents about 20% of the manual, including foundational policies necessary to provide structure and authority to your policy manual, as well as policies addressing high-risk, low-frequency and high-risk, high-frequency incidents. You'll receive one-on-one collaborative assistance to help you review, customize and adopt the policies efficiently and effectively.

Implementation Policy Tier II: High-Liability Policies

Benefit from our proven, systematic approach to implementing policies. Tier II represents about 20% of the manual, including policies that relate to common day-to-day calls for service that have a higher level of potential liability. You'll receive one-on-one collaborative assistance to help you review, customize and adopt the policies efficiently and effectively.

Implementation Policy Tier III: Daily Operations Policies

Benefit from our proven, systematic approach to implementing policies. Tier III represents about 20% of the manual, including policies needed for orderly daily operations of your organization. You'll receive one-on-one collaborative assistance to help you review, customize and adopt the policies efficiently and effectively.

Implementation Policy Tier IV: Defensibility Policies

Benefit from our proven, systematic approach to implementing policies. Tier IV represents about 20% of the manual, including policies essential to agency and agency member defensibility, including civil liability-related topics. You'll receive one-on-one collaborative assistance to help you review, customize and adopt the policies efficiently and effectively.

Implementation Policy Tier V: Operational Consistency Policies

Benefit from our proven, systematic approach to implementing policies. Tier V represents about 20% of the manual, including policies needed to ensure operational consistency across your organization. You'll receive one-on-one collaborative assistance to help you review, customize and adopt the policies efficiently and effectively.

Proposal

Prepared By: Rosemarie Curran
Phone: (949) 272-5818
Email: rcurran@lexipol.com

Quote #: Q-11445-1
Date: 9/2/2020
Valid Through: 12/1/2020

Overview

Lexipol empowers first responders and their communities to best serve the needs of their residents safely and responsibly. We are the experts in policy, training and wellness support for first responders and government leaders, helping address public safety challenges and improve the quality of life for all community members. Our solutions encompass state-specific policies, online learning, behavioral health resources, funding assistance, and news and analysis, including the online digital communities Police1, FireRescue1, EMS1, Corrections1 and Gov1. The services proposed below are designed to meet your agency's specific goals and needs.

Subscription + Tier 1 *-16 MORE THIS IS ALL COVERED BY MMIA PILOT PROGRAM*

QTY	DESCRIPTION	UNIT PRICE	DISC	DISC AMT	EXTENDED
1	Annual Law Enforcement Policy Manual & Daily Training Bulletins w/Supplemental Publication Service (12 Months)	USD 8,832.00	25%	USD 0.00	USD 8,832.00
	Subscription Line Items Total			USD 0.00	USD 8,832.00
1	Law Enforcement Tier I Implementation	USD 7,000.00		USD 0.00	USD 7,000.00
	One-Time Line Items Total			USD 0.00	USD 7,000.00
				USD 0.00	USD 15,832.00
Subscription + Tier 1 TOTAL:					USD 15,832.00

Implementation

QTY	DESCRIPTION	UNIT PRICE	DISC	DISC AMT	EXTENDED
1	Law Enforcement Standard Policy Cross Reference	USD 1,500.00		USD 0.00	USD 1,500.00
1	Law Enforcement Tier II Implementation	USD 3,000.00		USD 0.00	USD 3,000.00
1	Law Enforcement Tier III Implementation	USD 2,400.00		USD 0.00	USD 2,400.00
1	Law Enforcement Tier IV Implementation	USD 4,000.00		USD 0.00	USD 4,000.00
1	Law Enforcement Tier V Implementation	USD 1,700.00		USD 0.00	USD 1,700.00
	One-Time Line Items Total			USD 0.00	USD 12,600.00
				USD 0.00	USD 12,600.00
Implementation TOTAL:					USD 12,600.00

*Law Enforcement Policy pricing is based on 14 Law Enforcement Sworn Officers. Law Enforcement Cross Reference Professional Services pricing is based on 150 pages.



MISSION CRITICAL SOLUTIONS

TO HELP YOU

Enhance personnel & community safety

Reduce risk

Save time and money

Improve compliance and accountability

Streamline training management

Simplify policy management

Identify available funding

Stay up to date on industry news and trends

Created in 2003 by two attorneys (and former law enforcement officers), Lexipol was born from a vision of a better, safer way to run a public safety agency.

It was a perfect combination: Bruce Praet's courtroom experience representing public safety agencies and Gordon Graham's foundation in risk management principles, including a unique approach to training he created while at the California Highway Patrol.

From that foundation, Lexipol grew to form an entire risk management solution for public safety and local government.

We started by developing comprehensive, continuously updated policies for public safety agencies. Then we added services such as

2 SERVING
MILLION
FIRST RESPONDERS

such as online training, grant services and an electronic policy management platform, as well as the digital communities Police1, FireRescue1, Corrections1, EMS1 and Gov1.

Today, we serve more than 2 million public safety and government professionals with a range of informational and technological solutions to meet the challenges facing these dynamic industries.



THOUSANDS OF YEARS OF EXPERIENCE ON YOUR SIDE

We've grown a lot from those first days when Bruce, Gordon and few other early believers wrote policies on their days off.

Today, Lexipol is backed by the expertise of 320 people with more than 2,075 years of combined experience in constitutional law, civil rights, ADA and discrimination, labor negotiations, Internal Affairs, use of force, hazmat and a whole lot more.

That means no more trying to figure out policy and develop training content on your own. You can draw on the experience of our dedicated team members who have researched, taught and lived these issues.

WHAT WE DO

POLICIES AND UPDATES

- State-specific policies, fully developed and continuously updated
- Training bulletins to reinforce policy understanding
- Policy implementation services
- State-of-the-art policy management platform
- Electronic policy acknowledgement tracking

ONLINE LEARNING

- Ability to upload and assign agency-specific training content
- Full courses and microlearning videos
- Certified training provider/continuing education acceptance
- Full-service LMS with electronic reporting, tracking and training management

GRANT SERVICES

- GrantFinder: A real-time, online grant research tool
- Grant Writing Services: Personalized consulting and grant application development
- Grant Assistance Platform: Continuous pre-award grant assistance

NEWS AND ANALYSIS

- Articles, videos and real-world training tips
- Rapid response coverage
- Product research
- Instructional guides

PROVIDING YOU PEACE OF MIND

Our customers choose Lexipol to make an investment in the safety and security of their personnel, their agencies and their communities. We help agencies address issues related to policies and training that create substantial risk, including:

- Inconsistent and outdated policies
- Lack of technology to easily update and issue policies and training electronically
- Difficulty keeping up with new and changing legislation and practices
- Inability to produce policy acknowledgment and training documentation
- Unfamiliarity of city legal resources with the intricacies of public safety law

ON TOP OF INDUSTRY CHANGES



Our content development teams continuously monitor for new state and federal legislation—we reviewed more than 9,000 new laws and regulations last year—as well as case law and research reports. When new challenges arise—such as COVID-19, the opioid epidemic or an increase in active shooter events—we create online resources and training to prepare your personnel to meet these risks. So you can spend more time focusing on operational priorities and less time worrying whether your policies and training are up to date.

TRUSTED BY BIG & SMALL

Community protection comes in all sizes. That's why we designed Lexipol's policy and training solutions to work with agencies big and small and those in between. We partner with more than 8,100 public safety agencies and municipalities across the United States—law enforcement agencies, career and volunteer fire departments, EMS agencies, corrections facilities, juvenile detention facilities, probation departments and local government organizations *just like yours*.

CONTACT US TODAY TO LEARN MORE



www.lexipol.com | 844-312-9500 |   

File Attachments for Item:

19. Resolution No. R21-107: A Resolution Requesting Distribution Of Bridge And Road Safety And Accountability Program Funds

RESOLUTION NO. R21-107

**A RESOLUTION REQUESTING DISTRIBUTION OF
BRIDGE AND ROAD SAFETY AND ACCOUNTABILITY PROGRAM FUNDS**

WHEREAS, the Bridge and Road Safety and Accountability Account requires the Montana Department of Transportation to allocate accrued funds to cities, towns, counties, and consolidated city-county governments for construction, reconstruction, maintenance, and repair of rural roads, city or town streets and alleys, bridges, or roads and streets that the city, town, county, or consolidated city-county government has the responsibility to maintain; and,

WHEREAS, a city, town, county, or consolidated city-county government that requests funds under the Bridge and Road Safety and Accountability Account must match each \$20 requested with \$1 of local government matching funds; and,

WHEREAS, a city, town, county, or consolidated city-county government requesting distribution of allocated funds may make such a request to the Department of Transportation between March 1 and November 1 of the year the funds were allocated; and,

WHEREAS, the project to be funded is a Citywide Street Improvement Project; and,

WHEREAS, the local match for the allocated funds has been budgeted from Fund 2500 Street Maintenance Fund.

THEREFORE, NOW BE IT RESOLVED THAT:

1. The City of Laurel requests distribution of its share of the allocated Bridge and Road Safety and Accountability funds to be used for the projects identified herein.
2. That the Council hereby empowers and authorizes the Mayor or other staff to execute such further documents as may be necessary to facilitate the distribution of said funds.

