



**AGENDA  
CITY OF LAUREL  
CITY COUNCIL MEETING  
TUESDAY, NOVEMBER 23, 2021  
6:30 PM  
COUNCIL CHAMBERS**

NEXT RES. NO.  
R21-122

NEXT ORD. NO.  
O21-05

**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 November 9, 2021.
2. Approval of the Minutes of the November 10, 2021, Special Meeting.

### **Correspondence**

3. Beartooth RC&D November 2021 Correspondence.
4. Ambulance Monthly Report - October 2021.

### **Council Disclosure of Ex Parte Communications**

### **Public Hearing**

5. Pubic Hearing: A Resolution Approving Zone Changes For Property Owned By Northwestern Corporation D/B/A Northwestern Energy Located Near Lindy Lane Within The City Of Laurel's Zoning Jurisdiction.

### **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.*

6. Claims entered through November 19, 2021.
7. Approval of Payroll Register for PPE 11/14/2021 totaling \$202,062.33.
8. Council Workshop Minutes of October 5, 2021.
9. Council Workshop Minutes of October 19, 2021.
10. Council Workshop Minutes of November 2, 2021.
11. Council Workshop Minutes of November 16, 2021.

### **Ceremonial Calendar**

## **Reports of Boards and Commissions**

- [12.](#) Budget/Finance Committee Minutes of November 9, 2021.
- [13.](#) Public Works Committee Minutes of October 18, 2021.
- [14.](#) Tree Board Minutes of October 21, 2021.
- [15.](#) Park Board Minutes of November 4, 2021.
- [16.](#) Public Works Committee Minutes of November 15, 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**

- [17.](#) Appointment of Jacob Vannoy to the Laurel Volunteer Fire Department.
- [18.](#) Resolution No. R21-122: Resolution Of Intent To Annex Contiguous City-Owned Properties Into The City Of Laurel, Yellowstone County.
- [19.](#) Resolution No. R21-123: A Resolution Of The City Council To Adopt Criteria For Awarding And/Or Approving Grants For The Laurel Urban Renewal Agency (LURA) Board And City Council.
20. Motion To Allow Council Member Klose To Be Absent From The City Of Laurel For More Than Ten Days. (LMC 2.12.060)
- [21.](#) Resolution No. R21-109: A Resolution Approving Zone Changes For Property Owned By Northwestern Corporation D/B/A Northwestern Energy Located Near Lindy Lane Within The City Of Laurel's Zoning Jurisdiction.

## **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 November 9, 2021.



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 September 28, 2021.
- Budget/Finance Committee Minutes of October 12, 2021.
- Budget/Finance Committee Minutes of October 26, 2021.

**AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):**

Carol Blades, 1809 DeNittis Lane, good evening President Eaton and Council Members. This morning I visited the Council Chambers as I planned to attend tomorrow night's meeting regarding the easement under the City's Riverside Park. I had never been in here, and I had never addressed a Chamber like this, so I kind of wanted to get my bearings. Brittney was very gracious and kind to me. She showed me the Chamber and showed me the basic protocol. I decided to attend tonight as well because I have two points. The improvements that you all have made at Lions Family Park are just fabulous. They are a nod to good health to people like me, anyone who is willing to go out there and take advantage of it. I think you for your efforts. I know it was several years of work to do that. My second item is it was my understanding that Laurel had put NorthWestern Energy's gas plan proposal on pause while you called for public input. Which I greatly applaud that you have asked for public input. However, I was notified yesterday that on November 10, tomorrow, you plan to possibly pass the requested easement under Riverside Park. NorthWestern Energy publicly acknowledged it bypassed public input to save money. I thought you all had cried foul. And I thought you were genuinely interested in public input. I have spent many hours researching, drafting, and writing my two-page letter of input to you. I sent it to Brittney this morning, and I am sure she has forwarded it to you. I am also sure that not all of you have had an opportunity to read my letter, let alone to think of the implications or have a dialog as a group about it. There is ample more input coming to you. Please do not ignore our input under pressure from NorthWestern Energy. Please continue to pause this gas plant proposal on all fronts. Please give an honest ear, an open mind, and ample discussion to our points of view that we are submitting. Thank you.

Steve Krum, 249 24<sup>th</sup> Avenue W., basically I would like to address Council about the proposed zone change by NorthWestern Energy for the methane power plant. I have been reviewing the Laurel Municipal Code to try and figure out how we got to where we are today. One of the issues in the zoning verbiage itself it's focused on residential type zoning where you go blocks and lots. It doesn't really speak to what we are talking about today, the rural lands, the homes, and neighborhoods within the City/County zoning area and the industrial-zoned area close by. But when I read the code, it was obvious that the intent of the code is to protect the health and welfare of those living in the area being considered for the zoning change. I have a few of the codes, and I would like to read them to you to emphasize the intent of the code to protect those already living and working in the area being considered for this zone change. Mr. Krum read LMC 16.04.030 into the record. I believe building a massive plant like they are proposing in that area is a manmade hazard—a Consideration of the impacts on the natural resources and development in harmony with the natural environment. The City Council received letters from the people that live down there about the animals, the eagles, the nesting. That's definitely going to impact that. The protection of the rights of all the documented property owners affected by the proposed subdivisions, including water. Which I don't think the neighborhoods were addressed at all, and the code addresses these neighborhoods. Unless the variance would not adversely affect or injure. The Zoning Commission should not recommend that land-use variances be granted unless the variances would not affect adversely, injure, or result in injustice to others. And I believe that's going to happen. Their property values are going to go down. Their health issues are going to up. Their lives are going to be totally changed by this huge power plant right across the river from them. Mr. Krum read LMC 17.04.020 and 17.04.030 into the record. Again, put that plant right next to that neighborhood, the neighborhoods up by the rims, the neighborhoods by the Clark's Fork the neighborhoods build down east of Laurel south of the river, they are going to impacted by this as well. Their health as well. Constant noise is a health issue. Mr. Krum read LMC 17.62.010 into the record. It says you can go beyond the 300 feet because the 300 feet was specifically referring to the blocks with lots. Mr. Krum read LMC 17.62.020 into the record. That's the adjacent neighborhood, and this is not compatible with them at all. The Zoning Commission's actions it is compatible with surrounding land use or otherwise screened and separated from adjacent land in such a way as to minimize adverse effects. This is a big plant. There is no way



they are going to stop all the sound coming off that. Those are massive engines, and the horsepower over there is enormous. Further, the zoning commission may consider and impose modifications or conditions concerning but not limited to the following: noise, vibration, air pollution, and similar environmental influences. That's everything that this plant is going to do to this area. Right here is says, "an application for the official maps should remain on..." I don't want that. So basically, I guess my point is that the Municipal Code, even though it doesn't directly address rural neighborhoods, it seems to be focused on what we do in the subdivisions development where there's blocks and lots and stuff like that. It does address that it says the neighborhoods adjacent to that should address. I have spoke with some of the people involved in looking at this, and I don't believe the DEQ did this neighborhood justice based on reading their report. I don't believe NorthWestern Energy give the full facts and the true issues on the size of this plant. And then, I also reviewed a plant built somewhat smaller than this in Ulysses, KS. But if you Google it on Google Maps, it is 13 miles east of town in a very sparsely populated area. They made sure not to build it next to a neighborhood like this. The closest people are a mile and a half/ two miles away. This plant is going to be noisy, and I would hope to have the Council reconsider or consider voting no on this and or at least giving it a long time to be reviewed by more people as stated by the previous speaker. It was supposed to be delayed. Give us more time and discuss the real issues instead of rushing this through. Thank you.

Aaron Felder, 1434 McMullen Lane, Good Evening Council. I have had a long time to think about some things this evening. I'm going, to be honest with you. Right here, you guys are more powerful than lawyers. You're more powerful than the courtroom that's next door. And your more powerful than the courtrooms in the next town, in Billings. You really are, and we need you. I know we are not in your ward, and I get it. I really do. These people need you. I do. In your oath office, there is word in there called fidelity. Fidelity means faithfulness, loyalty, and support. Support is what I am asking for. I won't be able to attend tomorrow. I have a job when my job calls I got to go. Tomorrow when NorthWestern Energy is in this Chamber, I employer one of you, two of you, all of you to look NorthWestern Energy in the eye and ask them, have you done anything for these Laurelen's on the southside of the river. Have you spoken to them? Have you addressed their concerns? Because by doing that, you stand for us. And help us get the questions we need answered. It's what I'm asking. Please, will somebody stand up and ask that for me tomorrow. Thank you.

Kasey Felder, 1434 McMullen Lane, I live straight across the river from the NorthWestern Energy gas plant site. One I would like the Park Board, we did attend a Park Board meeting last week. I do applaud the City's effort to improve Riverside Park. I think there is a lot of potential there, but to go forward with something like an easement for the gas line that would go to this proposed plant site. Who's going to want to camp at Riverside Park. Who's going to want to enjoy the buildings, enjoy that, and recreate there when you have this noise plant right there and downstream. So again, I would hope you reconsider this easement that is supposed to come up tomorrow night and further down this month the zoning change request. Secondly, I would like to offer up a chance for each of you Council Members to each of you come down to where we live. Please come down McMullen Lane and Theil Road. Please come at my house and tell me I don't have something worth fighting for. Because I tell you I do. There is a reason I bought house that I am, and the land that we have. I employer you to come take a look and tell me it's not worth it. I bet you wouldn't be able to tell me no. Please take this into serious consideration. I fight for myself, but I also fight for my neighbor Carol and all my other neighbors down there that maybe can't make it here, but it's what I am fighting for. Thank you for your time.

Brad Molnar, 1423 Frank Road, during the course of events, I have represented Laurel in the Montana House of Representatives. I now represent Laurel in the Montana Senate and serve on the Energy Committee. In between those two, I spent eight years on the Montana Public Service Commission. During that time, I sat and heard all the arguments for and against the David Gates generating plant, which is raised to what is being done here. I was also called upon several times as an expert. When the [inaudible] built the Fisher coal plant and gas plant up in Great Falls. On the in-between, I volunteered and became a citizen intervener on this case. So for several months, I saw all the questions, I saw all the answers, I saw all the arguments take place. It will now go to the Commission, assuming it gets through the process here. It is not my intention through the entire process to advise anybody on how to vote. I am just simply here to say that I know you have been thrust into a large pool. You have been told about the western grid and the problems that are there. You have been told about our concerns on a national and international basis. These are things I have dealt with professional for probably about ten years. So if someone sends me an email, I don't consider it ex parte communications because I am not going to advocate one way or the other. If anybody has a question, I will answer it forthrightly as I can. If anybody asks me a question that I don't have an answer to, I know where I can get it and get it quickly. Then I will give that to you,



complete with footnotes on where I found it, and you can use it as you see fit. It is my intention tonight to simply offer my services, but if want me to come to a work session, I will, if you want to call me on the phone or send me an email. I have sent an email to everyone offering this. I stand offering my service because it is something I do, and it is part of public service. Thank you.

Shannon Heim, 2829 Alpine View Loop in Helena, I am the Director of Regulatory Counsel at NorthWestern, so we actually are here and appreciate the comments that have been made tonight. I am here to reiterate the partnership we have with the City of Laurel is. This easement is one step of many. I do encourage Council to keep an eye on what is actually in front of you. It is a 500 foot by 40-foot easement. That's it. It's a little bit under the corner of the park. That said, we recognize it's still an important thing for all of us to talk about. We have offered the Council and provided in writing this to your City Attorney; I have copies if you would like them. We have offered to pay \$1,500 annually for use of the easement, and additionally, as soon as we have the easement in hand, we will make a \$15,000 gift to the City of Laurel to use for the Parks. For Riverside Park or any other park as Council sees fit. We think it is important that we move forward together. That this plant is important to us. We think it is incredibly important to the City of Laurel. It represents an incredible economic development opportunity. It provides a way for us to be tied even more closely together. It is also really good for the State of Montana. I know that people say that, and it's hard to see the bigger picture sometimes, but this is really important for us literally to keep the lights on. So we are here asking for the easement. We will be here tomorrow night to talk to you about it in more detail and answer any questions you might have. We look forward to working with you and continuing the partnership. It's not like we are new to town; we have been here for a long time and will be here for a long time after. No matter what happens with the Laurel generating station. I do have; I see that your City Attorney is not here. I do have this easement that was provided to him if you would like it. Totally at your discretion.

Council President Eaton clarified that the easement would be discussed at tomorrow's meeting. The easement has been provided in Council's packet for tomorrow evening.

Council President Eaton read into the record the attached letter from Karen Ehresman of 1620 DeNittis Lane.

Council President Eaton read into the record the attached letter from Melanie Tripp of 1519 McMullen Lane.

Council President Eaton read into the record the attached letter from Oli Tripp of 1519 McMullen Lane.

Council President Eaton read into the record the attached letters from Carol Blades of 1809 DeNittis Lane.

Council President Eaton read into the record the attached letter from Brad Molnar of 1423 Frank Road.

**SCHEDULED MATTERS:**

- **Resolution No. R21-118: A Resolution Of The City Council Approving A Memorandum Of Understanding Between The City Of Laurel And Local Union Local 303, American Federation Of State, County And Municipal Employees, AFSCME.**

Motion by Council Member Klose to approve Resolution No. R21-120, 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.

- **Resolution No. R21-119: A Resolution Authorizing A Lease Agreement Between The City Of Laurel And Laurel American Legion Post #123, For The Construction And Use Of City Owned Property For A Parking Lot Near The City's Cemetery.**

Council President Eaton pulled this item from the agenda. She read the attached email from Planning Director Altonaga.