Introduced at a regular meeting of the City Council on September 28, 2021, by Council Member _____.

PASSED and APPROVED by the City Council of the City of Laurel this 28th day of September 2021.

APPROVED by the Mayor this 28th day of September 2021.

CITY OF LAUREL

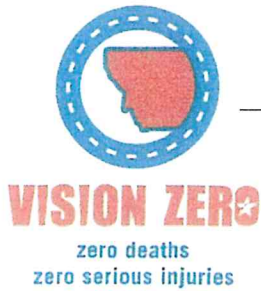
Mayor Thomas C. Nelson

ATTEST:

Bethany Langve Clerk/Treasurer

Approved as to form:

Sam S. Painter, Civil City Attorney



Montana Department of Transportation

2701 Prospect
PO Box 201001
Helena MT 59620-1001

Greg Gianforte, Governor
Malcolm "Mack" Long, Director

January 8, 2021

City Clerk
City of Laurel
PO Box 10
Laurel, MT 59044-0010

Subject: Bridge and Road Safety and Accountability Program (BaRSAA)/HB 473 Fuel Tax Allocation

MDT is pleased to notify you of your new fuel tax allocation provided by the 2017 legislature thru the Bridge and Road Safety and Accountability Act (BaRSAA) Program (House Bill 473). The new user fee was effective on July 1, 2017.

As provided for in MCA 15-70-130, by March 1 of each year the Montana Department of Transportation (MDT) must allocate BaRSAA funds to each city, town, county and consolidated city-county government in Montana. BaRSAA program funds are in addition to the existing fuel tax distributions provided for in MCA 15-70-101 and 7-14-102(2).

BaRSAA funds are allocated in the same proportion and using the same ratios provided for in MCA 15-70-101(2)(b), (2)(c), and (3). Allocations are calculated based upon the statutory formula. Road mileage reflects each city and county's locally certified mileage received by MDT this past year and the population estimates are based on the 2019 US Census Bureau's population estimates. The allocation available for your local government to request beginning March 1 is summarized below:

Local Government	2021 BaRSAA Allocation
Laurel	\$140,100.32

Beginning March 1, 2021, local governments may request distribution of their 2021 BaRSAA allocation from MDT. Local governments must match each \$20 requested for distribution with at least \$1 of local government budgeted matching funds. Reservation requests can be made between September 1st and November 1st. Per MCA 15-70-130, an adopted resolution is required for distribution and reservation of funds; resolution templates are available on the League of Cities and Towns' and Montana Association of Counties' websites. Distribution and reservation requests must then be made using the WebGrants online application system. This system will allow uploading of the signed resolution and for electronic entry of the information necessary for the distribution and/or reservation of funds to local governments.

Educational resources including a video Webinar and PDF instructions on how to request distribution or reservation of BaRSAA funds, transfer BaRSAA funds, make corrections in WebGrants, and completing and submitting Annual Reports can be found on MDT's website under Road and Bridge. Please note that Annual Reports are due December 31st of each year for all projects still marked as underway in the Webgrants online application system. If you have not submitted annual reports for 2018, 2019 and 2020 projects still marked underway, please do so at your earliest convenience.

Additional information on the BaRSAA program is available on the MDT, Montana Association of Counties, and Montana League of Cities and Towns websites.

<https://www.mdt.mt.gov/roadbridge/>

If you have any questions or to register for the training sessions, please contact Geoff Streeter at (406)444-9131 or gstreeter@mt.gov.



Brian Andersen, Supervisor
MDT Geospatial Information Section

Copy: Carol Strizich
Larry Flynn
Katie Potts
Linda Hicks

2021 HB 473 City Fuel Tax Allocations

City	City Allocation Funds	City	City Allocation Funds
ALBERTON	\$11,272.42	JORDAN	\$15,782.77
ANACONDA	\$115,056.93	JUDITH GAP	\$7,447.96
BAINVILLE	\$14,106.24	KALISPELL	\$453,349.03
BAKER	\$53,881.42	KEVIN	\$10,474.35
BEARCREEK	\$4,129.84	LAUREL	\$140,100.32
BELGRADE	\$175,176.49	LAVINA	\$8,200.44
BELT	\$14,458.17	LEWISTOWN	\$144,896.50
BIG SANDY	\$23,310.17	LIBBY	\$73,154.69
BIG TIMBER	\$47,530.99	LIMA	\$11,647.66
BILLINGS	\$1,990,850.36	LIVINGSTON	\$172,808.55
BOULDER	\$35,926.61	LODGE GRASS	\$12,773.58
BOZEMAN	\$864,776.39	MALTA	\$51,872.90
BRIDGER	\$22,059.98	MANHATTAN	\$51,115.09
BROADUS	\$16,863.52	MEDICINE LAKE	\$12,498.72
BROADVIEW	\$6,945.17	MELSTONE	\$7,065.86
BUTTE	\$658,534.99	MILES CITY	\$195,414.18
CASCADE	\$21,081.42	MISSOULA	\$1,289,370.42
CHESTER	\$28,164.68	MOORE	\$10,503.53
CHINOOK	\$36,462.71	NASHUA	\$14,358.35
CHOTEAU	\$57,091.54	NEIHART	\$4,635.99
CIRCLE	\$23,987.24	OPHEIM	\$7,814.75
CLYDE PARK	\$11,968.96	OUTLOOK	\$5,666.35
COLSTRIP	\$50,548.36	PHILIPSBURG	\$30,910.27
COLUMBIA FALLS	\$111,893.96	PINESDALE	\$23,190.36
COLUMBUS	\$54,294.81	PLAINS	\$27,225.99
CONRAD	\$64,045.87	PLENTYWOOD	\$45,957.65
CULBERTSON	\$24,928.81	PLEVNA	\$8,086.88
CUT BANK	\$68,796.15	POLSON	\$117,325.28
DARBY	\$18,078.81	POPLAR	\$20,351.94
DEER LODGE	\$77,444.99	RED LODGE	\$67,582.84
DENTON	\$11,948.74	REXFORD	\$3,456.78
DILLON	\$92,332.18	RICHEY	\$9,469.73
DODSON	\$6,579.66	RONAN	\$47,574.16
DRUMMOND	\$8,940.72	ROUNDUP	\$57,061.40
DUTTON	\$13,215.44	RYEGATE	\$10,928.66
EAST HELENA	\$53,801.29	SACO	\$10,804.67
EKALAKA	\$16,554.87	SAINT IGNATIUS	\$20,136.46
ENNIS	\$27,314.90	SCOBEE	\$34,923.83
EUREKA	\$37,123.95	SHELBY	\$100,778.26
FAIRFIELD	\$20,089.39	SHERIDAN	\$18,502.79
FAIRVIEW	\$28,988.77	SIDNEY	\$137,958.57
FLAXVILLE	\$4,759.64	STANFORD	\$16,515.97
FORSYTH	\$53,658.49	STEVENSVILLE	\$41,814.94
FORT BENTON	\$52,267.53	SUNBURST	\$20,862.06
FORT PECK	\$15,074.43	SUPERIOR	\$25,150.12
FROID	\$11,032.18	TERRY	\$32,597.29
FROMBERG	\$12,292.95	THOMPSON FALLS	\$40,812.96
GERALDINE	\$13,188.56	THREE FORKS	\$55,619.19
GLASGOW	\$75,489.29	TOWNSEND	\$46,455.91
GLENDIVE	\$110,194.93	TROY	\$23,868.52
GRASS RANGE	\$5,576.58	TWIN BRIDGES	\$12,348.80
GREAT FALLS	\$1,084,908.19	VALIER	\$28,690.30
HAMILTON	\$101,633.70	VIRGINIA CITY	\$15,809.55
HARDIN	\$82,602.55	WALKERVILLE	\$28,680.92
HARLEM	\$22,292.66	WEST YELLOWSTONE	\$33,482.33
HARLOWTON	\$30,654.50	WESTBY	\$7,046.67
HAVRE	\$187,821.18	WHITE SULPHUR SPRINGS	\$37,173.72
HELENA	\$662,535.26	WHITEFISH	\$185,490.58
HINGHAM	\$7,593.26	WHITEHALL	\$28,125.39
HOBSON	\$10,838.90	WIBAUX	\$21,674.39
HOT SPRINGS	\$20,482.25	WINIFRED	\$9,732.32
HYSHAM	\$12,301.75	WINNETT	\$12,032.99
ISMAY	\$4,250.68	WOLF POINT	\$61,074.37
JOLIET	\$13,942.43		
Total City Allocations: \$11,894,187.60			