- **Resolution No. R21-120: A Resolution Of The City Council Authorizing The Removal Of Former Mayor, Thomas C. Nelson, From All-City Accounts And Adding Newly Elected Mayor, Dave Waggoner, To All Such Accounts.**

Motion by Council Member Sparks to approve Resolution No. R21-120, 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.

- **Motion To Allow Council Member Sparks To Be Absent From The City Of Laurel For More Than Ten Days. (LMC 2.12.060)**

Motion by Council Member McGee to approve the motion to allow Council Member Sparks to be absent from the City of Laurel for more than ten days (LMC 2.12.060), 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.

- **Appointment of Mayor to fill Vacancy.**

Motion by Council Member McGee to appoint Council Member Stokes to fill the Mayor's Vacancy until January 3<sup>rd</sup>, and he could return to his seat on Council, seconded by Council Member Herr.

Motion by Council Member Klose to appoint Council President Eaton to fill the Mayor's Vacancy until January 3<sup>rd</sup>, and she could return to her seat on Council, seconded by Council Member Sparks.

There was no public comment or council discussion on either motion. A ballot vote was taken on the motion. Clerk/Treasurer Langve read off the ballot count. Three votes Stokes; three votes Eaton.

Clerk/Treasurer Langve, I have to say as Staff, we've had enough. Come on. We've already lost our Mayor; give us a break. She's been doing this for three weeks.

Council President Eaton asked for motions for nominations to fill the Mayor's Vacancy.

Motion by Council Member Sparks to appoint Council President Eaton to fill the Mayor's Vacancy until January 3<sup>rd</sup>, and she could return to her seat on Council, seconded by Council Member Herr.

Council President Eaton asked if there was a second nomination. That was none.

Council President Eaton asked if Council would be in favor of a voice vote on this. Council agreed.

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):**

City Hall will be closed on November 11, 2021, in observation of Veterans Day.

**COUNCIL DISCUSSION:**

Laurel Senior Center is offering a free meal for Veterans-on-Veterans Day. Please call ahead to ensure a meal is available.

**MAYOR UPDATES:**

There will be a Special Council meeting tomorrow evening, November 10, 2021, at 7:00 p.m. This agenda will be one item only.

**UNSCHEDULED MATTERS:** None.

**ADJOURNMENT:**

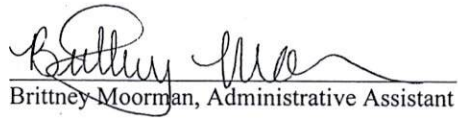


DRAFT

Council Minutes of November 9, 2021

Motion by Council Member Stokes to adjourn the council meeting, 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.

There being no further business to come before the Council at this time, the meeting was adjourned at 7:28 p.m.

  
Brittney Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 23<sup>rd</sup> day of November 2021.

\_\_\_\_\_  
Emelie Eaton, Interim Mayor

Attest:

\_\_\_\_\_  
Bethany Langve, Clerk/Treasurer

## **Brittney Moorman**

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**From:** Karen Ehresman-Oberly <kehresman@gmail.com>  
**Sent:** Tuesday, November 2, 2021 7:25 PM  
**To:** Brittney Moorman  
**Subject:** Opposing the building of Northwestern Laurel Gas Plant  
**Attachments:** November 1 Letter.docx

Dear Brittney,

Please read the attached letter and present to City COuncil.

\Thank you

--

Karen Ehresman  
1620 DeNittis Lane  
Laurel, Mt 59044

November 1, 2021

Northwestern Energy's Proposed Laurel Gas Plant

To whom it may Concern:

I am writing this letter to oppose the building of the Methane gas plant in Laurel on the undeveloped land east of the CHS refinery, 300 feet from the Yellowstone River.

The Yellowstone River is a beautiful River with history from the early explorers and fur trappers. The scenery is excellent, there is wildlife and bird viewing. All of these natural areas will be destroyed with the plant that is proposed to be built near the Yellowstone River. The visual impact from the road side as well as the view from the river will be destroyed.

The noise Pollution will affect the residents, the wildlife and the birds. Many times that I have floated the Yellowstone River I have seen Eagles, Owls and Osprey flying in the trees and ducks and geese floating the water. The peacefulness will be destroyed.

Health Hazards, the pollutants are harmful to the human health. We already have sulfur dioxide that exceeds the allowed limits of pollution. Add in the air pollutants from the Gas Plant, making our air quality even worse. Due to methane gas exposure and poisoning, people may suffer from a range of long-term effects including: Cardiovascular, respiratory and neurological problems. Development of epilepsy, **pneumonia**, claustrophobia, heart problems, memory loss and depression.

It is also proven that Methane Gas emit climate harming greenhouse gases, contributing to more Climate Change problems.

Sincerely,

Karen Ehresman  
1620 DeNittis Lane  
Laurel, Montana 59044  
406-690-6640  
kehresman@gmail.com

## **Brittney Moorman**

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**From:** Melanie Tripp <melt@comtechmt.com>  
**Sent:** Wednesday, November 3, 2021 11:04 PM  
**To:** Brittney Moorman  
**Subject:** Re: Gas Plant Zoning - Please Consider

Hello City Council

Thank you again for taking my comments regarding the proposed gas power plant north of the banks of the Yellowstone River.

In addition to my previous comments I would like to express my concern that Laurel citizens and surrounding county residents are in need of more and proper notice, enough opportunity to speak and additional time to send comments on the proposed gas plant or changing zoning and/or annexation to allow it.

I feel the majority of Laurel residents have no idea there is work being done to move forward with building a gas plant with eighteen 77 foot high stacks in/near Laurel.

Northwesterns gas plant is planned to be placed north of my own backyard and I had no idea of any of this until just last week. I know this is true for many others and that I am not alone.

I believe a large majority of Laurel citizens would be shaking their heads to find out what I recently did. They would frown in consternation for their families and children's health and safety as I am now.

They would have questions. And comments.

If a project of this size continues people may soon look at the skyline of RICE generators overtaking our city and ask themselves, like I am at this moment, if they were even given the time to change things or weigh in.

Perhaps I've missed the boat but it does seem I should've heard more about all of this sooner I do hope more time is given.

Again thank you Council for your time and consideration.

Respectfully,

Melanie Tripp  
1519 McMullen Lane  
Laurel, MT 59044  
406-208-6548

On Oct 27, 2021, at 1:41 PM, Melanie Tripp <melt@comtechmt.com> wrote:

Hello City Council,

I am writing to you regarding the proposed zone change to allow a gas power plant in Laurel and just a few hundred feet from the Yellowstone River.



My family and I live in Yellowstone County just south of the river on McMullen Lane. Just as any person would be, I am opposed to any change that allows a power plant to be built directly across from our home on the river, directly south of the proposed site and particularly one that is dangerous to the health and well being of my family. I have listened in on council meetings and would echo the concerns you've heard so far from residents in my neighborhood.

I am not a scientist or an expert on gas power plants. I am a long time small business owner, a mom and a grandmother. I can only speak to you as an eye witness and a citizen of Yellowstone County asking your help to represent myself and families in Laurel in standing up to any multi million dollar company looking to change the landscape and quality of our city.

In our home are my husband and myself, our 3 daughters, son-in-law and two very small grandbabies. It's a busy household with many family members and guests visiting daily. We have a hobby farm and a couple dozen farm animals. Our property has an easement to walk to the river and use of the river's beach area. Our family, kids and grandkids have spent many days and hours at the river enjoying wildlife and the beauty it allows while still living close to town. The river and it's surrounding area is the reason any one of us will tell you is THE number 1 reason we love our home.

After 5 years of spending time on the river (directly south of the proposed plant) I can attest the area is bursting and teeming with an incredible amount of wildlife and recreation. Just an hour in the spot where we enjoy will grant you dozens of opportunities to see river wildlife like you've not seen before. This includes but is not limited to blue heron, hawks, bears with cubs, mountain lions, deer, foxes, fish, toads and so much more. These last years we've watched a pair of eagles nesting and raising eaglets just a short distance west of our area and northeast of Riverside Park. Did you know bald eagles will mate for life?

Also from our vantage point we watch many people pass and float by during the low water times of year with their children and dogs. Between Riverside Park and the BLM area, this is a busy area and many of your citizens use this area to fish, recreate and create memories with their children as they swim, splash and play in water and air we hope is clean and safe for them. With all of the humankind in the areas... This is a peaceful and quiet area to enjoy. The only audible sounds are those of the river and nature in the background.

This is a beautiful and picturesque place we are tasked to care for and are absolutely fortunate to have available to us as a city.

Imagine all of the above recreation and river landscape with the addition of noise and air pollution that's been shared the plant will bring. Imagine much of the recreation and wildlife disappearing from our area with the amount of noise and pollution being proposed. People will move and leave that area as it become dilapidated and in disrepair where it will now be the city's responsibility to try to revive a large dying section of properties around the plant. A much more difficult and expensive task to turn the area back to it's glory days once we've begun down that road.

The more I read about the noise and air pollution this plant will generate, the more concerned I become for my family's safety and well-being. A quote from the Missoula Current regarding the DEQ's suit states the plant "would emit nearly a thousand tons per year of air pollution, other than greenhouse gases. This includes particulate matter, nitrogen oxides, carbon monoxide, volatile organic compounds, and sulfur dioxide."

And (Yellowstone County's) "air is already below normal quality because of sulfur dioxide, which causes respiratory symptoms, aggravates asthma and other negative health effects, according to the EPA."

I can also assume the pollution will have a potential negative impact on water quality. Many of the homes along River Road as well as ours are on wells for drinking water.

With all of the impacts our citizens already experience from industrial plants in Laurel, I cannot help but wonder...

Why are we building yet another plant here in our city?

Why so close to our beloved river area where we've spent so much time and effort to revive and draw locals and tourists to Riverside Park?

Are there not better suited and safer areas to build this plant without such a steep safety impact to the mental and physical health of our humankind in and around the city of Laurel?

Does the plant really need to be in so close of proximity to our schools, businesses, families, and our children in Laurel?

Can we continue to work and do better to create a Laurel that is thriving, beautiful and an impressive community to move to and live in?

Lastly will the addition of this plant assist in building a better, safer and more enjoyable atmosphere for our Laurel businesses, families and all residents?

Upon visiting the City of Laurel's website I found this Mission...

### Our Mission

The elected officials, appointed committee members, employees, and volunteers of the City of Laurel are committed to developing and enhancing our community's quality of life while preserving the City's unique character...

With that I will close by sincerely saying...

Thank you City Council Members for serving your city and its citizens. A large portion of my time has been spent volunteering with members of Billings City Council on task forces and legislation. Because of this I have come to understand serving on Council is a very tough job with many often thankless hours of volunteer time.

I would like to Thank you again for your time and for your consideration,  
Melanie Tripp

Owner/CFO, COMTECH Audio Theater Security, Billings Private Gym and Koenigstein Eis  
Zonta Club of Billings Director and Vice President Zonta Club of Billings Foundation  
Co-chair - Yellowstone County Area Human Trafficking Task Force and Red Sand Project Billings

1519 McMullen Lane - Laurel, MT  
406-208-6548



## **Brittney Moorman**

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**From:** Oli Tripp <olit@comtechmt.com>  
**Sent:** Thursday, November 4, 2021 9:31 AM  
**To:** Brittney Moorman  
**Subject:** Gas Plant Zoning - Please Consider

Please read into record my letter regarding the proposed re-zoning of the northwestern energy gas power plant

Oli Tripp  
1519 McMullen Lane  
Laurel, MT 59044

Thank you for taking the time to read my letter. I will keep my letter short and to the point. I hope to hear a response via a vote against rezoning the proposed northwestern energy site. I do hope that Laurel will maintain the river, the nature and the beauty that is the Yellowstone River Ecosystem and it's recreational opportunities.

First off I understand I am not an expert in this industry. I also understand that with the shut down and closings of coal fired power plants there is a an immediate need for alternative reliable energy sources. One of these being the proposed facility.

1. Can the power plant be located elsewhere away from any residential areas?
2. Is there a strategic reason for the power plant to be located on the Yellowstone River?
3. There are areas all over this region that have nothing around them for miles, could we not asked to have it located there?
4. It is my understanding that the power produced from this size of plant will need to be put on lines and sent to Broadview substation. Would it not make more sense to locate the plant somewhere near or outside of the Broadview substation where there is much more open space?

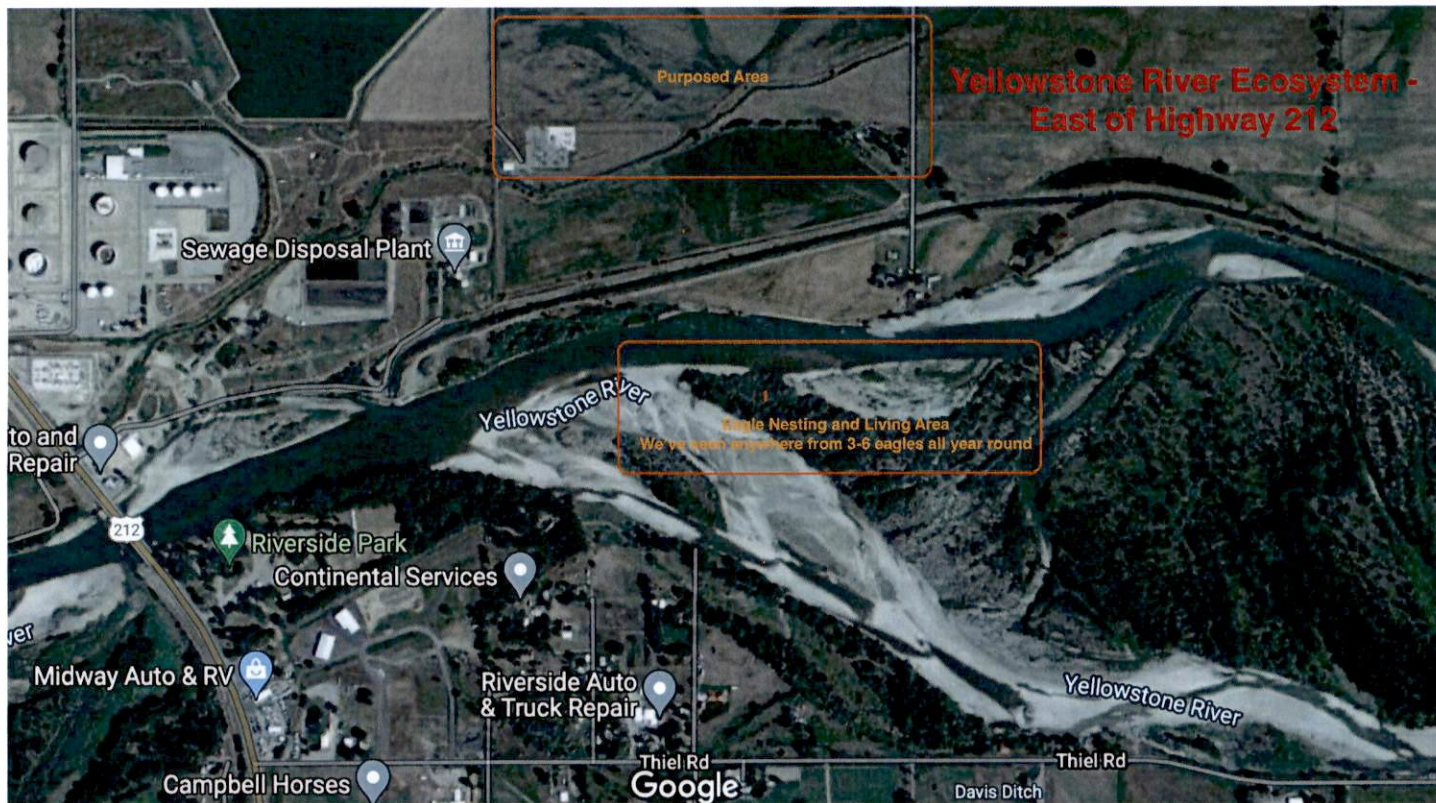
On the Yellowstone River Ecosystem:

1. Why industrialize the Yellowstone River anymore than it already is?
2. There is so much wild life that uses the Yellowstone River as its home, can you guarantee that the wildlife will not move away from the area after this facility is built?
3. There are several eagles that live directly across the main channel of the Yellowstone River, I feel with the increased noise, fuel emissions and proximity of the facility, these eagles will leave the area altogether or have their ecosystem be negatively impacted, what are your feelings about this?
4. Recreational activities on the Yellowstone is at an all time high and never been more popular. This includes fishing, floating, boating, hiking, camping, swimming just to name a few; Your vote to allow the change in zoning will begin a decline and change to the recreation Laurel, Montana offers literally in its back yard. Is this something you will be proud of? Is this new facility something your family, children, grandchildren, generations beyond that are not yet here and the hundreds of families in Laurel would be happy to see in their back yard? Or would they rather have the Yellowstone River and its beauty maintained.

I included in this email several pictures and of all of the wildlife that is at my house on the Yellowstone River. I live due south of the proposed site across the river. I have pictures of just this summer so far of 3 Mountain Lions, 1 Brown Bear, 1 Black bear with 2 bear cubs, multiple deer and wild turkeys. I have included some of these photos. I also included pictures of where several Bald Eagles live and took pictures of where the set of trees are where they nest.

I hope that if this plant is built the wildlife does not disappear as they may be pushed out.

Oli Tripp  
COMTECH Audio Theater Security  
7535 Entryway Drive  
Billings, MT 59101  
406-373-8395 work  
406-855-8537 cell





















## **Brittney Moorman**

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**From:** cblades41@gmail.com  
**Sent:** Thursday, November 4, 2021 2:16 PM  
**To:** Brittney Moorman  
**Subject:** NWE proposed gas plant

Dear Brittney,

Please forward this email to all Council members, if you cannot please let me know.

Has NEW checked in the the Montana Historical Preservation Society? I believe by law builders are required to do that. I have seen no evidence of that contact. Sundance Lodge Recreation Area and the Nez Perce National Historic Trail deserve to be studied for inpact that plant will have on them.

Secondly, NEW admits bypassing the process for the public, including residents in the area, to have input. They state they bypassed the process to save money on construction costs. That tells me this is a questionable proposal, when bypassing public input is the intent of the company.

The council is, thank goodness, slowing the process and allowing for public input. I suggest my above two points should enter into your decision making. We the people deserve better.

Carol Blades

Sent from [Mail](#) for Windows

## **Brittney Moorman**

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**From:** Laurel MT <laurel-mt@municodeweb.com>  
**Sent:** Thursday, November 4, 2021 1:56 PM  
**To:** Brittney Moorman  
**Subject:** Carol Blades

Submitted on Thursday, November 4, 2021 - 1:55pm

Submitted by anonymous user: 72.174.88.25

Submitted values are:

Name Carol Blades

Address 1809 Denittis Ln

Public Comment I have many concerns regarding the proposed Northwestern Energy Gas Plant on the Yellowstone. I just want to share two of them

Email cblades41@gmail.com

The results of this submission may be viewed at:

<https://cityoflaurelmontana.com/node/16092/submission/2361>

## **Brittney Moorman**

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**From:** Carol Blades <cblades41@gmail.com>  
**Sent:** Tuesday, November 9, 2021 10:05 AM  
**To:** Brittney Moorman  
**Subject:** letter of public input  
**Attachments:** NWEProposed Gas Plant.docx

Hi Britteny,

Attached is my letter of public input on the proposed gas plant. I greatly appreciate your hospitality when I visited your office and your assistance in getting my input to the council members as soon as possible. Keep up your good effort!  
Carol Blades

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"We cannot tell the precise moment when friendship is formed. As in filling a vessel drop by drop, there is at last a drop which makes it run over; so in a series of kindnesses there is at last one which makes the heart run over."



Council President, Emelie Eaton, and the Laurel City Council have paused the proposal for a Northwester Energy gas plant on the banks of the Yellowstone and they have asked for public input. I am extremely appreciative of this opportunity.

For my input, I will be discussing the impact on the residents, the general public and the land from HWY 212, where Theil Road runs East, to the confluence of the Yellowstone River and the Clark's Fork, where two wild and free rivers come together. Please understand there are approximately 30 private residences in this area, a fantastic 400 plus acre public land open year round as well as a portion of the Nez Perce National Historic Trail.

Most of us recall 2011 when ExxonMobil's Silvertip pipeline spewed an estimated 1500 barrels of crude oil into the Yellowstone River. Many do not recall that just several years earlier ExxonMobil had a ruptured line under the Yellowstone River just below the bridge on HWY 212. Water and other gases and chemicals erupted into the air out of the river like Old Faithful. These facts make it clear that the Yellowstone River is already at risk for environmental catastrophe. The Laurel City Council should not pave the way for another pipeline under the Yellowstone simply to increase their budget.

Beyond the protection of the historic Yellowstone River, pollution of the air and damage to the environment in this area should not be encouraged by the Council. According to the Laurel Outlook October 28, 2021, the Laurel area does not currently meet federal health based standards for sulfur dioxide in the air. If the City Council supports this gas plant proposal, they are in fact clustering together large industrial polluters, which leads to much greater risk of higher toxic emissions. Indeed, it could generate what is called a toxic "hotspot." The gas plant proposal consists of eighteen internal combustion engines. **Each** engine would require a 77 foot tall exhaust stack. As my kids used to say, it doesn't take a rocket scientist to figure this out. Increased air pollution is a given.

Within this area is Sundance Lodge Recreation Area, 400 acres plus, of Public Land. It is a part of a National System of Public Lands, under the U.S. Department of the Interiors, Bureau of Land Management. It is currently jointly managed by Fish, Wildlife and Parks. In general it runs along the Clark's Fork, beginning near HWY 212 down to the confluence with the Yellowstone River. Within the last few years it has been enlarged to include a stretch of the Yellowstone river bank, a

stone's throw from the proposed gas plant site, to the confluence. This park is used by hundreds of people annually. Trails are semi groomed, park benches are in place as well as picnic tables throughout the area and a public restroom is available. Pollution from this proposed gas plant would besiege this public park area as well as the residential area. This recreation area is also frequented by Bald Eagles, elegant Blue Herons and majestic Sandhill Cranes, which utilize both rivers. Numerous other birds abound. Birdwatchers, photography buffs and children out on school field trips are just a smattering of who I encounter when I frequently walk the 3.6 mile perimeter of the Sundance Lodge Recreation Area.

My question to the City Council is simple. How can clustering industrial polluters by granting NWE's gas plant proposal, possibly benefit this open and free 400 acre public area, the people or the birds or the habitat?

My last input to the Council is to ask them to reflect on honoring the Nez Perce National Historic Trail. In 1958 the Yellowstone Historical Society along with the National Park Service, U.S. Department of the Interior, established the Nez Perce National Historic Park 7 miles North of Laurel, a few miles North of the Veteran's Cemetery. It commemorates the "Canyon Creek Battle." The view of the canyon from this park is startling. One can imagine how the canyon had the backs of the Nez Perce.

Throughout Sundance Recreation Area, there are photos and historic writings posted regarding the trek of Chief Joseph and his people down the Clark's Fork, and noting their historic crossing of the Yellowstone River hoping to travel North to Canada and freedom. To be clear the NWE proposed gas plant with eighteen 77 foot tall stacks would be more than highly visible from their crossing site. Hopefully, the City Council will not support defiling this historic site which some consider sacred, by endorsing NWE gas plant proposal.

The fundamental question to the City Council is, do you support the above described area as a viable and worthy portion of the community or do you see it as a 'sacrifice zone', will you undercut all of this to increase your budget? We all know Yellowstone County is expanding West, we see a new hotel going up, a new mini mall in place, a new gym and grocery store on the horizon. There are other tax sources forthcoming. You, as elected leaders, asked for our input. That is



responsible. Now will you read our emails, listen to our comments and discuss in depth the response you have received? Say NO the NWE gas plant proposal.

## **Brittney Moorman**

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**From:** Ward 1B  
**Sent:** Monday, November 8, 2021 1:14 PM  
**To:** Brittney Moorman  
**Subject:** Fwd: laurel gas plant

Sent from my Verizon, Samsung Galaxy Tablet

----- Original message -----

From: Brad Molnar <brad.molnar@yahoo.com>  
Date: 11/7/21 7:38 PM (GMT-07:00)  
To: Ward 1A <ward1a@laurel.mt.gov>, Ward 1B <ward1b@laurel.mt.gov>, Ward 2A <ward2a@laurel.mt.gov>, Ward 2B <ward2b@laurel.mt.gov>, Ward 3A <ward3a@laurel.mt.gov>, Ward 3B <ward3b@laurel.mt.gov>, Ward 4A <ward4a@laurel.mt.gov>, Ward 4B <ward4b@laurel.mt.gov>  
Subject: laurel gas plant

Greetings all,

I have been following the attempt to build a gas capacity generation plant in Laurel with interest. It is now caught up in a court action. which was predictable, and a city council allowance or dis-allowance vote on an easement. I have no comment on either nor shall I make one.

Unknown to most I was the first ever Citizen Intervenor and served on the "buy Colstrip for \$1" docket placed before the PSC. Most recently I was the 2nd ever Citizen Intervenor on the question to which you are now part; namely, should the plant be built in Laurel. I assume no others have ever been citizen intervenors because specialized expertise is required and it is a commitment of about 3 hours per day without pay. I do it to offer an unbiased perspective on behalf of rate payers.

Because of my involvement as an intervenor I have seen all of the questions and answers traded between opposing professionals on this project. I believe I have as good a handle on this issue as any. Unlike the other intervenors I was not compensated to push a certain point of view and do not do so at this time. As your senator I also service on the Consumer Council which will take part in the project wherever it is built or from whom the energy is purchased for re-sale. The Consumer Council represents ratepayers on energy issues before the PSC.

If any of you have questions on this construction project and/or the effects of this project please contact me through this email address or call me at 406-794-6092.

I may attend the next meeting and make my offer publicly.

Brad Molnar

## **Brittney Moorman**

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**From:** Laurel City Planner  
**Sent:** Friday, November 12, 2021 12:10 PM  
**To:** Brittney Moorman; Ward 1B; Emelie Eaton (Deaton4626@AOL.com)  
**Subject:** RE: R21-119

Hi All,

I have not received any comments back from the Yellowstone County Departments as of today. I anticipate them coming back to my office very soon. Once I have those comments, I can send them along to the surveyor to update/amend the survey to then resubmit and be recorded.

Regards,  
Nick Altonaga, CFM  
Planning Director

City of Laurel  
PO Box 10  
115 W. 1<sup>st</sup> Street  
Laurel, MT 59044  
(406) 628-4796 ext. 5302  
(406) 628-2241 (fax)



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**From:** Brittney Moorman <bmoorman@laurel.mt.gov>  
**Sent:** Friday, November 12, 2021 11:53 AM  
**To:** Ward 1B <ward1b@laurel.mt.gov>; Emelie Eaton (Deaton4626@AOL.com) <deaton4626@aol.com>  
**Cc:** Laurel City Planner <naltonaga@laurel.mt.gov>  
**Subject:** R21-119

Emelie, you pulled Resolution No. R21-119 from Tuesday's meeting. This is the resolution that was dealing with the parking lot up at the cemetery. When do you want that to go back to Council? I do not know when this will be filed. Nick would have that information. I have cc'd him on this email.