2021 HB 473 County Fuel Tax Allocations

County	County Allocation Funds
BEAVERHEAD	\$165,306.29
BIG HORN	\$150,623.34
BLAINE	\$133,994.85
BROADWATER	\$70,429.03
CARBON	\$97,931.97
CARTER	\$68,844.15
CASCADE	\$228,009.18
CHOUTEAU	\$156,434.11
CUSTER	\$92,109.08
DANIELS	\$56,705.21
DAWSON	\$95,282.43
DEER LODGE	\$43,567.68
FALLON	\$55,526.48
FERGUS	\$147,480.60
FLATHEAD	\$557,458.06
GALLATIN	\$394,755.67
GARFIELD	\$101,146.68
GLACIER	\$133,630.05
GOLDEN VALLEY	\$37,370.95
GRANITE	\$64,011.25
HILL	\$151,939.38
JEFFERSON	\$113,772.56
JUDITH BASIN	\$69,275.87
LAKE	\$201,630.18
LEWIS AND CLARK	\$303,641.23
LIBERTY	\$67,004.98
LINCOLN	\$234,186.46
MADISON	\$136,377.47
MCCONE	\$75,170.51
MEAGHER	\$55,270.11
MINERAL	\$66,480.75
MISSOULA	\$361,962.25
MUSSELSHELL	\$65,134.76
PARK	\$123,589.74
PETROLEUM	\$41,668.52
PHILLIPS	\$132,282.57
PONDERA	\$78,654.22
POWDER RIVER	\$75,741.78
POWELL	\$77,485.69
PRAIRIE	\$50,189.56
RAVALLI	\$314,047.00
RICHLAND	\$99,678.40
ROOSEVELT	\$117,604.95
ROSEBUD	\$132,058.56
SANDERS	\$134,484.10
SHERIDAN	\$82,869.36
SILVER BOW	\$44,439.41
STILLWATER	\$108,241.20
SWEET GRASS	\$55,480.22
TETON	\$110,433.40
TOOLE	\$80,166.79
TREASURE	\$24,604.18
VALLEY	\$168,346.92
WHEATLAND	\$40,320.48
WIBAUX	\$33,077.19
YELLOWSTONE	\$361,912.64
Total County Allocations:	\$7,239,840.45

File Attachments for Item:

20. Ordinance No. 021-04: An Ordinance Amending Certain Chapters Of Title 8 Of The Laurel Municipal Code Relating To Health And Safety Matters, Including Nuisances For The City Of Laurel.

ORDINANCE NO. 021-~~04~~

AN ORDINANCE AMENDING CERTAIN CHAPTERS OF TITLE 8 OF THE LAUREL MUNICIPAL CODE RELATING TO HEALTH AND SAFETY MATTERS, INCLUDING NUISANCES FOR THE CITY OF LAUREL.

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

WHEREAS, the City's Public Works Department Staff and Police Department worked to prepare the following amendments to the Laurel Municipal Code to enable the City to ensure the health, safety and welfare of its citizens; and

WHEREAS, City Staff prepared, reviewed, and approved the following amendments to the existing Title 8 as noted herein and hereby recommends the same to the City Council for their full approval.

Title 8 - HEALTH AND SAFETY

Chapters:

Chapters 8.01 - 8.03 – RESERVED

Chapter 8.04 - GARBAGE AND RUBBISH

Sections:

8.04.010 - Definitions.

Cinder and ashes mean the residue from the burning of wood, coal, coke or other combustible materials in homes, stores, institutions, and small industrial establishments, for the purpose of heating, cooking and disposing of waste combustible materials.

"Garbage" means and includes animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of foods. It is composed largely of organic matters and their natural moisture content. The term does not include within its meaning food processing wastes from canneries, slaughterhouses, packing plants or similar industries, or large quantities of condemned food products. Garbage originates primarily in kitchens, stores, markets, restaurants, hotels, and other places where food is stored, cooked, or consumed.

Refuse means all solid waste of any kind or type legally disposed of through the operations of the city.

"Inflammable rubbish" or "combustible rubbish" means miscellaneous flammable materials. Generally it is the organic component of rubbish, such as paper, rags, cartons, boxes, wood, excelsior, furniture, bedding, rubber, leather, tree branches, yard trimmings and similar material.

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~~"Noncombustible rubbish" means miscellaneous refuse materials that are nonflammable at ordinary temperatures. For the most part it is the inorganic component of rubbish, such as tin cans, metals, mineral matter, glass, crockery, dust, metal furniture, etc.~~

A. *Combustible rubbish* means miscellaneous flammable materials. Generally, it is the organic component of rubbish, such as paper, rags, cartons, boxes, wood, wood shavings, ~~furniture~~, bedding, rubber, leather, ~~tree branches~~, yard trimmings and similar material.

B. *Noncombustible rubbish* means miscellaneous refuse materials that are nonflammable at ordinary temperatures. For the most part it is the inorganic component of rubbish, such as tin cans, metals, mineral matter, glass, crockery, dust, metal furniture, etc.

C. *Yard Rubbish* means refuse consisting of tree branches, twigs, grass and shrub clippings, cut weeds, fallen leaves and garden waste materials.

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(Prior code § 8.12.010)

8.04.020 - Disposal required in general.

The disposal of garbage, rubbish and other wastes shall be as the city council orders by ordinance and regulation.

- A. Any out of city resident or inhabitant may not use any city trash containers for depositing garbage, rubbish, trash, etc.
- B. Any person violating the terms of this chapter shall be guilty of a misdemeanor and punished according to this code. Violations of this chapter are designated as misdemeanors and punishable by penalties specified in subsection 1.36.010 A.
- C. Nothing herein shall prohibit any bona fide tourist or transient from using such trash collectors.

(Prior code § 8.12.020)

8.04.030 - Removal of bulky items ~~not required~~.

The regular collection services shall not remove such items as tires, crates, refrigerators, stoves, air-conditioners, sofas, chairs, mattresses, box springs, pipe, auto parts, mufflers, tree limbs, trees and shrubbery cuttings (unless these cuttings can be placed in covered receptacles as provided by the city) and other like items. The owner or occupant of any building, house, structure or land shall have these prohibited items removed and deposited in the city disposal area or other approved disposal area at his own expense within three days. Failure of owner or occupant to remove prohibited items from receptacles, alleys or streets may be removed therefrom at the expense of the owner of the property. The city may submit a bill to the persons liable for the removal of such items. If the amount is not paid within ten (10) days after the bill submittal, then the charge shall be collected in the same manner as the collection of other solid waste fees, as provided in this chapter.

Ordinance No. O21-~~04~~— LMC Title 8 Health and Safety Amendments

(Prior code § 8.12.052)

8.04.040 - Certain matter not to be placed in receptacles.

A. Infectious Waste – Waste that is defined as “infectious waste” in Section 75-10-1003 Montana Code Annotated.

1. Infectious wastes shall not be placed with other noninfectious wastes or refuse for normal collection by the city.
2. Clothing taken from persons with infectious diseases shall not be placed in receptacles.
3. It is unlawful for any person to dispose of or deposit in the city container site any infectious wastes which have not been treated as described in Section 75-10-1005 Montana Code Annotated, so as to render them noninfectious and no longer biological hazardous.

B. Inflammable Waste; acids and explosives

No person shall place or cause to be placed in or near the receptacles provided for the removal of refuse, any highly inflammable wastes, acids, explosives or dangerous or corrosive chemicals.

C. Other matter not to be placed in receptacles.

The following items shall not be placed in the receptacles provided for the removal of refuse:

Dead animals; poisons; heavy metals or metal parts; lumber; dirt; rocks; bricks; concrete; concrete blocks; tires; crates; refuse from construction or remodeling; unbagged saw dust; unbagged leaves or grass clippings; other unbagged material which is incapable of being transferred from the receptacle to city refuse collection equipment without being deposited on the surrounding property.

8.04.050 – Preparation of refuse for collection

- A. Animal feces and materials impregnated with urine must be enclosed in a leakproof bag before being placed in a city container.
- B. Combustible rubbish of every kind whatsoever shall be securely wrapped, packed or contained in a manner that will prevent scattering by the wind and shall be deposited in a proper receptacle.
- C. Yard rubbish shall be bagged, packed or contained before being deposited in a receptacle.

(Ord. 03-2, 2003; Ord. 801, 1985; prior code § 8.12.054 (part))

8.04.060 - Accumulation of rubbish in public places prohibited.

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- A. No person shall accumulate any rubbish including any dry leaves, dead limbs, or old lumber and allow the same to be stored in any street, alley or public place.
- B. It shall be the duty of the owner or occupant of any premises within the city limits to keep such premises and one-half of the alley immediately adjacent thereto and the gutter in front of or adjoining his or her property clean, open and free of wastepaper, cans, leaves or any unhealthy materials of any kind.

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(Prior code § 8.12.060)

8.04.070 - Unauthorized use of receptacles prohibited.

- A. It is unlawful for any person to place or permit another to place, any garbage or trash in any receptacle, at any refuse collection point or in any refuse container used in the city container collection service unless the refuse is from the premises served by the container or from the premises at which the receptacle or collection point is located.
- B. City service containers at several points in city areas are provided for refuse from apartment house areas, businesses, and institutions within the city limits, and refuse from outside the city limits shall not be placed in the city service containers.
- C. It is unlawful for any person to place or deposit, or permit another to place or deposit, prohibited refuse in city service containers or to put anything on the ground at these locations.
- D. The owner or occupant of any building, house, structure or land shall cause to be removed all refuse items of the nature which are prohibited to the regular collection service, and which are located, owned or deposited on the property or on the public right-of-way shall be prima facie evidence that such owner or occupant failed to remove, as provided by this ordinance, at his own expense, the refuse or other item or items so stored or located thereon. Removal within three days of notice by city is required.