*Brittney Moorman  
Administrative Assistant  
City of Laurel  
P.O. Box 10  
Laurel, MT 59044*



406-628-7431 ext. 5503

406-628-2289 fax

Scot Stokes

Emelie Eaton

Scot Stokes

Emelie Eaton



Scot Stokes - NO

Emelie Eaton - YES

Scot Stokes

Emelie Eaton

Scot Stokes  $x$

Emelie Eaton



Scot Stokes

Emelie Eaton

**File Attachments for Item:**

2. Approval of the Minutes of the November 10, 2021, Special Meeting.



DRAFT

# MINUTES OF THE CITY COUNCIL OF LAUREL

November 10, 2021

A special meeting of the City Council of the City of Laurel, Montana, was held in the Council Chambers and called to order by Mayor Eaton at 7:00 p.m. on November 10, 2021.

**COUNCIL MEMBERS PRESENT:**

Bruce McGee  
Scot Stokes  
Richard Klose

Heidi Sparks  
Richard Herr

**COUNCIL MEMBERS ABSENT:**

Irv Wilke  
Don Eaton

**OTHER STAFF PRESENT:**

Bethany Langve, Clerk/Treasurer

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

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

**MINUTES:** None.

**CORRESPONDENCE:** None.

**COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS:**

Council Member Stokes stated he had been contacted by three members of the legislature, Berry Usher, Larry Bruster, Doug Kary, regarding this issue. They wanted to know where Council stood on this, what had to be done, and also disclosed that before he was even told about tonight's meeting that there would be another vote on it.

Council Member McGee stated received a phone call from Larry Bean, who had concerns over future emissions of this gas plant.

Council Member McGee stated he also received an email from Jim Irwin, CHS, and Carry Smith in favor of this easement.

Council Member McGee stated he also had a conversation with Lisa Perry about whether this item was on Tuesday night's agenda. He informed her that it was on the Special Council agenda for this evening.

**PUBLIC HEARING:** None.

**CONSENT ITEMS:** None.

**CEREMONIAL CALENDAR:** None.

**REPORTS OF BOARDS AND COMMISSIONS:** None.

**AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):**

Mayor Eaton read into the record a public comment from Kasey Felder of 1434 McMullen Lane.

Mayor Eaton read into the record a public comment from Aaron Felder of 1434 McMullen Lane.

Mayor Eaton read into the record a public comment from Molly Schwend of 1840 Scarlet Sage Lane.

DRAFT

**SCHEDULED MATTERS:**

- **Resolution No. R21-121: A Resolution Of The City Council Authorizing The Mayor And City Clerk To Execute An Underground Gas Pipeline Easement For Northwestern Corporation D/B/A Northwest Energy For The Purpose Of Constructing, Operating, And Maintaining An Underground Pipeline To Be Installed And Located Under The City's Riverside Park.**

Motion by Council Member McGee to approve Resolution No. R21-121, seconded by Council Member Klose.

Barbra Ann Sprauge Emineth, 501 Alder Ave, read the attached statement.

Kasey Felder, 1434 McMullen Lane, read the attached statement.

Steve Krum, 249 24<sup>th</sup> Avenue W., I keep going over the facts and over the facts on this issue. And I keep finding new things. And one of the issues with the pipeline coming through is that it is going to supply the plant. I bet you, if you ask 95% of the people in this room, are you opposed to NorthWestern building a power plant. No. But are you opposed to them building it here. Yes. This is not where it belongs. The noise at this plant is going to be quite significant. So going through some more paperwork. I was going through the DEQ paperwork today. One of the things I found were the noise level estimates I found for the plant are estimates. They are not guaranteed figures. It is 65 decibels all the way around the plant, 600 feet or 555 feet or whatever. All the way around the plant. All over the plant. It's going everywhere, and it's just going to keep coming out, and it's not going to stop. Another fact that I found on the DEQ sheet that was interesting is they stated the plants going to be two miles from Laurel. It's not two miles from Laurel. Kasey's is less than  $\frac{3}{4}$  of a mile, and many of these houses. Her house is less than a half a mile away. Many of these other house in here are just slightly farther than that or the same. The City of Laurel is less than  $\frac{3}{4}$  of a mile away. If you drive on a road, it's 2 miles. But you guys are straight across the highway from it, but the City of Laurel when you go to a basketball game, or you go to a football game when you're out walking your dog in the park. Your going to hear that plant just like everybody else is. This isn't going to be good for the community. This is not where it's supposed to be built. So if you bring the pipeline in, it's just one more step to building this plant. And Id also say one of the things I found is that the City/County Zoning meeting the information that was given to the City/County Zoning meetings said the plant would be quiet and all the noise would be focused on the refinery. They can't do that, they're not going to do that, and that's not what they told the DEQ. So that's not right either. The one other thing I found through the notes I was reading is. Is that when you guys delayed the original resolutions, 108 and 109 when you tabled them. One of the comments from NorthWestern was, and I quote, "forcing someone to do something is not in the spirit of public negotiations discourse." Rushing this plant through is not in the interest of public negotiations and discourse. And that's what's going on here. They are going to hurry up and get this thing built, bypassing time that should be spent looking at details like how noisy is this plant. How noisy really is this plant. Giving you time to spend somebody out to a plant, existing plant, that is already running and operating the same equipment. This is going to be very, very noisy equipment. We really should look at all this before we ever vote on it and go ahead and build this plant. Build it out in the badlands on the other side of Belfry. Build it out on the badlands on the other side of Bridger. Wherever the pipelines coming through. Because the pipelines are already out there, it's coming up here from Wyoming. There's vacant, sparsely, or no populated areas that this plant could be built. Not here. This is not where it belongs. So I ask you to vote no on the easement because that's the beginning of this plant. Thank you.

Carol Blades, 1809 DeNittis Lane, read the attached statement.

Cara Ronan, 1721 Nicholas Lane, I am fourth generation to live and farm the land on the Yellowstone River. My great grandfather homesteaded here and settled on the North shores of the Yellowstone River. My grandmother Juanita Ronan was born on that property 87 years ago. This land is where the electric plant in Laurel now sits. There's an unsettling history of big business moving into our communities with little regard for those it displaces. Some couple this under the guise of progress or growth. And the current proposed power plant that NorthWestern Energy has planned to put on the same banks of the Yellowstone River is the same banks as where my grandmother and great grandparents grew up. I feel is being pushed forward in the same exact way. I ask that this Council consider that the state of our agriculture, and thus those of us that live on the south banks of the Yellowstone River. The growers, the producers, and the farmers reflect our future

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as a community. Our farms here in Laurel produce raw materials, which are important in trade both locally and internationally. They provide reverence, work, and jobs for the County. They drive technology and development here in this County. Yet, in the consideration of this plant, many of us on the south side of the banks of the Yellowstone River within the affected zones of the proposed plant are not being considered. I ask who represents us? Who represents the best interest of those of us that will be directly affected by the building of this plant. There's no representatives sitting here today that best reflects our wants and needs on the south end of the Yellowstone River. I directly oppose, together with my grandmother, who couldn't be here tonight, the building of this plant. I would like to ask and make sure NorthWestern Energy can hear me. Can you guys all hear me, ok? It has been said that you guys represent the best of what's good in this community. Then why is it that not one of you have been out to visit any of our properties on the south end of Laurel? To speak with us about what it means to build this plant in our community. Not one of you. As far as regards to the earlier comments. So that it is also known to NorthWestern people who may or may not live in this community, Scarlet Sage Lane is 3.8 miles away from the proposed site as the crow flies. Where I live is less than a half a mile. Why is that people who live north of Yard Office Lane that have representation here tonight and live north towards the regional airport have more consideration and more say and, more importantly, more representation at this meeting tonight than me. As I speak to family and friends around Laurel, within the City limits, that are represented by you guys directly. They are under the assumption that this power plant is not even on the table. That it's not being built. I highly urge you to step back and take your time and respectfully has your constituents and the people you represent here in this community and outside of the community what is happening. Instead of it being pushed so far and so fast forward without us being considered. Thank you.

Terry Krum, 1311 E. Railroad Street, read the attached statement.

Jenny Harbine, I'm a lawyer for national non-profit law firm. We have an office based here in Montana. We represent organizations and individuals who are impacted by projects such as this energy project proposed by NorthWestern Energy. NorthWestern is asking the City for a pipeline easement through Riverside Park to bring fuel to its proposed gas plant north of the river. The City's consideration of the pipeline inextricably entwined with the City's consideration of the rezoning request. Both are required to allow NorthWestern to build the pipeline, and I urge the Council to consider both of these issue together. And in evaluating whether or not to take the actions that NorthWestern is asking you to take. I urge you to elevate in your considerations the community welfare. You don't have to approve a pipeline under Riverside Park. You don't have to rezone the property north of the park for a gas plant. What this Council does have to do, and I am talking about a legal obligation, not a moral one, although it very well could be both. What this Council has to do is consider the impacts on the local community. On Laurel's natural resources. On the environment and on the residents that are here tonight. It would be both; I realize that the only issue on the Council's agenda tonight is, of course, this pipeline easement, not the rezoning which you will consider later this month. But it would be both improper and really unnecessary for this Council to prejudge its future decision on zoning by granting an easement underneath the park. And I would say to the extent that this Council is entertaining declining the zoning request, which I certainly hope you are, it would be extremely unfortunate allow NorthWestern to construct a pipeline under Riverside Park, a pipeline to nowhere. As the prior commenter addressed, I want to briefly address this issue about maybe the lights going out. If this Council doesn't approve an easement and rezoning request. There is nothing that say NorthWestern has to build this plant and in this location to keep the lights on in the State of Montana. NorthWestern has before a number of different alternatives to build out its electric generating capacity if it needs to do so. In fact, it was vetting those alternatives before the Public Service Commission, who are the experts. Who are the ones to decide whether or not this plant in this location is in the best interest in Montana? NorthWestern pulled the plug on that proceeding before those experts could make that determination of whether this is a plant that is necessary. I urge this Council to view those statements with skepticism, and in any event, it's not the Council's role, as I am sure you all know to set the State's energy policy. It is your role and your obligation to promote the community's welfare and act in the community's interests. And I urge you to vote no on the easement. Thank you.

Charles Van Sickland, 2001 Theil Road, I have a degree in geology and have worked for several engineering firms in the local area. We've lived in Laurel for 30-years. We lived in town. We moved to Thiel Road because of its quiet. We were also pleased to find out that also with the quiet, there is a special zoning district that's going to be impacted the most. That's the area south of the proposed plant. It seems to be a worthless piece of paper that says we this area is dedicated to quiet enjoying the land and not having strip malls or supermarkets moving into the area. This easement under the Riverside Park. What kind of park is it if it has more pipelines under it than it has functioning bathrooms? It seems to me that that's going to be the first step for changing Laurel's



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outlook and its skyline and the type of people that are ever going to want to live here. I would like you, folks, to vote against the easement. Thank you.

Oli Tripp, 1519 McMullen Lane, I guess I just urge your guys to vote no on the easement giving that this is a meeting about the easement through the park. With that being said, I didn't write anything up; I am just kind of winging it here. There's a need for reliable power. I don't think it needs to be here in Laurel or near Laurel or near the banks of the Yellowstone River. That's my take, and that's a lot of these peoples take behind me. There's lots of places it could go where it could have five to ten miles with nobody around it. It could still produce power and get all the power to the grid that they need. That's my thought. I guess lastly, real quick; I feel like if a vote goes forward here and if you guys vote for the easement, that pretty much sets in stone what we expect to see later on for the vote of the rezoning. And if that's the case, I think most of us just feel like we've been steamrolled right through this time and not been given a proper chance. Thank you.

Steve Simonson, 5342 Cabernet Lane Billings, I'm here tonight to represent Big Sky Economic Development. We support the easement underneath the park. I want to go on record on that. Thank you for the opportunity to speak tonight.

Shannon Heim, Attorney for NorthWestern Energy, I do have a copy of the CHS letter I do believe Commissioner Stokes referred to that wasn't read into the record. I don't know if you want me to read it into the record. We just got a courtesy copy of it, but it seems that everything else has been read in already.

Mayor Eaton clarified she could read it into the record if she would like, or she could submit it to be included into the record.