(Prior code § 8.12.054(A))

8.04.0380 — Sanitation Public works director to determine user classification.

The sanitation—public works director shall determine the average volume of garbage and rubbish produced, the amount of service provided and degree of use for all business, commercial, educational and other institutions, and shall recommend to the city council the proper classification of such users.

(Prior code § 8.12.040)

8.04.0940 - Residential ~~garbage fees~~rates.

- A. The residences of the city are divided into fair and reasonable types according to their structure and uses for the purpose of garbage and trash accumulation and removal. All collections will be made either from the alley, where alley exists, or from a place easily

Ordinance No. O21-~~04~~— LMC Title 8 Health and Safety Amendments

accessible to the street from which the collections are made. No collections shall be made from inside structures or other enclosures.

- B. The annual residential ~~refuse collections~~ solid waste fees-rate shall be as established by resolution of the city council, and may be changed or amended by subsequent resolution of the council from time to time as the council deems necessary. A copy of the residential fee schedule shall be on file in the office of the city clerk-treasurer, ~~and shall be open to inspection by any person.~~

(Ord. 97-2 § 4 (part), 1997; prior code § 8.12.030)

8.04.~~10050~~ - Residential/commercial ~~garbage fees~~ rates.

~~Refuse-Solid waste fees-rates~~ at residences where a portion of the building or premises is used for commercial or business purposes shall be increased by the minimum amount of the commercial user class.

(Prior code § 8.12.032)

8.04.~~11060~~ - Nonresidential ~~garbage fees~~ solid waste fees.

- A. All business, commercial, educational and other nonresidential buildings and other institutions shall be placed into fair and reasonable classes for the purpose of establishing rates for garbage and rubbish accumulation and removal through resolution of the city council.
- B. All resolutions approved by the city council under this section shall be placed on file in the office of the city clerk-treasurer, ~~for public inspection while in force.~~

(Ord. 04-8 (part), 2005; Ord. 97-2 § 4 (part), 1997; prior code § 8.12.034)

8.04.~~120070~~ - Commercial rates.

The calendar year ~~refuse collections~~ solid waste fee ~~rate~~ for businesses and commercial, educational and other nonresidential buildings and other institutions shall be equal to the rates and fees established from time to time by resolution of the city council. No collections shall be made from inside any structure or other enclosure.

(Ord. 04-8 (part), 2005; prior code § 8.12.042)

8.04.~~080130~~ - Minimum commercial ~~fee~~ rate.

The minimum ~~fee-rate~~ for each business, commercial, educational, and other nonresidential building and other institution shall not be less than the minimum annual residential ~~rate~~ fee.

(Ord. 04-8 (part), 2005; prior code § 8.12.044)

8.04.~~140090~~ - Commercial classification—~~Sanitation-Public works~~ director authority.

Ordinance No. O21-~~04~~— LMC Title 8 Health and Safety Amendments

- A. Each business, commercial, educational, and other nonresidential building and other institutions shall be placed in a commercial classification upon the recommendation of the sanitation-public works director after determination of the type of garbage, the volume of garbage, the degree of usage and the required service of the user. Such classification shall be adopted through city council resolution.
- B. User classification, and user's volume of garbage and degree of use may be reviewed by the sanitation-public works director upon request of a commercial, educational, or other nonresidential user, but no more than one such request per calendar year shall be allowed.

(Ord. 04-8 (part), 2005: prior code § 8.12.046)

8.04.1~~500~~ Refuse-Solid waste bill included in water billing.

The annual refuse-solid waste fee shall be payable in twelve equal monthly installments. The refuse-solid waste fee shall be included within the water bill each month, and the city water department is directed not to accept payment of the water bill unless such payment is in the total amount billed which shall include the appropriate refuse-solid waste fee as herein provided. Owners or occupants of premises which do not use water shall be billed monthly by separate billings for the appropriate refuse-solid waste fee for their premises.

(Ord. 1005, 1991: prior code § 8.12.048)

8.04.1~~400~~ - Failure to pay bill constitutes lien.

The charges fixed in this chapter for the collection, removal and disposal of all garbage or trash shall be entered in their respective amounts as charges against each owner, manager, occupant, tenant, or lessee in the amount so fixed and charged shall be collected monthly in connection with and as a part of the water bill of the city. Should any owner, manager, occupant, tenant, or lessee of any place or abode of any business or commercial establishment fail or refuse to pay the charges fixed against him and his place of abode or place of business when due, the refuse-solid waste fee remaining unpaid shall constitute a lien against the real property wherein the premises or business or commercial establishment exists and be placed on the annual property tax statement.

(Prior code § 8.12.050)

~~8.04.120—Removal of bulky items not required.~~

~~The regular collection services shall not remove such items as tires, crates, refrigerators, stoves, air conditioners, sofas, chairs, pipe, auto parts, mufflers, tree limbs, trees and shrubbery cuttings (unless these cuttings can be placed in covered receptacles as provided by the city) and other like items. The owner or occupant of any building, house, structure or land shall have these prohibited items removed and deposited in the city disposal area or other approved disposal area at his own expense within three days. Failure of owner or occupant to remove prohibited items from receptacles, alleys or streets may be removed therefrom at the expense of the owner of the property. The city may submit a bill to the persons liable for the removal of such items. If the~~

Ordinance No. O21-~~04~~— LMC Title 8 Health and Safety Amendments

~~amounting to within 10 days of the bill, but in that the city shall collect the same on a collection of hard waste as provided in chapter~~

Refuse collection and disposal service may be provided within the capabilities of the department to installations with unusual locations, types or accumulations of refuse at a charge established by the [public works](#) director ~~of sanitation~~ based on actual cost.

(Prior code § 8.12.054(B))

8.04.1~~860~~ - Simultaneous service when.

The ~~sanitation~~ [public works](#) department shall provide regular collection or container collection system services according to the type and volume of refuse to be removed, economies of operations and capability within the department. Normally, refuse container and regular collection service will be provided to the same installation only at the discretion of the [public works](#) director ~~of sanitation~~.

(Prior code § 8.12.054(C))

8.04.1~~970~~ - Parking interfering with containers prohibited.

It is unlawful for any person to park a vehicle of any nature within twenty feet of any container used in the city container collection service in such manner which would interfere with the removal of refuse from such ~~container, or container or~~ block the approach to such container. Proof of ownership of any vehicle violating this section shall be prima facie proof that such owner parked such vehicle.

(Prior code § 8.12.054(D))

8.04.2~~0480~~ - Damaging containers prohibited.

It is unlawful for any person to damage, either willfully or through negligence, any property of the city used in the city container service.

(Prior code § 8.12.054(E))

8.04.2~~1490~~ - Doors and lids to be kept closed.

Except when refuse is being loaded into containers, the doors and lids shall be kept closed except at certain locations approved by the director of sanitation.

(Prior code § 8.12.054(F))

8.04.2~~290~~ - City to provide sufficient containers.

The city shall provide sufficient containers for all businesses and residences. It is unlawful for any person other than a duly authorized employee of the city to collect or remove any

Ordinance No. O21-~~04~~ LMC Title 8 Health and Safety Amendments

garbage or trash from garbage and trash receptacles used in the regular city collection service or from any container utilized in the city container collection service.

(Prior code § 8.12.056)

~~8.04.210 — Dump fees~~Container site fees.

~~The city council shall, by resolution, establish fees to be charged for dumping by commercial contractors and noncity residents of wood; trees; uncompacted garbage, trash or rubbish; mixed loads such as wood or trees or other materials; compacted garbage, trash or rubbish; and construction or demolition materials. The city council shall also establish by resolution, fees to be charged for dumping by city residents of materials from construction or demolition projects for which a city building permit or demolition permit is required. The city council may change, alter or amend any such fee from time to time, at the council's discretion, by further resolution.~~

(Ord. 1072, 1993; Ord. 914, 1987; prior code § 8.12.058)

~~8.04.220 Accumulation of rubbish in public places prohibited.~~

~~No person shall accumulate any rubbish including any dry leaves, dead limbs, or old lumber and allow the same to be stored in any street, alley or public place.~~

(Prior code § 8.12.060)

~~8.04.220 Accumulation of rubbish in public places prohibited.~~

~~No person shall accumulate any rubbish including any dry leaves, dead limbs, or old lumber and allow the same to be stored in any street, alley or public place.~~

(Prior code § 8.12.060)

~~8.04.230 Use of city dump truck permitted when.~~

~~City residents may avail themselves of a city dump truck for disposing of garbage or refuse not allowed in city garbage containers at a rate established by the garbage committee. Spot trucks are made available through the city engineer's office.~~

(Prior code § 8.12.065)

8.04.2340 - Collection by city exclusive.

It is unlawful for any person other than the city to engage in the business of collecting, removing and disposing of refuse within the jurisdiction of the city, or for any person other than

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the city, its agents or employees to do or perform any of the things herein required to be done or performed by the city, except:

- A. As provided in Section 8.04.~~420~~³⁰;
- B. For drop box service for certain matter not to be placed in receptacles (8.04.~~430~~⁴⁰);
- C. For drop box service for demolition material with or without a building or demolition permit required; ~~or~~
- D. For drop box service ~~for the disposal of shingles at construction sites; and-~~
- E. As provided by MCA 7-2-4736, Preservation of existing garbage or solid waste service in the event of annexation.

(Ord. 1075, 1993)

8.04.2~~45~~⁰ - City service fees and charges.

The city council shall establish fees and charges for additional solid waste related services by resolution.

(Ord. 06-04 (part), 2006)

Chapter 8.08 - CITY CONTAINER SITE

Sections:

8.08.010 - City to operate container site.

The city shall operate a container site for garbage and debris. The director of public works shall be the officer in charge of the container ~~site, and site and~~ shall adopt such rules and regulations as may be required in the operation of the container site. Such rules shall be posted at the entrance of the container site and must be obeyed by all persons using the container site.

(Ord. 1073, 1993; Ord. 1022, 1992; prior code § 8.16.010)

8.08.020 – Container site fees.

The city council shall, by resolution, establish fees to be charged for dumping by commercial contractors, businesses and noncity residents of wood; trees; uncompacted garbage, trash or rubbish; mixed loads such as wood or trees or other materials; compacted garbage, trash or rubbish; and construction or demolition materials. The city council shall also establish by resolution, fees to be charged for dumping by city residents of materials from construction or demolition projects for which a city building permit or demolition permit is required. City residents that do not pay for regular refuse collection will be charged fees for utilization of the container site for disposal of garbage and debris. The city council may change, alter or amend any such fee from time to time, at the council's discretion, by further resolution.

8.08.0~~32~~⁰ - Solid waste fees for noncity residents.

Ordinance No. O21-~~04~~— LMC Title 8 Health and Safety Amendments

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- A. The city council shall from time to time by resolution set fees for the depositing of household solid waste at the city container site by noncity residents, and the same may be changed from time to time in the council's discretion by further resolution.
- B. The fees for depositing all other types of garbage, trash or rubbish shall be in accordance with dumping fees as established by resolution of the city council.

(Ord. 1074, 1993; Ord. 1023, 1992; Ord. 810, 1985; prior code § 8.16.020)

Chapter 8.12 – CRIMINAL NUISANCES

Sections:

8.12.010 – Violations of Chapter 8.12 may be construed as misdemeanors, and are subject to the penalties enumerated in ~~8.12.1040~~.

Commented [KC1]: Previous reference to 8.2.110 section did not exist.

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8.12.020 - Purpose.

The purpose of this chapter is to regulate conditions in the city that may constitute public nuisances, are injurious to public health, safety, and welfare, obstruct the free use of property or interfere with the comfortable enjoyment of life or property and to provide for the remediation of such nuisances, to protect the public health, safety and welfare and to promote the economic stability of neighborhoods and areas within the city. It is also the purpose of this chapter to prevent and prohibit those conditions which reduce the value of private property, interfere with the enjoyment of public and private property, create, and constitute public nuisances and contribute to the degradation of the character of neighborhoods and the depreciation of property values.

8.12.0320 – Definitions.

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1. *Vehicle* means a two or more wheeled or track vehicle designed to transport one or more persons or properties from one location to another including without limitation: trucks, buses, cars, motorcycles, scooters, farm, and industrial equipment.

a. *Inoperable vehicle* means any discarded, ruined, wrecked, or dismantled vehicle, vehicle parts or components. Any vehicle not capable of immediate and legal operation in accordance with governing and applicable traffic ordinances and statutes or any vehicle not having current license plates lawfully affixed thereto.

b. *Junk vehicle* means any vehicle, including component parts that is discarded, ruined, wrecked, dismantled that remains inoperative or incapable of being driven and which is not lawfully and validly licensed. If a vehicle is permanently registered under MCA 61-3-562 and meets the criteria for a junk vehicle, the vehicle is a junk vehicle.

Junk means any worn out, cast-off or discarded article or material which is ready for destruction or has been collected or stored as salvage, for conversion to some other use or for reduction into components. Junk includes but is not limited to old or scrap metal.

rope, rags, household goods, appliances, furniture, vehicle parts or components, batteries, paper, tires, rubber debris or waste, iron, steel and other old or scrap ferrous or nonferrous material.

Open Storage means exposed to the elements or not stored inside an enclosed structure which includes walls on all sides and a roof.

1. **Permanent Storage** means storage of salvage, rubbish, or junk for a period exceeding five days without moving.

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8.12.01240 ~~Ice, snow, slush on sidewalks. Removal of snow, ice, etc., from sidewalks by abutting property owners~~

A. It is a ~~public~~ nuisance for the owner, occupant, or person otherwise in charge or control of any premises within the city limits to allow any ice, snow, slush, mud, or other impediment to safe pedestrian travel to accumulate or remain on any sidewalk in front of or adjoining such premises.

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B. ~~It shall be the duty of the occupant of any premises within the city, or in case such premises are unoccupied, the owner or his or her agent to keep the sidewalks in front of and adjoining his or her premise clean and safe for pedestrians, and to repair the same from time to time; and such occupant, owner or agent shall remove snow, ice, mud, slush and other impediment to safe and convenient foot travel, within twenty-four (24) hours after its accumulation thereon.~~

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~~It shall be the duty of the occupant person in charge or control of the any premises within the city, or in case such premises are unoccupied, the owner or his or her agent to keep the sidewalks in front of and adjoining his or her premise clean and safe for pedestrians, and to repair the same from time to time; and such occupant, owner or agent shall remove snow, ice, mud, slush and other impediment to safe and convenient foot travel, must remove any such impediment from the sidewalks within twenty four (24) hours after its accumulation thereon, and prevent to continuance and accumulation of the same. must keep sidewalks clean and safe for pedestrian travel at all times.~~

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(Prior code § 8.04.110)

8.12.020 ~~Lawn irrigation.~~

~~No person shall irrigate lawns or shrubbery and allow the water to collect thereon to such an extent that the same overflows on another's property, or overflows and collects in the gutter of the city streets.~~

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(Prior code § 8.04.060)

8.12.030 ~~Abandoned vehicles, storage or parking of vehicles, storage of trailers and recreational vehicles, storage of salvage, inoperable vehicles or junk vehicles. Open storage of junk, salvage, vehicles, inoperable vehicles or junk vehicles, trailers and recreational vehicles~~

A. Definitions. For the purposes of this section, the terms used above shall be defined as follows:

1. ~~1.~~ "Automobile Vehicle" means a two or more wheeled or track vehicle designed to transport one or more persons or properties from one location to another including without limitation: trucks, buses, cars, motorcycles, scooters, farm, and industrial equipment.
 - a. ~~Inoperable vehicle means any discarded, ruined, wrecked, or dismantled vehicle, vehicle parts or components. Any vehicle not capable of immediate and legal operation in accordance with governing and applicable traffic ordinances and statues or any vehicle not having current license plates lawfully affixed thereto.~~
 - b. ~~Junk vehicle means any vehicle, including component parts that is discarded, ruined, wrecked, dismantled that remains inoperative or incapable of being driven and which is not lawfully and validly licensed. If a vehicle is permanently registered under MCA 61-3-562 and meets the criteria for a junk vehicle, the vehicle is a junk vehicle.~~
1. ~~Junk means any worn out, cast-off or discarded article or material which is ready for destruction or has been collected or stored as salvage, for conversion to some other use or for reduction into components. Junk includes but is not limited to old or scrap metal, rope, rags, household goods, appliances, furniture, vehicle parts or components, batteries, paper, tires, rubber debris or waste, iron, steel and other old or scrap ferrous or nonferrous material.~~
3. ~~Open Storage means exposed to the elements or not stored inside an enclosed structure which includes walls on all sides and a roof.~~ ~~2. "Inoperable vehicle" means any automobile incapable of immediate operation under its own power safety and in concurrence with governing and applicable traffic ordinances and statues or any automobile not having current license plats lawfully affixed thereto.~~

C. Storage or Parking of Vehicles.

1. ~~In all residential zoning districts, storage or parking of commercial vehicles shall be limited to one delivery or delivery type vehicle not to exceed eight thousand pounds GVW (gross vehicle weight).~~
2. ~~Within the city limits open storage and off-street parking of licensed and operable motor vehicles in any front or side yard shall be on a surface prepared with asphalt or concrete. Open storage and off-street parking of licensed and operable motor vehicles in any rear yard may be on any type of surface.~~
3. ~~Vehicles shall not at any time be in a state of major disassembly, disrepair, or in process of being stripped or dismantles unless inside a structure or similarly enclosed area designed and approved for such purpose. Painting of vehicles is prohibited unless inside an approved spray booth.~~

D. Storage of Trailers and Recreational Vehicles. Snowmobiles, boats, motorized vehicles that are incapable of being legally operated on a public street, or other recreational vehicles and

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campers, trailers, motorhomes, and utility trailers shall be permitted to be stored in the rear yard, as follows:

1. In rear yards; or
2. In side yards, providing that the following conditions are met:
 - a. The property does not have public alley access or other reasonable access to the rear yard,
 - b. The side yard area to be used for such parking or storage has a prepared surface of gravel, asphalt, or concrete,
 - c. The unit shall not be parked any nearer than three feet from the side lot line or five feet from any door, window, or other opening of a dwelling which provides light, air, entrance to, or exit from the dwelling as needed to preserve the health, safety, and general welfare of the occupants of the dwelling, and
 - d. For purposes of this section, the side yard of a corner lot, which is adjacent to the street, is regarded as a front yard and no such parking or storage is allowed.
3. Trailers may be parked in the street if attached to a towing unit and complying with parking ordinances.
4. It is unlawful for any person or firm to park or store such vehicles in any front yard.
5. It is unlawful to occupy campers, camping trailers, or motor homes for living or sleeping purposes for longer than ~~fourteen days per calendar year~~ five ten consecutive days.
 - a. Campers, camper trailers and motorhomes shall not be connected to the city sewer system.