Ms. Heim stated we could submit it; it was my understanding that all Council Members have already received it. It was my understanding it would be read into the record. That's fine. I do appreciate the opportunity to speak. I do hear the comments and the concerns that have been expressed tonight. We do care; we have been here for months, we will be here for months more in this room, listening to concerns and making sure those concerns are answered. There have been a wide variety of issues and concerns that have been identified. And for each of these concerns, there is a time and a place. And tonight's issue is only the easement. There's been a lot put on your plate and a lot of pressure put on this vote that isn't particularly appropriate or fair to the Council or the Commission. There are a lot of expert opinions and a lot of evidence that has been presented in a lot of different forms regarding this plant. The issue tonight is the easement and only the easement. And we believe it is absolutely in the public interest and in the interest of the City of Laurel, particular to grant that. I do want to address a few of the very specific comments that have been made just to make sure we are on the same page and that they have been rebutted to some extend. The issue of noise has been raise. I understand there is concern noise; whenever you have any amount of commercial or industrial development, you're going to have a concern about noise. We knew that from the outside, and so the design of this plant very specifically took that into account, and the decibel level is incredibly low. It is incredibly low; this is a very quiet facility; 65 decibels is basically this room when someone is speaking at the microphone. It is not that loud. And so, I would urge the Commission not to take those concerns to heart without looking at evidence and being particularly careful about that. But again, I don't think this is the forum for that conversation. When you look at water pollution again, I would urge you to look at the experts who are looking at easements that will specifically rely, or affect any amount of water of the river. We at NorthWestern Energy have been incredibly diligent at correcting the environment. We spend a lot of money; we spend a lot of time in doing that. There were concerns about the boring process itself. Whether or not the City is taking on specific liability, I would urge you to take the advice that has already been provided to you by your City Attorney and by the Zoning Commission that any particular liability regarding the easement belongs with NorthWestern Energy, not the City. That is always how it is. There is no legal liability that will flow to you. There have been a lot of concerns about this issue being in a rush. That NorthWestern is pushing that somehow we are unfairly, we are asking you to make a decision on this one easement. I could d not disagree with that assertion more strongly; we've been discussing this plant publicly since March. We've been talking to the City of Laurel about this easement and about this plant since the Spring. The easement, in this Chamber, as I am sure all of you are painfully aware for months. So this is not a new issue to you, and it has been fully vetted. Zoning is not part of the discussion tonight; we believe we will be back. We know we will be back. Building anything of this magnitude will require us to require us to exercise our partnership and go through these issues one by one. We will be back. We believe that the partnership that we have built in the past and are continuing to build with the City of Laurel is important, and we will continue to have these important conversations. Tonight's conversation, though, is about the easement. We've

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heard a lot of comments tonight about this plant probably is important, but don't put it here. I would urge you to focus on the fact that.. on the comments, I made last night and I heard people say that they were concerned. That the comments I offered last night were not fair and rubbed them the wrong way. The only intent behind those comments was the offer some amount of insight into our motivation. We went through an extensive RFP process. We did start going through the process at the Commission, at the Public Service Commission. Still, it's important to note that that process was the weather or not NorthWestern Energy could add that plant today, have preapproval to add it to our rate base. That was the only conversation on the table. So, I would urge you to rely on the expert discussions and decisions that have been made. That are the bigger picture decisions and focus on what's in front of you and the benefit of this plant and of this process and of the project to the City of Laurel. We urge you to please pass this, pass this resolution, and to allow us the easement. Thank you.

Zach Biddier, 1721 Nicholas Lane, my question to Council Members and anyone in this room. If you are willing to vote in favor of this easement and the plant, are you willing to live where I live? Consider if you were living at my home what would your opinion be then? To those here from NorthWestern Energy, since your not worried about the sound, why not move the beautiful, robust community on the banks of your beloved project. More or less, which of you from NorthWestern Energy have recently spent any time or enjoyed Sportsmen's Park [Riverside Park] where the proposed easement is. I urge the Council Members to vote no in the matter of the easement. Thank you.

Melissa Nootz, Campaign and Advocacy Director for the Montana Environmental Information Center 428 N. Yellowstone Street in Livingston, Montana, I am here today representing MEIC's members in Laurel and all those who live downwind and downstreet of the proposed pipeline and the methane gas plant. I am also a City Commissioner in my own town upstream on the Yellowstone River. Although I am not here tonight as a Commissioner. We work hard to protect our part of the river so that we and everyone downstream of us can enjoy these waters and what they offer our communities. Before my family lived in Livingston, Anaconda was our home. I have had the great privilege of working with people in Anaconda and Butte for about a decade. Elevating our concerns about how industry has impacted health, our communities, and the land and the water we call home. Last night a representative from NorthWestern Energy talked about how you should keep your eye on what's in front of you with this vote. And if this is just one vote in a long process to create NorthWestern's methane gas power plant. I agree you should keep your eyes on what's in front of you. And by that, I mean the generations of Montanans and the land and the water that will be impacted by your vote tonight. An easement might sound like a little thing, but we all know how it goes. Little by little, a little becomes a lot. NorthWestern also said last night that it might be hard for us Montanans to see the big picture. For me and a lot of Montanans, it's not hard at all to see the big picture here. We have story after story of places in Montana where industry has come to town, offered the community some money for land or parks. The industry eventually goes broke or realizes they can make more profit somewhere else. So they leave town, they shuffle around their liabilities, and leave an enormous toxic mess for others to clean up. This is familiar for those of us who know this history of the Cooper Kings. What really surprised me last night was hearing NorthWestern Energy offer you all money last night if you vote to allow their pipeline easement through your park. And I have to say, having voted on local infrastructure projects regularly for my own community over the last three years, \$15,000 will get used up very quickly. And it is really unlikely that it will ever come close to covering up clean-up or mitigation costs. And the potential cost to your community and your park. I hope you keep these lessons in mind when you vote tonight and consider what's actually at risk here on the banks of the Yellowstone River. With these incremental steps to NorthWestern's plans. Laurel and the Yellowstone River are worth far more than \$15,000. Please vote no. Thanks again for listening.

There was no Council discussion.

A roll call vote was taken on the motion. Council Members Herr, Klose, and McGee voted aye. Council Members Sparks and Stokes voted nay. Motion failed 3-2.

Mayor Eaton clarified since she was appointed Mayor at last night's meeting, the majority vote of Council is now 4. Since there were only three votes in the affirmative, this motion has failed.

**ITEMS REMOVED FROM THE CONSENT AGENDA:** None.

**COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT):** None.

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**COUNCIL DISCUSSION:**

Council thanked Veterans for their service.

A Council Member also noted that today was the Marines' birthday.

**MAYOR UPDATES:**

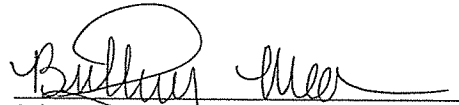
Mayor Eaton clarified that Council Member McGee has serviced as Council Vice-Chair. He is now considered the chair of the Council. She will now only be voting to break a tie.

**UNSCHEDULED MATTERS:** None.

**ADJOURNMENT:**

Motion by Council Member Sparks to adjourn the council meeting, seconded by Council Member McGee. There was no public comment or council discussion. A vote was taken on the motion. All five Council Members present voted aye. Motion carried 5-0.

There being no further business to come before the Council at this time, the meeting was adjourned at 7:57 p.m.

  
Brittney Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 23<sup>rd</sup> day of November 2021.

\_\_\_\_\_  
Emelie Eaton, Mayor

Attest:

\_\_\_\_\_  
Bethany Langve, Clerk/Treasurer



## **Brittney Moorman**

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**From:** Kasey Krum Felder <kmkfelder@outlook.com>  
**Sent:** Tuesday, November 9, 2021 10:02 PM  
**To:** Laurel City Planner  
**Cc:** Ward 1B; Bethany Langve; Brittney Moorman  
**Subject:** Proposed Laurel gas plant

Hi Nick,

Thank you for your time. As residents who live on the south side of the river near the proposed build site for the methane plant, we strongly urge you to reconsider your recommendations for zoning of the involved parcels.

- What are the two or more major transportation routes from the proposed site per code 17.12.170?
- There is potential for major environmental impact (stack gas). Why were we not notified? We are very close! Code 17-68-030. Has anyone studied air flow in the area? How does the river affect the air flow?
- Code 17.68.040 B, 4 letters g & h give the zoning commission the ability to impose modifications due to noise, vibration, air pollution and similar environment influences. We will have to deal with all those things daily where we are located if this plant gets built. We should have been notified so we could have a say in these matters. This plant does not belong by the river or near a residential area.

Highlighted sections of the code are below.

### **17.12.170 - Heavy industrial (HI) district.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)

A district intended to accommodate manufacturing, processing, fabrication, and assembly of materials and products. **Areas designated as heavy industry should have access to two or more major transportation routes**, and such sites should have adjacent space for parking and loading facilities.

### **17.68.030 - Evaluation responsibility—Consultation—Notification.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)

The planning director, upon receiving an application for a special review of an area or a particular place of property shall do the following:

- A. Consult with other departments of the city or county to fully evaluate the impact of any special review upon public facilities and services including, but not limited to schools, drainage, traffic and related facilities;
- B. Study each application with reference to its appropriateness and effect on existing and proposed land use, and references to the comprehensive plan;
- C. Advertise twice in a newspaper of general circulation in the jurisdictional of the Laurel-Yellowstone city-county planning board at least fifteen days in advance of the time and place of the public hearing;
- D. Notify, by mail, the applicant or his authorized agent at least five days prior to the date of the public hearing of the time and place of such hearing;

E.

Notify, by mail, all property owners within three hundred feet of the exterior boundaries of the property subject to the special review of the time, date, place of the public hearing and the existing and proposed classification. Further, he may notify property owners within a radius of more than three hundred feet if he determines that the proposed use of the property would have a substantial environmental impact on surrounding land uses;

F.

After the public hearing and as part of the public record, the planning director shall report his findings, conclusions and recommendations to the zoning commission.

### 17.68.040 - Zoning commission action.

[SHARE LINK TO SECTION PRINT SECTION DOWNLOAD \(DOCX\) OF SECTION EMAIL SECTION](#)

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,

Off-street parking,

c.

Fencing, screening and landscaping,

d.

Building bulk and location,

e.

Usable open space,

f.

Signs and lighting,

g.

Noise, vibration, air pollution and similar environmental influences.

h.

Thank you for your time and consideration on this matter.

Kasey & Aaron Felder  
1434 McMullen Ln  
Laurel



## **Brittney Moorman**

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**From:** Aaron Felder <ajfelder@yahoo.com>  
**Sent:** Tuesday, November 9, 2021 10:16 PM  
**To:** Ward 1B; Bethany Langve; Brittney Moorman  
**Cc:** Ward 1A; Ward 2A; Ward 2B; Ward 3A; Ward 3B; Ward 4A; Ward 4B  
**Subject:** Public testimony for meeting 11/10/21  
**Attachments:** AFelder public testimony 11-10-21.docx

Please find attached a document I would like read into the public record during the special city council meeting on 11/10/21.

Thank you,  
Aaron Felder

Greetings City Council members,

Please accept this letter as my comment regarding resolution R21-121 (the pipeline easement for NorthWestern Energy through Riverside Park). My apologies for not being here this evening.

My name is Aaron Felder, I live at 1434 McMullen Lane in Laurel. I oppose this pipeline being bored into the ground under the Yellowstone River. This pipeline will feed the proposed NorthWestern Energy Laurel generating station. Last night (11/9/21), I asked for a council member to ask NorthWestern Energy one question. That question was to see if NorthWestern Energy had taken any time to reach out to the people on the south side of the river near the proposed build site. If you have not had time to do this, please stop at this point in my letter and go ahead and ask them.... If no council member will stand up for the people that call Laurel home on the south side of the river, will Mayor Eaton do so?

Considering the new agreement, without the financial part, why is there no exit strategy? What happens if there is legislation that causes a shift away from methane plants (similar to what's happened in Colstrip & coal plants). Will NorthWestern continue to pay the annual fee for the easement if the plant is not in operation? Or will they seek legal counsel to get out of their contract which will cost the city money? The city attorney should negotiate for city like he would negotiate for his family.

As you read this letter, I assume all the chairs in the council chamber are full. They are full of people that know what it is like to work so hard for something they call their own. They surely will not want to put their heads down on their pillows at night knowing that what they have worked so hard for will be discounted because of this proposed gas plant in Laurel.

I'm sure my neighbors along Thiel Road share the same thoughts and feelings about what life will be like in the future if this plant gets constructed.

Please vote no on resolution R21-121.

Sincerely,  
Aaron Felder

## **Brittney Moorman**

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**From:** molly schwend <mschwend5@gmail.com>  
**Sent:** Wednesday, November 10, 2021 4:45 PM  
**To:** Brittney Moorman  
**Subject:** Resolution No. R21-121- Please read into public record

Dear Council Members,

As a citizen of Laurel, I am writing in concern to the NorthWestern Energy Gas Plant and Laurel's need to move forward with this. My concern is the longer this project is delayed the more costs the Montana customers will pay. As an engineer and someone who has worked my entire career in the energy sector, I am well aware of the push for wind and solar. I am not against those forms of energy, but I also know they can not rely upon in a lot of the Montana conditions. Coal and Natural gas plants are what will be the baseload energy source we need to keep our lights on, heaters in the winter, and air conditioning in the summer.

Other than keeping our power prices down and our grid reliable, the benefits to our community are huge. NWE's NorthWestern's \$275M investment in Laurel brings a host of economic and community benefits including annual property taxes of approximately \$5 Million, 200-300 jobs during construction, and ten full-time family-wage jobs. For the state of Montana, we are protecting our energy future, preventing blackouts like Texas and California, and providing tax revenue. Let us continue to be leaders in the energy world, creating enough power to be an exporter of power instead of a state that must pay the large costs to import.

NorthWestern Energy has always been good to the communities we live in sponsoring most of the events around the state, and many here in Laurel. They are working hard to make this a community buy-in project. It is your job as City Council to make sure you are doing what is in the best interest of the town, and I can not see how this has been delayed as long as it has. Vote yes, on Resolution No. R21-121: A Resolution Of The City Council Authorizing The Mayor And City Clerk To Execute An Underground Gas Pipeline Easement For Northwestern Corporation D/B/A Northwest Energy For The Purpose Of Constructing, Operating, And Maintaining An Underground Pipeline To Be Installed And Located Under The City's Riverside Park. Further construction delays are a disservice to the Laurel community and Montana.

Thank you for your time.

Molly Schwend  
1840 Scarlet Sage Ln  
Laurel MT



\$15,000.00  
GIFT

1<sup>st</sup> Generation

Report # ~~1111~~!  
less than 4 miles  
out of town!

65  
Dec.

To Council -

My father was enlisted in the A.F. for about 24 years and we lived all over the world. I think people who haven't traveled may think a foreign country is way different than living in ours and I would disagree. There are much more similarities than differences.

The reason I've shared this with you is because Laurel Montana is a very special place to live. Someone who moved here from out of state told me it reminded her of Mayberry RFD.

Laurel is ~~turning~~ at a fork in the road by even considering granting an easement thru Riverside Park, which in time could be a good camp ground. Improvements have already begun.

But if the noise levels from this plant are constantly in the air how nice is that gonna be? It is too close to town and you will also be telling the citizens that our health doesn't matter.

is recovering from a flood + oil leak into the river a few h...

WRITE NO ON EASEMENT

**EASEMENT**

Thank you for your service to the City of Laurel and the opportunity to speak with you again tonight. In case I haven't mentioned, our family frequents the city parks, spends money at local businesses, and participates in city wide events. Laurel is our home.

Today I ask you to defer or deny NorthWestern Energy's easement request for the pipeline under Riverside Park and the Yellowstone River. I understand that NWE has "sweetened" the deal for the easement.

This decision tonight is related to the proposed methane plant. The pipeline will come out on the parcels where NWE wants to build the plant.

The City of Laurel's FB page & website states that the City of Laurel, Montana is a vibrant and growing community located along the **scenic Yellowstone River**. Our community touts being on the banks of the **majestic Yellowstone River**. So why even consider tainting that scenic, majestic river with a power plant or the gas line to feed it.

Thank you again for your time and valuable consideration to defer or deny the easement request sought by Northwestern Energy.

Hasey Felder  
1434 McMullen Ln  
Laurel MT 59044

My name is Carol Blades

My address is 1809 DeNittis Lane

Madam President and council members

Northwestern Energy is betting you want the taxes so badly, that you would sacrifice 30 residences, two wild and free rivers, a huge public recreation area and a historical and cultural site.

Last night after residents pleaded for your help, a Northwestern Energy rep got up and said if you pass the proposal we will give you a gift of fifteen thousand dollars.

They showed their true colors in that one statement. Please do not sacrifice us for tax money and financial gifts.

My name is Terry Krum, I live at 1311 E. Railroad Street, and I have lived with my family in and around Laurel all my life. I have owned property and or a home in Laurel at various times. I have worked for various business's in and around Laurel, and my work as a railway mechanic allowed me to work in and around all the Major Energy Companies in our area. I would like to say that I was treated very well when in these facilities, and when I worked in and around Corette Power Plant, the people I got to meet and work with were very professional and very pleasant to work with.

First- I would ask the council once more to consider all the possible events that may occur when drilling, boreing, trenching in and near Riverside Park. I do have concerns for the local groundwater, local wells and soil, with the south side of the river in that area considered a flood plain. It was stated that the bedrock would be penetrated , I'm guessing twice, once on each side of the river, and that there would be no disturbance of any ground soil of the areas where old landfills are located. Is there any legal responsibility for the City of Laurel, if something else is found in the process? I am looking back at the previous pipeline incidents that happened near the Park, all the mess and cleanup that followed, and then the costs. The 40 foot strip of land in question, if the easement is granted, will become a strip of land to grow grass and probably not used for much more in the foreseeable future, possibly no trees either if tree roots are considered a problem. Would this become a water path at times of High Water? Not that this area of question is being heavily used, but future options by the City become limited.



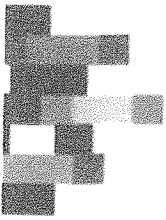
Second- I do question the speed at which the Site Approval is being pursued, we seem to allow more time for public input when SAY-if we were changing hunting license and park entrance fees, or where to locate mariuajuana shops. The amount of factual information of all the possible effects long and short term being published locally was very limited. I personally feel the DEQ report DID NOT show concern for those located closest to the facility, or the true LONG TERM effects on all the people located in the larger surrounding area.

IN MY OPINION -THIS IS A MAJOR FACILITY SITING, it will have long term effects on Laurel residents,and those in the surrounding area, some more so than others. The Laurel City Council has power and influence in many steps of this process, but that does become increasingly smaller if this process advances. It is very important that information, questions, or problems be settled before it becomes contentious and expensive to deal with.

THIS VOTE IS ABOUT LAUREL for the next 30 years, effects on all the PEOPLE that make it up..both in and around the city ..... And should NOT come to (as stated last night) PASS THIS AND KEEP THE LIGHTS ON.....like its all on Laurel shoulders!

I would ask the Council to Please Vote No on the Easement.

Thank You



To:  
Honorable Laurel City Council Members,

Date:  
11/9/2021


We write today to urge your support for the Laurel Generating Station project proposed by NorthWestern Energy. This Generating Station will be a critical asset to reduce Montana's energy supply shortage and maintain the integrity of the State's electric grid. The 175 MW plant will be capable of producing energy for extended durations during extreme weather, as well as fast-ramping to meet unexpected shifts in electricity demand. Equally important, the plant was selected as the lowest cost resource to reliably serve customers through an independent third-party selection process. The Laurel Plant will also have a positive economic impact for the Laurel community. It will provide 200-300 jobs during construction and about 10 permanent family wage jobs.

The future of the Laurel Plant is of particular concern to CHS given its proximity to our facility. We depend on NorthWestern's transmission system to move purchased power to our facilities. A disruption in service such as a blackout or brownout would create tremendous economic and operational consequences.


CHS understands construction on the Laurel Generating Station has been indefinitely delayed due to a pending easement before the Council. We ask the council to expedite its deliberations regarding the easement so the project can move forward. Anything less is a disservice the community of Laurel and the State of Montana.

Thank you for your time and attention to this matter.

Sincerely,



Greg Brown  
VP Pipelines & Terminals  
Energy RPT – Laurel



Jim Irwin  
VP Refining  
Energy RPT - Laurel

**File Attachments for Item:**

3. Beartooth RC&D November 2021 Correspondence.

**Beartooth RC&D Area, Inc.**  
**Board of Director's Meeting Agenda**

Meeting 1:00 P.M.  
 Tuscano Machine 100 Makers Way Big Timber, MT  
 Thursday, November 18th, 2021  
 Conference Number  
 605-475-5900  
 Access code 8472365



<p>1:00 pm</p> <p>2:30 PM</p>	<p><b><u>Meeting Called to Order</u></b></p> <p><b>Pledge of Allegiance, Introduction of Members and Guests</b></p> <p><b>Review September Board Minutes</b></p> <p><b><u>Congressional Updates</u></b>                  Maddie Alpert (Sen. Tester)                  Tory Kolkhorst (Sen. Daines)                  Cade Overstreet (Rep. Rosendale)</p> <p><b><u>Treasurer/Financial Reports</u></b>                  1. Treasurer Update                  2. RC&amp;D Financials                  3. RLF Financials</p> <p><b><u>Financial Director Update</u></b></p> <p><b><u>MOU's</u></b></p> <p><b><u>Staff Reports – Program/Project updates</u></b>                  1. Food/Ag Program – Joel Bertolino                  2. Revolving Loan Fund – Knight                  3. Economic Development/ CRDC – Jacy Head                  4. Operations Support- Myrna Lastusky</p> <p><b><u>Regional Roundup</u></b> – <i>News and updates from regional members on projects and activities in key CEDS categories... (see topics on next page)</i></p> <p><b><u>Next Beartooth RC&amp;D Area, Inc. Board of Directors Meeting</u></b>  <i>January 20th, 2021 - Yellowstone County</i></p> <p><b>Adjourn Optional short tour to look at Pioneer Meats new Retail store</b></p>	<p>Chair</p> <p>Chair, All</p> <p>Chair, All</p> <p>Bertolino</p> <p>Bertolino</p> <p>Bertolino knight Head Lastusky</p> <p>Roe et al</p>	<p>Action</p> <p>Information</p> <p>Information Action Action</p> <p>Information</p> <p>Information</p> <p>Information Information Information Information</p> <p>Information</p> <p>Information</p>
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**Beartooth RC&D Area, Inc. Board of Director's Meeting MINUTES September 16th, 2021**

Agenda

<p>1:00 pm</p> <p>2:30 PM</p>	<p><b><u>Meeting Called to Order</u></b></p> <p><b>Pledge of Allegiance, Introduction of Members and Guests</b></p> <p><b>Review July Board Minutes</b></p> <p><b><u>Congressional Updates</u></b>  Maddie Alpert (Sen. Tester)  Tory Kolkhorst (Sen. Daines)  Cade Overstreet (Rep. Rosendale)</p> <p><b><u>Treasurer/Financial Reports</u></b>  4. Treasurer Update  5. RC&amp;D Financials  6. RLF Financials</p> <p><b><u>CDBG CV BIG HORN CO</u></b></p> <p><b><u>Staff Reports – Program/Project updates</u></b></p> <p>5. Food/Ag Program – Joel Bertolino  6. Revolving Loan Fund – Jillann Knutson  7. Economic Development/ CRDC – Jacy Head  8. Operations Support- Myrna Lastusky</p> <p><b><u>Regional Roundup</u></b> – <i>News and updates from regional members on projects and activities in key CEDS categories... (see topics on next page)</i></p> <p><b><u>Next Beartooth RC&amp;D Area, Inc. Board of Directors Meeting</u></b>  <i>November 18th, 2021 - Big Timber</i></p> <p><b>Adjourn</b></p>	<p>Chair</p> <p>Chair, All</p> <p>Chair, All</p> <p></p> <p>Knutson Knutson Knutson</p> <p>Bertolino</p> <p></p> <p>Bertolino Knutson Head Lastusky</p> <p>Roe et al</p>	<p></p> <p>Action</p> <p>Information</p> <p>Information Action Action</p> <p>Information</p> <p></p> <p>Information Information Information Information</p> <p>Information</p> <p>Information</p>
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## **ATTENDANCE**

### **Board of Directors Meeting Board of Directors Meeting September 16<sup>th</sup>, 2021 Minutes**

#### **Members Present:**

Joel Bertolino, BRCD  
Jillann Knutson, BRCD  
Jacy Head, BRCD  
Myrna Lastusky, BRCD  
Ryan Van Ballegooyen, Billings Job Service  
Bill Foisy, City of Red Lodge  
Dan Lowe, Big Horn County Conservation District  
Raymond Porter, Sweet Grass County Chamber Director  
Heidi Sparks, City of Laurel  
Genna Southworth, Workforce Director at MSUB-City College  
Scott Miller, Carbon County Commissioner  
Don Jones, Yellowstone County Commissioner

#### **Members who joined via phone:**

Jeff McDowell, Two Rivers Authority  
Barb Wagner, Yellowstone Conservation District

#### **Meeting Called to Order**

- Pledge of Allegiance, Introduction of Members and Guests
  - Jacy Head was welcomed as our new Economic Development Director.
  - Genna (pronounced Gina) Southworth has joined us from MSUB-City College. She is excited to be part of the board and hopes to talk to many board members about challenges and opportunities in their areas.
- Bill Foisy welcomed us all to Rd Lodge and told us the Roosevelt Center is completely full at this point. There is a Chamber After Hours event this evening, and there is a lot going on here.

#### **Review July Board Minutes**

- Scott Miller motioned to accept the minutes. Bill Foisy seconded. Motion carried.

#### **Congressional Updates – None present**

Maddie Alpert/Josiah Porcell (Sen. Tester)  
Tory Kolkhorst (Sen. Daines)  
Cade Overstreet (Rep. Rosendale)

#### **Treasurer/Financial Reports**

1. Treasurer Update / RLF Financials
  - a. 1<sup>st</sup> page of Treasury report
  - b. Had loan presented to RLF committee last week that didn't pass.



- c. Plenty of money to lend, interest is low, but people are still looking for free money.
  - d. One loan will be closing soon in Yellowstone County. Construction loan with First Interstate Bank. Construction is being delayed due to product availability.
  - e. Working to de-federalize the RLF grant given to us in 1994 – continuing to jump through hoops but getting close to the end.
    - i. Genna asked what de-federalization will do. Jillann explained that EDA is still “attached” to that loan and have always required her to get training and do quarterly reports. EDA finally came out with a ruling that we can de-federalize it, so no more reporting, no more strings attached to the money. Organizations often don’t want to apply for this money because of all the reporting requirements. Jillann has been hung up on the fact that the grant number she’s used for 15 years (4x per year) is wrong. So she’s waiting for someone in EDA to figure this out!
    - ii. Dan remembered when we first got the loan and all the strings and reporting and they said then that they would eventually get rid of it.
    - iii. Bill asked if we can “de-Fromberg” the Fromberg money. ☺ Jillann said there are two possibilities: (a) CDBG will request that the money be returned for non-use; (b) we approached CDBG to change it to regular CDBG, but at that time, they denied us. Will probably need to change it or give it back at some point. Jillann would like to have it transferred into the regular CDBG pot. Fromberg wanted their pot separate (this is 20 years ago), but the rest in the county said it could all go into the general pot.
    - iv. Ryan mentioned there are 16 good loans in place. Lots to celebrate, too!
    - v. We have one that we didn’t lose – they just moved their storefront to home. We also had 2 or 3 pay off since Covid, which is great.
  - Dan mentioned an extra digit on the RLF total – reads \$6525,731 instead of \$625,731. That change was made before approving.
2. RC&D Financials
- a. Differences between budgeted and actual amount is due to CARES Act and Covid and not knowing what to expect.
  - b. We got a beautiful new door at the office – under Building account column.
  - c. Ryan mentioned the \$7,000 in Reserve – not planning to spend it, but it’s there if we need it.
  - d. Jillann hoped to receive the audit draft by the end of September. Auditors are also very short-staffed, and our usual auditor took another position. They have up to 70+ questions Joel and Jillann have had to answer – much more in-depth than it used to be.
- Dan motioned to approved the financials as presented. Heidi seconded. Motion carried.