~~E. Storage of Salvage. Permanent open storage of salvage, inoperable vehicles, rubbish, lumber, furniture, appliances, used oil, cans, containers, or other chattel shall not be permitted in any zoning district. Exceptions to these restrictions are principal uses of property (e.g., auto wrecking), which may be permitted in as a business lawfully operated in nonresidential zoning districts, where the storage of such materials is necessary to the operation of the business enterprise.~~

Exception: lumber may be stored in the rear yard covering no more than one percent of the lot area.

~~F. Inoperable Vehicle or Junk Vehicle. Storage, parking or leaving any inoperable vehicle or junk vehicle shall not be permitted in any district. This section shall not apply to:~~

1. Vehicles stored in conjunction with a business lawfully operated in nonresidential zoning districts, where the storage of such materials is necessary to the operation of the business; or

2. An automobile or part thereof which is completely enclosed within a building in a lawful manner and where it is not visible from the street or other public or private property.

G. Any person who allows a public nuisance as set forth in this chapter to exist shall be notified that the nuisance must be removed within ten days after the receipt of the notice. If the nuisance continues to exist after that time, the person shall be guilty of a violation of this chapter and shall be punishable as set forth in Section 8.12.100. Such person shall be guilty of a separate offense for each day after the ten-day period that the nuisance continues to

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~~Ord. 03-5, 2003; Ord. 1024, 1992; prior code § 8.04.100~~

(Ord. 03-5, 2003; Ord. 1024, 1992; prior code § 8.04.100)

8.12.040 – PROHIBITION AGAINST COMMUNITY DECAY OR NUISANCES.

8.12.040 – PROHIBITION AGAINST COMMUNITY DECAY OR NUISANCES.

A. It shall be a violation of this chapter for any person to own or maintain or allow to exist any public nuisance or community decay on or adjacent to any public street or right-of-way or on any property occupied or unoccupied within the city limits.

B. Definitions.

1. "Agency" means the city or department designated by the city to enforce the community decay ordinance.

2. "Community decay" means a public nuisance created by allowing rubble, debris, junk or refuse to accumulate resulting in conditions that are or could be injurious to health, indecent, offensive to the senses, or obstruct the free use of property so as to interfere with the comfortable enjoyment of life or property. "Community decay" as used in this chapter may not be construed or defined to apply to approved, normal farming, ranching or other permitted operations, or other approved agricultural facility, or appurtenances thereof, during the course of its normal operations.

3. "Creating a hazard" means a dangerous condition existing on property that would be attractive to children, including such things as an unfenced swimming pool, a refrigerator or other container that could trap a child inside, and an un-barricaded construction site.

4. "Junk" means any worn out, cast off or unusable article or material which is ready for destruction or has been collected or stored as salvage, for conversion to some other use or for reduction into components. Junk includes but is not limited to old or scrap metal, rope, rags, household goods, appliances, furniture, vehicle parts or components, batteries, paper, tires, rubber debris or waste, iron, steel and other old or scrap ferrous or non-ferrous material.

5. "Person" means an individual, firm, partnership, company, association, group, corporation, city, town, or any other entity whether organized for profit or not.

6. "Public view" means community decay which is visible or detectable or noticeable from any point above the surface of the public street or right of way.

7. "Shielding" refers to fencing, screening or other approved man-made or natural barriers that conceal property from public view. Any shielding must conform to all local zoning, planning, building and municipal code provisions. This is not intended to require approved permanent buildings or other approved appurtenances thereto to be shielded.

8. "Uncared for Vegetation" means vegetation exceeding 8 inches above soil level, other than trees, shrubs, cultivated flowers, or gardens.

C. Public nuisances include but are not limited to the following:

1. To cause or suffer the carcass of any animal or any offal, filth, or noisome substance to be collected or to remain in any place in the city, or to the prejudice of others.

2. Creating or maintaining on any premises for twenty-four hours or longer any decaying or putrid animal or vegetable matter which contaminates the atmosphere or endangers or

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injures the health of any person, or which is indecent or offensive to the senses, or interferes with the comfort or enjoyment of any resident in the city.

3. Permit any nauseous, foul, or putrid liquor or other liquid substance to be discharged, placed, or thrown, or to flow from or out of any premises into or upon any adjacent premises, or any public street, alley, road or sidewalk, or into any channel or watercourse.

4. Any cellar, vault, drain, pool, privy, or sewer belonging to or controlled by such person to become, from any cause, nauseous, foul, offensive or injurious to the public health, or unpleasant and disagreeable to adjacent residents or persons, within the limits of the city.

5. Creating a hazard on any premises for more than twenty-four (24) hours.

6. Keeping or maintaining any pen or enclosure, stable or building for animals in such a filthy or unwholesome condition as to be offensive to neighbors or passersby, or injurious to the health of the neighborhood.

7. Allowing uncared for vegetation to remain on lot, boulevard, or abutting alleyway or street.

Animal Enclosures

It is a public nuisance for any person to keep or maintain any pen or enclosure, stable or building for animals in such a filthy or unwholesome condition as to be offensive to neighbors or passersby, or injurious to the health of the neighborhood.

8.12.050 – Noisome substances

It is a public nuisance to cause or suffer the carcass of any animal or any offal, filth or noisome substance to be collected or to remain in any place in the city, or to the prejudice of others.

8.12.060 – 8.12.070 – Reserved.

8.12.05850 -Public nuisance.

The City of Laurel has a right of entry when necessary to perform an inspection or to enforce the provisions of this chapter when a violation is reasonably believed to exist.

A. A condition which endangers safety or health, is offensive to the senses, or obstructs the free use of property so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood or by any considerable number of persons, including but not limited to, the following:

The enumeration, below, shall not be deemed exclusive, but merely illustrative, it being the intent and purpose of this subsection to include as nuisances, all actions or things of the character described in subsection (1)(aA), above.

1. Accumulating, maintaining or storing in public view on any lot or other parcel of land, any abandoned, discarded, or unused furniture, stoves, sinks, toilets, cabinets, household fixtures or equipment, or junk. If such material is being accumulated as part of an ongoing, active salvage business other than an approved licensed motor vehicle

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wrecking facility, the salvage business must be located in a properly zoned area for such a business;

2. Accumulating, maintaining or storing in public view on any lot or other parcel of land any junk vehicle, component part of a motor vehicle, or any abandoned, wrecked, dismantled, or inoperative trailers, campers, boats or other watercraft. Any person possessing one or more junk vehicles, regardless of ownership, shall shield the vehicles from public view or remove the vehicles to a licensed motor vehicle wrecking facility or to a licensed motor vehicle graveyard, as defined by MCA § 75-10-501 annotated;

3. Dumping, piling, or stacking of bricks, concrete blocks, waste wood and similar material on any lot or other parcel of land, unless said material is stacked in neat piles and all waste materials from the cleaning of such items, such as mortar, wood splinters, broken and unusable bricks, are removed;

4. Maintaining or accumulating on any lot or other parcel of land, garbage, refuse, decaying vegetation, animal bedding, waste or feces, cesspool, water holes, unsealed water tanks, stagnant water, or any other condition which is or may reasonably become infested or inhabited by rodents, reptiles, vermin or wild animals or may furnish a breeding place for mosquitoes or flies;

5. Maintaining or causing or permitting the same on any lot or other parcel of land, any building or premises which is determined to be dangerous or dilapidated. Any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous or dilapidated building, if such conditions or defects exist to the extent that the life, health, property, value of property or safety of the occupants or the public are jeopardized;

6. Fire or other casualty damage in public view which remains unrepaired for a period exceeding six months;

A building which is undergoing construction or remodeling for which a valid building permit has been issued by the city shall not be deemed in violation of this subsection so long as work thereon is prosecuted with reasonable diligence and so long as the building permit has not expired.

B. Any premises where persons gather for the purpose of engaging in unlawful conduct;

C. A condition which renders dangerous for passage any public highway or right-of-way or waters used by the public.

D. Burning garbage or rubbish within the city limits is specifically prohibited under this chapter.

ED. It is a public nuisance to build or maintain an outside toilet within the city limits.