**CDBG CV Grant Application for Big Horn County – Joel**

- Steve held CDBG hearings in the spring in case any counties were interested.
- Last month Big Horn County asked Joel to look into an application for them for affordable housing. Joel has been working his way through that application. He told them we all need to work together to get it done. Joel spoke with Charlene Johnson at Plenty Doors CDC about combining their projects, but Plenty Doors doesn’t want to do that.
- Dan asked if the application was County-owned? Yes
- Dan said he asked because it’s a large umbrella & diverse with different cultures, etc.
- Joel asked BHC Commissioners to get him info and we need to decide by Oct. 1 if we have a worthy application.

**Staff Reports – Program/Project updates**



## Food/Ag Program – Joel Bertolino

1. Page 13 – Joel had a face-to-face in Helena at Dept of Ag last week. Talked about Specialty Crop Block grants that we may pursue.
  2. Joel has scheduled visits with Lane Gobbs of Montana Manufacturing Extension, and Weston Merrill, a Business Development Specialist at MT Dept of Ag who works out of Billings.
  3. Basin Inc. out of Big Timber – they did receive the GTA (Growth Through Ag) grant funding.
  4. Visited Project Meats and discussed the GTA program.
  5. Referred to Primitive Meats and they are going through the pre-application process for GTA.
  6. Charter Ranch and Yellowstone Valley Food Hub are both making improvements with their GTA grants. Joel is keeping in touch with them.
  7. 406 Bovine – Bryan Elliot is getting closer to launching this Ag Tech product.
  8. Pioneer Meats – Joel sent them info on a USDA Meat & Poultry Inspection Readiness grant for their new plant in Big Timber. They got that in.
  9. Joel spoke with Big Sky Beef – 300-500 head a day meat processing. 2 sites were chosen, but the first site fell through, so they are working on this.
  10. Restoration Beef – Jess Petersen in talks with Joel. Joel put them in touch with potential investor.
  11. Yellowstone Regional Ag Sustainability Project – federal office restricted travel due to Covid, so that is wrapping up. Great project for the 5 years it was going on.
  12. Becky's Berries – tour of her new facility in May. Had GTA grants and Coronavirus grants we've helped her with. We continue to watch for funding for her to keep growing.
  13. Potential new projects
    - i. Yohannes Tedesse in Billings
    - ii. Beartooth Fertilizer in Red Lodge
    - iii. Crazy Peak Brewing in Big Timber
    - iv. Cory Wilson Mushrooms in Billings
  14. Door project – new front door at the offices. It looks great!
  15. Joel also picked up a couple of Steve's projects (e.g. Red Lodge Pea Cannery).
- Don asked about 406 Bovine – actually recognizes the face of the cow?
    - Yes, it's an awesome concept. He does have a YouTube video explaining it (<https://www.youtube.com/watch?v=kTwkhUj9leA>). Can verify where animal was born, chain of ownership, to meat processing facility. This technology will track it so much better than current tags. Great especially for people selling organic beef – huge implications even into the meat markets. Can also add what dollar amounts it sold for at each stage. Many possibilities.
    - Jillann: Her work at Midland Bull Test has shown her how important this is with veterinarians – they can see what treatments each bull had done from day to day and know exactly what has been done and what needs to be done.
    - Genna asked if this was internet-dependent? Jillann said yes.
    - Don said maybe they can put it in and download it later? Most likely.
    - Jillann: With shortage of employees, the same guy can't ride pens 7 days a week. This allows them hand it off to another guy.
    - Several people mentioned great benefits to 406 Bovine's concept.

## **Economic Development/ CRDC – Jacy Head**

1. EDA Cares Act
  - a. Still working with Deb Brown from SaveYour.Town. Working with her in weekly meetings, and also working with her more with Bozeman Trail project.
  - b. Big Sky EDA – primary focus is Yellowstone County economic recovery.
  - c. Cushing Terrell Housing Study – should have report in next month or two. They also presented at the Billings Housing Summit in August.
2. BSTF Projects
  1. Red Lodge Pea Cannery – architects are currently creating a plan.
  2. Sandstone School – check has been issued.
  3. Laurel West Interchange – waiting on City of Laurel to decide how to proceed.
3. EDA American Rescue Plan Programs (ARPA) – has \$3 billion for funding to assist in building communities back from the effects of Covid-19.
  1. Build Back Better Challenge – 2 phases and need to be approved for each phase. They are looking for a very big region, like a multi-state project. Probably already needed to have a project in mind to get funded (according to Denver office). Deadline is Oct. 19<sup>th</sup>. Probably not do-able at this point.
  2. Good Jobs Challenge
  3. Economic Adjustment Assistance (EAA) – most flexible of any of these and can be used for infrastructure.
    - i. Many of these will go toward coal communities. There is a Coal Communities Commitment that will be allocated \$300 million from the \$3 billion - \$100M of Build Back Better funds and \$200M of the EAA funds.
- Raymond asked if the total was \$3 billion or \$3 million? Genna said it's \$3 billion across the entire US.
- Ryan asked Heidi what the status is on the BSTF for Laurel. Heidi will reach out to Nick and find out more.
- Bill asked about the timeline on Pea Cannery feasibility study. Joel thinks April but it will probably be sooner. High Plains is doing it.
  - Bill asked if this is public knowledge. The community development director didn't know it was being done, so we should coordinate with James Caniglia when the study is finished.
    - Joel said part of this is a change of ownership and some other issues.
- Bill asked about Deb Brown and meeting different officials – who is she meeting with? She should definitely meet with James Caniglia when she comes to Red Lodge.
- Genna asked about the last blurb in notes with the CRDC buckets of money.
  - Jacy is still figuring this all out. She attended a CRDC meeting earlier this week, and will follow up with Genna. Genna feels these are programs that would be great to coordinate with at City College.
- What is CRDC? Certified Regional Development Corporation.
  - Ryan pointed us all to the acronym list at end of agenda. He also mentioned how helpful it is to have conversations between BRCD, university system, governor's office, etc.
- Dan asked about last meeting's minutes – Pryor Mountain Wind Farm. What does it mean that it's about to be done reporting? Answer: It is DONE. After 12 years of reporting on it, it is finally finished.

## **Operations Support- Myrna Lastusky**

- Working to help Jacy get up to speed on different projects.
- Assisting with government reporting.



- Keeping the Bozeman Trail project going.
- General assistance to the Beartooth team.

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

**Raymond Porter – Sweet Grass County Chamber & Economic Development**

- City of Big Timber and County applied for ARPA funding. Apps sent back and then resubmitted them. Chamber of Commerce gave letter of support. Waiting to hear back on that. Main thing for infrastructure.
- Raymond has been contacting landowners and developers individually to inquire on the status of existing projects. There are too many miners & others who want to live there and can't.
- Chamber approved a new website and Raymond hopes to get City and County to update theirs, also.
- Pioneer Medical Center updated their health clinic.
- Greycliff Mills is expanding to include an aged cheese underground facility. They have sandy land, not rocky, which is amazing.
- Pioneer Meats' new storefront is open. The new Meats of Montana storefront in downtown Big Timber has revitalized a blighted area of town, and that business is connecting local producers to local consumers. The new storefront is also attracting tourists. The money spent on the Meats of Montana store is benefiting the community as a whole.
- Crazy Peak Brewery is also very busy.
- Town is thriving now, and BRCD has been a key part of that.

**Bill Foisy – City of Red Lodge**

- Economic Development – City approved that the vacant lot next to Sam's Taproom will be their new warehouse.
- Planning Board is developing a plan for the Tax Incremental Financing (TIF) District at north end of town.
- Resort tax for fiscal year ending June 30 was up 16% pro-rated. For 4<sup>th</sup> quarter of last fiscal year, it was up 32%. Amazing during Covid, but tourism has been up.
- Bull and Bear closing after 40 years. New bar replacing it – One-Legged Magpie.
- City and Community Foundation leveraging funds for individual housing projects.
- Events – Octoberfest last weekend. This week is Big Sky Gravel Tour – not motorcycles; it's bicycles, and has started.
- Big SKY EDA Council is showing *Edge of the Plains* documentary in Red Lodge in 2 weeks.
  - Raymond saw it last night in Big Timber – featured business owners from region, including Tuscano Machine in Big Timber, Earlywood, Crazy Peak, etc. Very well put together. About 90 minutes long with Q&A afterwards.
- Beartooth Hwy closes Oct. 12<sup>th</sup> officially.

**Scott Miller – Carbon County Commissioner**

- Detention Center failed the bond on Aug. 3<sup>rd</sup> by over 1,000 votes. We are waiting to hear from public on how to move forward.
- We own 13 acres in Joliet. Looking at a 50-unit housing development as a possibility there. Looking at investors to do that.
- Thefts and break-ins are up big time.

- 2 deputies retired and we hired 2 new ones. Back to taking people all over the state to other counties' jails.
- Hiring an HR person for the County. Have never had an HR person. Found the money and are getting one at last.
- Also hiring a Finance person probably in January. Also, IT, janitors, dispatchers. Trying to take care of people so they stay in their position longer.
  - Jillann asked who has been doing the HR part of it?
    - Angela Newell – along with everything else! Barbara moved to Sanitation.
  - Have to abide by some state requirements, and we need to get some of these things in place.
  - Budget was approved last Thursday.
- Doing some paving projects near Edgar (1-1.5.miles paved) and also the Lower Bridger Road by the bean plant.
- Just finished lifting Meeteetse Road up about 3 feet to avoid flooding. Worked with other agencies to pay for it, and we built it.
- Chance Bridge in Chance near Wyoming will get done coming up.
- Big Sky Passenger Rail Authority – Carbon is the 12<sup>th</sup> county to join. 3 others will join. Passenger rail that is possibly going to happen – will take billions of dollars to get it done. Will come down though southern part of state like it did at one time. There is \$65 billion dollars in the passenger rail system – \$13 million in testing and determining new rail lines like the southern route in MT. It will take millions through government and private funding to get this up and running with a time frame of years. We got on that authority to make sure Carbon County had a say. Spoke with Deputy Director of Transportation, but Congress and Senate hasn't passed it. IF it happens, Scott will try hard to get it through Carbon. Possible depots in Fromberg and Bridger. Routes will go to Minneapolis, Denver, Yellowstone Park, etc.
- ARPA money – Carbon got \$2M. Spent \$600K already. Put some into Senior Centers and other businesses. \$1.4 M to still give out to the county. Each community got money and must spend by 2026.
- Fromberg Legion got \$43,000 to work on community center.

### Heidi Sparks – City of Laurel

- City of Laurel is in early stages of 2 new housing developments. Passed annexation and early-stage planning for Cherry Hills subdivision – on the northwest side of town toward golf course. Will start on that and will probably have 2 more filings for subdivisions in that area. It would finish West Maryland all the way out to Golf Course Road. Golf course is planning to put in new clubhouse and annex into the city. Passed first vote, but haven't had second vote yet.
  - 25 units
- Other end of town near Sid's – Hazel to Juniper. Putting in planned unit development. This just passed annexation and first round of development. 55+ gated community with 60 houses. Heidi is very excited about it. This area needs some development, too!
- On the South side, they are moving forward with all new infrastructure for S. 4<sup>th</sup> (water lines, sewer, curbs, streets . . .). When you come off main Laurel exit under RR tracks, that is South side. Those streets are the worst in town.
  - The RR owns the crossing, and it's a state highway, so multiple entities involved.
  - The RR put new crossing on 5<sup>th</sup>. Also engaged in new traffic study coming in from the main interchange.
- Workforce – getting code enforcements coming back out of Building to the Police Dept. They will be hiring a Code Enforcement Officer (i.e. Parking and Barking Officer). ☺



### **Dan Lowe – Big Horn County Conservation District**

- Lot of fires to the east this summer. 150-170,000 acres burned. BHC had fairly minimal impact from fire this year, considering how many there were.
- Playing musical chairs with administrator position in Conservation District. Have gone through a few different ones in the last several years. Recently hired a new lady in this position.
- Aquatic Check Station near Fort Smith has gone through 2 cycles now and has been very successful. Get 10% fee for managing the one by the rest area – this gives them a nice bump in revenue.

Jillann: Quick Bridger update: building a big new fancy gym. \$1 million in Wind Farm impact fees is going toward this. This will make it handicap-accessible, which is important.

### **Barb Wagner – Yellowstone County Conservation District**

- Working on draining Lake Elmo now with aquatic invasive species.
- Looking at a grant to show that entire process through a video.
- The Nile Rodeo is coming in October.
- Doing education programs for 4<sup>th</sup> grades Oct. 18-20.

### **Genna Southworth – MSUB-City College of Billings**

- Appreciates being here and joining us.
- Her background is primarily in healthcare and education. One of her passions is rural healthcare.
- World of workforce is living in the Upside Down now. All the rules have changed. Genna's job is to figure out how City College can support Workforce. She really wants feedback from everyone on needs.
- Has had requests for non-credit ranch management education – people wanting to move into 21<sup>st</sup> Century by getting their books online, etc.
- Big Sky EDA is looking at the Good Jobs Challenge – the challenge is pipeline. There are many needs but employment rate is down and many aren't looking for jobs. Have started having conversations on whether they can go for the Good Jobs Challenge. Housing, childcare are big hurdles – especially therapeutic childcare because there are more and more kids in the system with social/emotional needs.
- Genna wants to listen and talk to people and get lots of input from our group.
- Jillann suggested that Genna contact the Extension. Jillann and Kris went to Succession Training through the Extension, and the lady from Missoula was fantastic. It was geared toward farmers and ranchers and setting up trusts, etc. Jillann will connect Genna to the Extension.
  - Ryan mentioned that MT Extension has added Workforce to their mission in the last couple years, also.