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~~FE.~~ It is a public nuisance for any person to cause or permit any noxious, foul or putrid liquid substance to be discharged, placed, or thrown, or to flow from or out of any premises into or upon any adjacent premises, any public street, alley, road or sidewalk, or into any channel or watercourse.

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E. A person commits the offense of maintaining a public nuisance if such person knowingly creates, conducts or maintains a public nuisance. The owner of a parcel of property and the occupant of the parcel of property are jointly and severally liable for any violation of this section. There is a rebuttable presumption that the person named as owner of the property on the current assessment list of the state department of revenue is the owner of the property for purposes of this chapter.

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F. Any act which affects an entire community or neighborhood or any considerable number of persons (as specified in subsection (a)(1) of this section) is no less a nuisance because the extent of the annoyance or damage inflicted upon individuals is unequal.

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8.12.060 - 8.12.070 – Reserved.

8-12-100 - Penalty

A. Unless otherwise specified by the provisions of this chapter, any person who violates the provisions of this chapter shall be deemed guilty of creating and maintaining a public nuisance, and upon conviction thereof shall be punishable by a fine for the first offense of not less than \$100.00 and not more than \$500.00. ~~or by imprisonment for a term not to exceed six months, or both.~~ The second offense shall be punishable by a fine of not less than \$300.00 and not more than \$500.00 or by imprisonment for a term not to exceed ~~six months~~ thirty days, or both. The third or subsequent offense shall be punishable by a fine of \$500.00 or by imprisonment for a term not to exceed ~~six months~~ ninety days, or both.

B. The court may order that in the city be authorized to abate the public nuisance if the property owner or occupant fails to do so, and that the costs incurred by the city in abating said nuisance shall be assessed to the real property and taxed as a special assessment against the same. Interest shall accrue at the rate of ten percent per annum from the date of the court's order.

C. Each day of failure to comply with the provisions of this chapter shall constitute a separate offense.

State Law reference— MCA 7-5-4207.

8.12.110 - Abatement and collection of costs.

The remedies specified in this section shall be in addition to all other remedies provided by law. When a public nuisance has not been voluntarily abated within the time specified in the notice to abate, the following procedure shall apply.

- (1) The city may bring an action in the city court to have the nuisance declared as such by the court and for an order enjoining the public nuisance or authorizing its restraint, removal, termination or abatement by the owner or the person who caused the nuisance or the person who allowed the nuisance to be caused or to continue, or an administrative officer, his authorized representative, a police officer, a code enforcement officer, a community service officer or any person under contract with the city to perform such services.
 - (2) The action to declare and abate a public nuisance shall be brought by the city in the name of the people of the city, by the filing of a complaint, which shall be verified or supported by an affidavit. Summons shall be issued and served as provided by state law for civil cases.
 - (3) Upon the filing of the complaint in such action, the judge may issue a temporary injunction.
 - (4) In such action evidence of the general reputation of the premises is admissible for the purpose of proving the existence of the nuisance.
 - (5) If the existence of the nuisance is established, an order of abatement shall be entered as part of the judgment in the case. The judge issuing the order may, in his or her discretion:
 - (a) confiscate all fixtures used on the premises to maintain the nuisance and either sell them and transmit the proceeds to the city general fund, destroy them, or return them to their rightful ownership;
 - (b) close the premises for any period not to exceed 1 year, during which period the premises shall remain in the custody of the court;
 - (c) allow the premises to be opened upon posting bond sufficient in amount to assure compliance with the order of abatement. The bond shall be forfeited if the nuisance is continued or resumed.
- or
- (d) any combination of the above.
- (6) A notice of appearance shall be served with the summons and complaint. The appearance date shall be not less than twenty-one days from the date of service. The trial shall be held upon the appearance date, unless the court grants a continuance for good cause shown.
 - (7) The respondent shall file a response on or before the appearance date set forth in the notice of appearance.
 - (8) Upon the date and at the time set for appearance and trial, if the respondent has filed no response and fails to appear and if the city proves that proper service was made on the respondent at least twenty-one days prior to the appearance date, the court may grant such orders as are requested by the city; except that, the court shall order that enforcement by the city be stayed for ten days and that a copy of the court's order be

mailed to the respondent at his last known address. Failure to appear on any other date set for trial shall be grounds for entering a default and judgment thereon against a non-appearing party. For good cause shown, and prior to enforcement, the court may set aside an entry of default and judgment entered thereon.

(9) The judgment of the city court may be appealed to the district court.

(10) The procedure for determining the cost of abatement of a public nuisance will be as follows:

- a. Code enforcement staff will secure a contract for removal of the nuisance by following the usual city procurement process.
- b. Code enforcement staff will coordinate the abatement project with contractor, and oversee the work being performed.
- c. After the city mayor or his designee and the code enforcement staff have approved the final bill it will be forwarded to the city finance department for payment.
- d. A copy of approved bill(s) and proof of disbursement is placed in the code enforcement file maintained by code enforcement staff. These documents, along with the itemized abatement expense report are used to determine the total cost of abatement for the property. Costs that may be included on the abatement expense report are shown in subsection (7) h below. The abatement expense report is then certified and transmitted to the finance department for approval of assessment on the real property being abated.
- e. The property owner will then be sent an abatement expense report for the subject property and be given notice that any assessment that is not paid shall become a lien upon the property and is enforceable in the same manner as nonpayment of property taxes. The interest fee will be waived for any payments made within thirty days of notice.
- f. A summary listing of the assessments, tax codes, and property owners will be kept by the clerk and recorder through August 31st of each year, and the list shall be presented to the department of revenue for billing on the next real property tax statement.
- g. A special abatement fund will be established to account for costs, collections, and transactions necessary to the efficient operation of the program. Assessment funds collected are returned to the designated abatement account for future use on other involuntary property abatements or for transfer back to the city general fund.
- h. The city shall determine the actual costs of cleanup and involuntary abatement actions and document such costs. The following expenses will be assessed as the actual costs of abatement of a nuisance condition:
 1. Code Enforcement staff time/mileage/other costs.
 2. Police department staff time/mileage.
 3. Other involved city staff time/mileage/other cost.
 4. Postage/mailing costs.

5. Other direct costs associated with abatement.
6. The statutory judgment interest rate of ten percent per annum computed on above costs which will be waived if the total cost of abatement is paid by the property owner within thirty days of notice.
- i. The code enforcement staff has the discretion to coordinate and incur reasonable costs and services necessary for the safe, effective, and efficient cleanup of designated involuntary abatement properties. The code enforcement staff will notify the city mayor or his designee before any additional contracted costs in excess of one thousand dollars are incurred.

Chapter 8.13 – FIREWORKS (Prior code § 8.16)

Sections:

Footnotes:--- (1) ---

Editor's note— *Ord. No. 011-06, adopted May 17, 2011, amended Ch. 8.16 in its entirety and enacted similar provisions as set out herein. The former Ch. 8.16 derived from prior Code §§ 9.08.050 and 9.08.060; and Ord. 1006, adopted in 1991.*

• 8.13.010 - Prohibited except in certain areas.

The discharge, firing or use of firecrackers, rockets, torpedoes, Roman candles, or other fireworks or substances designed or intended for pyrotechnic display or demonstration within the city is prohibited; except as provided in this chapter. The mayor may at any time permit a public display or fireworks under such conditions as he/she may prescribe.

(Prior code § 9.08.050)

(Ord. No. 011-06, 5-17-2011)

• 8.13.020 - Sale prohibited in city limits.

It is unlawful for any person to offer for sale, expose for sale, or sell at retail or wholesale, within the corporate limits of the city, any fireworks of any nature whatsoever.

(Ord. 1006, 1991; prior code § 9.08.060)

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(Ord. No. O11-06, 5-17-2011)

• **8.13.030 - Discharging dates and times.**

1. The discharge of fireworks within the city limits of Laurel is prohibited except as follows:

A. July 2 from 8:00 a.m. until 11:59 p.m.;

B. July 3 from 8:00 a.m. until 11:59 p.m.;

C. July 4 from 8:00 a.m. to 12:30 a.m. on July 5; and

D. December 31 from 10 p.m. until 12:30 a.m. on January 1.

2. The mayor, or designee, shall determine if there are special circumstances that warrant the discharge of fireworks not provided for in this section, and authorize such use if the circumstance is community wide and of national, state and local significance.

3. Professional Fireworks Displays Using Display Fireworks. Public displays of fireworks by a licensed, bonded pyrotechnic operator are exempt from this section. Permits for any public display by a licensed bonded pyrotechnic operator from the mayor are required to conduct a public fireworks display. "Display fireworks" means an aerial shell, salute, flash shell, comet, sky battle, mine, and any similar 1.3g (display fireworks) and 1.4g (consumer fireworks) explosive as defined by the U.S. Department of Transportation in Part 173, Title 49, Code of Federal Regulations.

(Ord. No. O11-06, 5-17-2011)

• **8.13.040 - Possession illegal.**

1. Possession of fireworks not allowed to be sold or discharged by the state of Montana is illegal.

2. It shall be unlawful for any parent, guardian, or custodian of any child, the child being age twelve or younger, to permit or consent to the possession or discharge by the child of any fireworks as defined herein, unless that parent, guardian or custodian be in direct supervision of the child at the time of discharge. For purposes of this section "direct supervision" means the overall direction and control of an individual and requires the individual furnishing direct supervision to be present and immediately available to furnish assistance while he or she is in possession of or is discharging any and all fireworks. Direct supervision also requires the individual directly supervising to control the application of flame or other means of discharge of the firework and must be no greater than 10 feet away from the individual being directly supervised at time of the firework's discharge.

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(Ord. No. O11-06, 5-17-2011)

• **8.13.050 - Permissible fireworks.**

Shall be the same as those authorized by the State of Montana.

(Ord. No. O11-06, 5-17-2011)

• **8.13.060 - Littering illegal.**

It shall be illegal for anyone to leave debris from discharged fireworks on any public place including, but not limited to, parks, sidewalks, streets, and alleys, or on private property not owned by the individual discharging the fireworks.

(Ord. No. O11-06, 5-17-2011)

• **8.13.070 - Enforcement.**

1. City police officers shall enforce this chapter.

2. Any police officer charged with enforcing this chapter may:

A. Issue a notice to appear to Laurel City Court for violations of this chapter; and/or

B. Seize fireworks that are offered for sale, sold, or in the possession of any individual in violation of this chapter.

3. Any person who violates these rules and regulations shall be guilty of a misdemeanor and subject to the following fines:

° 1st offense—Two hundred fifty dollars;

° 2nd offense—Three hundred fifty dollars;

° 3rd offense and higher—Five hundred dollars.

(Ord. No. O11-06, 5-17-2011)

• **8.13.080 - Fireworks prohibited on all city or public property.**

Fireworks may not be discharged in or on any park, city or public property.

(Ord. No. O11-06, 5-17-2011)

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• Chapter 8.14 - MISCELLANEOUS FIRE PROTECTION REGULATIONS^[2]

Sections:

Footnotes:

--- (2) ---*Editor's note— Ord. No. 010-03, adopted Aug. 17, 2010, amended Ch. 8.20 in its entirety and enacted similar provisions as set out herein. The former Ch. 8.20 derived from Ord. 926, adopted in 1987; and prior code §§ 9.08.010 and 9.08.020.*

• 8.14.010 - Bonfires prohibited.

A. Except as provided hereinbelow, no person shall build, kindle, ignite, maintain or allow any bonfire, rubbish fire, or any other open fire on any property within the city limits of the city.

B. The city fire chief may allow a special permit to a public agency to ignite and maintain a recreational-type bonfire only, within city limits. The agency shall first apply to the fire chief for such permit pursuant to Section 105.6.30 of the International Fire Code which is adopted by the city. As a condition of granting the permit, the fire chief may require that the city fire department shall stand by, at and during the recreational bonfire for which the permit is granted. The permit holder shall abide by all provisions and stipulations on the permit and obtain a Yellowstone County Open Burning Permit.

C. The city fire chief may allow an open burning permit for agricultural purposes to any person(s) requesting such. The permit holder shall abide by all provisions and stipulations on the permit and have obtained a Yellowstone County open burning permit.

D. Approved or purchased outdoor fireplaces may be used per manufacturers' specifications and in accordance with Section 307 of the International Fire Code as adopted by the city. No pit fires shall be allowed. Under the provision of MCA 50-63-103, you are liable for any and all fire suppression costs and damages resulting from an escaped or uncontrollable fire. Items prohibited to burn can be found attached to ordinance.

E. The city council may from time to time by resolution, establish or change a fee to be paid to the city by the applicant, at the time of application for a special bonfire permit.

(Ord. No. 10-03, 8-17-2010)

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• **8.14.020 - Careless conduct in smoking.**

A. Any person who, by reason of careless, willful or wanton conduct in smoking, or in the use of lighters or matches for smoking, sets fire to any bedding, carpet, curtains, drapes, furniture, household equipment or other goods or chattels or to any building, shall be fined in accordance with the penalties provided in Section 1.36 of the Laurel Municipal Code, or prosecuted under any other appropriate law.

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B. "Careless conduct in smoking" includes, as used herein, any of the following acts, commissions, or omissions: permitting a spark from a lighted cigar, cigarette or pipe to fall upon or into anything flammable; placing any lighted smoking material on or about or in close proximity to any flammable article; falling asleep with lighted smoking material of any kind at hand; throwing lighted smoking material out of a window or into an elevator pit or elsewhere other than in a proper receptacle therefor; dropping a lighted cigarette or cigar or part thereof into a mail chute in any building; failure to extinguish the fire of a match or any kind of lighter device after use of the same; failure to destroy the lighted part of a cigar or cigarette when disposing of it; failure to destroy the burning smidgen or smidgens of tobacco from a pipe when cleaning or unloading a pipe.

C. A plainly printed notice of the provisions of this section shall be posted in a conspicuous place in every sleeping room of every hotel, rooming house, tourist home, tourist court or other place renting rooms for the accommodation of the public. Such notice shall be posted by the owner, proprietor, or managing agent of such establishment.

(Ord. No. 10-03, 8-17-2010)

Chapter 8.24 - NOXIOUS WEEDS

Sections:

8.24.010 - Definition.

"Noxious weeds" means non-native plants that have become established or that may be introduced in the state. These Noxious Weeds may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial uses. These plants are designated as "Noxious" by rule of the Montana Department of Agriculture or as a District Noxious Weed by the Yellowstone County Weed Board. all rank vegetable growth of every kind and nature, including but not limited to dandelions and all weeds known as Canada thistle, Scotch bull thistle, Russian thistle, sow thistle, quack grass, leafy spurge (euphorbia esula or euphorbia virgato), field bindweed, Russian knapweed (centaurea picris), hoary cress (lapidium draba, lapidium repens, and humenophysa pubesens), dodder or any similar unwanted vegetation over eight inches in height.

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“Owner” means the title owner(s), representative(s) of any title owner, occupant(s), contract purchaser, or any other person or representative of any entity which holds a legal or equitable interest in any parcel.

(Prior code § 8.08.010)

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No owner ~~or owners~~ of any ~~parcel, lot, place~~ or area within the city, or agent of such owner, ~~or owners~~, shall permit noxious weeds on such ~~parcel, lot, place~~ or area and one-half of any road, ~~alley~~ or street ~~lying abutting next to such property abutting~~ thereon. The existence of such noxious weeds shall constitute a public nuisance.

(Prior code § 8.08.020)

8.24.030 - Notice to destroy.

- A. Whenever noxious weeds are found to exist upon any premises within the city, the city shall notify the owner of the property or, if no such person can be found, the person in control of the premises.
- B. The notice shall state that the existence of such noxious weeds constitutes a public nuisance, and shall order the owners, or persons in charge, to exterminate or remove all such weeds on any ~~parcel, lot, place~~ or area within the city limits and upon one-half of any adjacent ~~road, street, or road~~ alley. The notice shall further inform such property owners, or their agents, that upon their failure to remove or exterminate such weeds within a specified time, the city may proceed to have such weeds removed or exterminated and assess the cost thereof to the property involved.
- C. Personal notice of the order shall be served. In case personal service cannot be obtained, then the notice shall be published in a ~~prominantly~~ prominently displayed advertisement, once a week for two weeks in a newspaper in the city, or if no such paper exists, in a newspaper within the county. The last date of publication shall be not less than seven days prior to the date upon which the city shall commence the removal of weeds from such property.

(Prior code § 8.08.030)

8.24.040 - Noncompliance—City action.

Upon the failure, neglect or refusal of any owner or owners, or agent thereof, to exterminate or remove noxious weeds growing, ~~lying~~ lying, or located upon the property of the owner or upon one-half of any road, ~~alley~~ alley, or street ~~lying next to abutting~~ the ~~lands~~ parcel before the date specified in the notice, the ~~engineer or other responsible~~ city official may exterminate or remove such noxious weeds. Such official shall report to the city clerk-treasurer the cost of such extermination. The city clerk-treasurer shall make an additional charge of ten percent to cover administrative costs. The total costs shall be assessed against the ~~lot or~~ parcel of land from which or ~~adjoining abutting road, street, or alley~~ which the noxious weeds have been exterminated or removed. The city clerk-treasurer shall cause the aforesaid costs to become a lien against the property involved.

~~(Ord. 97-2 § 4 (part), 1997; prior code § 8.08.040)~~

8.24.050 - Violation—Penalty.

Any person violating a provision of this chapter shall, upon complaint and conviction thereof, be punished by a fine not exceeding five hundred dollars.

~~(Prior code § 8.08.050)~~

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

Introduced and passed on first reading at a regular meeting of the City Council on ~~September 28~~, 2021, by Council Member _____.

PASSED and ADOPTED by the Laurel City Council on second reading this ____ day of _____, 2021, upon motion of Council Member _____.

APPROVED BY THE MAYOR this ____ day of _____, 2021.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

APPROVED AS TO FORM:

Sam Painter, Civil City Attorney

Ordinance No. O21-~~04~~—LMC Title 8 Health and Safety Amendments