### **Ryan Van Ballegooyen, Billings Job Service**

- We don't need more good jobs – we need more people. Working on engaging people who aren't employed.
- 868 people in YC have completely exhausted their unemployment in June. Job Service is calling all of them. All have different stories of why they aren't working yet – worried about Covid, felony background, can't find childcare, etc.
  - Genna: There is no money in childcare – it costs a lot and liability is high.
  - Jillann: Daycare isn't a new problem. Went through 8-10 different scenarios in 12 years.

- Return to Work Bonus – once you are back at work for 4 weeks, you are eligible for \$1200 bonus from the State.
- We've shifted from connecting unemployed with jobs to connecting employers with workers.
- Don: Montana no longer withholds a driver's license if someone doesn't pay their fines – that is no longer an excuse for not being able to get to work.

**Jeff McDowell, Two Rivers Authority**

- He was told that the old slaughterhouse is operating again in Hardin.
- Shipton's is expanding their parking lot.
- Old Shopko is undergoing remodeling, new parking lot, etc. Reportedly will be a Dollar Tree.
- Vacant lot half block from Jeff where someone is cutting down dead trees – liability or prepping for construction? Not sure.
- Some other water line work happening in Hardin.
- Farmer's Market – a family from Fort Smith sells their own boxed beef and wants to sign up for Market so they can accept SNAP cards.
- Work on Hwy 313 south of town is still going . . .

Heidi Sparks motioned to adjourn, Scott Miller seconded.

Meeting adjourned at 2:44 pm.

Next Beartooth RC&D Area, Inc. Board Meeting: **November 18th, 2021 - Big Timber**

## Beartooth Books- Reporting Ending August 2021

	<u>Budgeted</u>	<u>Actual</u>	<u>% of budgeted</u>
<b>Income</b>			
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%
<b>TOTAL INCOME</b>	<b>321,671</b>	<b>525,568</b>	<b>163%</b>

<b>Expense</b>			
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!
<b>EXPENSE TOTAL</b>	<b>320,154</b>	<b>525,568</b>	<b>164%</b>

**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.

<u>Bank Balances as of August 2021</u>		<u>Total available for lending</u>
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



## Beartooth Books- Reporting Ending October 2021

	<u>Budgeted</u>	<u>Actual</u>	<u>% of budgeted</u>
<b>Income</b>			
AG-FOOD AND AG CENTER	85,007	80,262	94%
AG-MCDC	1,000	0	0%
BOARD - EDA SPONSOR DUES	55,907	54,613	98%
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	35,000	50%
NOT BUDGED INCOME	-	468,944	0%
<b>TOTAL INCOME</b>	<b>321,671</b>	<b>678,212</b>	<b>211%</b>

<b>Expense</b>			
TOTAL STAFF EXPENSE	256,044	207,447	81%
COMMUNICATIONS	6,000	6,336	106%
EQUIPMENT & VEHICLE	8,520	3,973	47%
CONTRACTUAL	21,220	428,686	2020%
SUPPLIES	9,800	10,237	104%
TRAVEL	10,140	1,296	13%
OTHER	8,430	10,118	120%
RESERVE	-		
<b>EXPENSE TOTAL</b>	<b>320,154</b>	<b>668,093</b>	<b>209%</b>

### Account Balances

Bank of Joliet-Building Account	\$4,475.22
Bank of Joliet- Savings Account	\$64,572.23
Bank of Joliet- Checking Account	\$134,613.02

## Revolving Loan Fund Books- October 2021

### Loan Client Review

<u>County</u>	<u># of loans</u>	<u>\$ Loaned out</u>
Big Horn	2	\$167,891
Stillwater	3	\$429,013
Yellowstone	7	\$347,610
Carbon	2	\$20,900
Sweet Grass	2	\$166,956

- 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.

<u>Bank Balances as of October 2021</u>		<u>Total available for lending</u>
Bank of Joliet- EDA	\$48,197	48,197
Bank of Joliet-CDBG	\$419,174	419,174
Bank of Joliet- IRP	\$389,606	134,214
Bank of Joliet-Fromberg	\$29,880	<u>29,880</u>
		\$631,465

# Beartooth RC&D Staff Project Update

*November 2021*

## FOOD AND AG CENTER PROJECTS

### Beartooth FADC

Beartooth FADC activities have been focused on assisting producers with the Growth Through Ag Grant and Loan program and waiting on the Montana and Federal food supply chain funding updates as well as conference calls with the Dept of Ag and an in person meeting September 9<sup>th</sup> in Helena. We have scheduled a visits with Primitive Meats and Big Sky Beef to introduce the Montana Manufacturing Engineer for our Region Lane Gobbs and offer assistance and updates on funding opportunities. The State of Montana just released a new Value Added Grant opportunity Beartooth has been sending the notice out to Food and Ag clients.

### 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- **Agrika Foods**

Contact-Yohannes Tedesse

Location-Billings

Yohannes Tedesse has developed a business of purchasing grains and having them processed for unique cultural markets across the US. He has been looking for storage to build or rent for purchased grain so he can continue to grow his business.

Business/ Project Name-

Contact-**Corey Wilson**

Location-Billings

Beartooth FADC visited with Corey Wilson about his mushroom business and the potential for funding through the Growth Through Ag Grant. Beartooth FADC sent him the information on GTA and the deadlines as a reminder; he did put in an initial application for funding for GTA.

Business/Project Name- **Toews Family Farms**

Contact-Aaron Toews

Location- Hardin

Aaron Toews has been working with Beartooth FADC for the last two years discussing his startup business working off the family farm he plants several hundred acres of corn for grain, which he harvests, bags and sells direct to the public both off his farm and through local feed stores. This business has growth each year and Beartooth worked with them on a GTA last year but they did not make the deadline, they have submitted an application for the deadline this year for equipment to help their business continue to grow.

Business/ Project Name: **Prime Meats**

Contact-Lamont Herman-

Location- St Xavier Big Horn County

Lamont Herman has a cattle ranch and is looking to add profit by finishing some beef having then processed and packaged and then selling directly to consumers and restaurants. He began direct selling over a year ago and the demand has grown he is now looking for increased cooler space to store his processed products before they are delivered and other delivery equipment.

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 did a site visit to their ranch on September 17<sup>th</sup>. Beartooth worked with the business on submitting their GTA grant application for their business.

Business/ Project Name: **JWK Enterprises**

Contact- Justine Kougale

Location- Busby, MT

The Kougale family raises grass fed hormone free beef in Big Horn County and is developing a profitable business that adds value to their beef production business. This project takes the raw commodity of beef cattle livestock and changes the physical state to packaged, labeled for re-sale meat products. These products will be marketed as grass-fed grain-finished, and locally grown. Beartooth FADC assisted 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. The VAPG was successful and they will receive \$100,000.00 for expanding their direct marketing beef business. They are now applying for Growth through Ag grant funds as well.

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

Contact-

Location-Shepherd, 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. We have begun trying to follow up to see how the expansion project is developing.

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 FADC has reached out to follow up with this business and 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/kTwxhUj9leA> Beartooth will continue to assist this business as needed. Beartooth FADC followed up with 406 Bovine to give them the updates on the status of state and federal funding sources. Bryan had been granted investments from two entities that have developed funds specifically for supporting new technologies such as facial recognition. He does have interest from a large Agricultural business in investing in the business he is trying to rais 3- 5M in order to fully launch and commercialize the product. They have refined the app and worked hard on the company pro forma for potential investors.



### **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 supply chain bottlenecks shifting some buyer interest to smaller plants like theirs. Beartooth FADC staff has visited the business to discuss upcoming funding opportunities. We have visited about potential future funding needs, the difficulties they are having with their incinerator and workforce, they are having a difficult time hiring workers.



### **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. Brian has also submitted a Growth through Agriculture Grant.





## **Big Sky Beef**

Contact- Gary Guessman

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 21<sup>st</sup> 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 Guessman. Beartooth FADC staff look forward to the potential to utilize funding to assist with this project. We had a follow up meeting to discuss the challenges they are having finding a site for this project. They have looked at sites in Lockwood as well as Hardin but are now looking at areas just outside of Yellowstone County, the major obstacle is to find a site that has the infrastructure they will need. The plant will need either a municipal water supply or several large wells as well as water treatment. They are looking into the new State Value Added Grant.

## **Restoration Beef Project**

Contact- Jess Peterson

Restoration beef has developed a feasibility study around building a high quality beef plant that processes between 500 to 1000 per day, they are in the process of developing interest and funding but are interested in the Yellowstone Valley area. They have recently been in touch with a potential investor group from Washington State and have been discussing their project with the principles on another large meat processing project

## **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.

Outreach- F Bar 3 Vineyard in Laurel, after visiting about their needs, Lane Gobbs with Montana Manufacturing Extension has begun working with a Senior Engineering class at MSU on designing an irrigation system for the vineyard.





## Economic Development Director Report for November 2021

### BRCB Board Meeting- November 18th

1. EDA Cares Act
  - a. Deb Brown- She is visited us in October and continued her efforts in leading the Bozeman Trail project.
  - b. Big Sky EDA- They are providing trainings throughout the region and created several committees to address certain issues that businesses are facing from the ongoing COVID situation.
  - c. Cushing Terrill Housing Study- We have received their report and are currently creating a roll out plan for the region.
2. BSTF Projects-
  1. Red Lodge Pea Cannery- HPA is 50% complete on this project; they believe we should have the study complete by the beginning of 2022.
  2. Sandstone School- 3 communities meetings were held successfully; the school board must decide how to proceed forward after this feasibility study. The feasibility study was successfully completed by HPA.
  3. Laurel West Interchange- this grant is closed; funds were turned back to DOC.
  4. Stillwater Industrial Park Feasibility Study- BSTF awarded us a planning grant to complete a \$27,000 feasibility study.
3. ARPA- Still assessing project possibilities with other CRDCs and our 5 counties. About 30 % of the funds from the first round have gone out. The second round of ARPA funds will be released in June 2022.
4. Mountain Health CoOp- partnered with them for an Emergency Rural Healthcare Grant, track 2 (impact grant); if successful, it would allow a remote healthcare clinic site in Busby or Lodge Grass. We are still waiting for approval.
5. RCDI Grant with USDA RD- \$120,000 towards the EDD position in Hardin and Bighorn. For 2021: we must form a hiring committee, create a job description, advertise the ED job, and conduct interviews. Then hire for the job opening.
6. CDBG CV- \$1.375 mil for Bighorn County; Awaiting approval for the application.

## 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

**Billings Housing Summit**  
**Aug. 24, 2021**  
**Notes**

**Dr. Patrick Barkey – also see photos at the end**

- 14% increase in home values in 2021 (just in the 1<sup>st</sup> 8 months of the year)
- More young people living at home since post-Great Depression (52% of 18-29 year olds).
- 21-65 years old:
  - 85% are open to new opportunities
  - 50% look daily or weekly for new jobs
    - Looking for salary, life balance, benefits, right location, flexibility
  - If they were to relocate, their top 3 considerations are:
    - Cost of Living
    - Housing Costs
    - Housing Availability
    - All 3 of these were within ½ point of each other
- Housing price increases in 2020 – Billings was 14% while Livingston was 38%. Billings is actually one of the lowest around the state in terms of price increases in last year.
- In an affordable housing study of Yellowstone County:
  - 65,000 households
  - 5700 were Very Low Income (less than \$17, 735/year)
  - Howowners (19%) were much less cost burdened than renters (45%).
  - 2,207 housing units are receiving subsidies
  - 39% of subsidized housing will have subsidies expire in the next 10 years.

**Monica Plecker, City Planning Division Mngr: What tools the City employs for development:**

- How they handle annexations
  - Policy and map – red area is identified designation for properties who can petition the City for annexation any time.
    - Map is reviewed on annual basis
  - Responsive to Council decisions and under continual review – working with public works, emergency services to make sure it is working.
  - Goal is to be ready to give answers to petitions
- Project Recode
  - Updated entire zoning code (previous was from 1970s)
  - Focus on efficient uses of land, especially on the edges
  - PND – encourages density by requiring multiple types of zoning (48<sup>th</sup> & King, e.g. has commercial use with other story multi-family, plus duplexes and single-family).
  - Got rid of lot size requirement. Lot sizes based on lineal frontage feet.
  - Helping with infill development. More reinvestments happening due to changed zoning.
  - Since this was implemented, no one has come to them to say they can't build because of zoning/codes.
- Metropolitan planning efforts



**Mark Elison – Regional manager for water DNRC and was on City Council; also a geologist/hydrologist**

**Q. Possibilities for potable water in future**

\* Great aquifer but beneath it is 1000 feet of shale – thin, widespread, highly productive aquifer, but must get water into it. Some comes from surface water, some from precipitation, but most from irrigated agriculture. Groundwater levels come up dramatically as irrigation happens. Lots of flood irrigated land – not very efficient so 50% of it goes in to recharge aquifer.

\* Current high demand on the aquifer. With every housing development, there is less ag land and less water going into aquifer. Non-sustainable situation.

\* In 2002 study, showed many areas around Billings have high nitrate levels in groundwater. YBGR moved well, Elysian School shut down for a time due to this.

\* Solution (probably only one available): City of Billings has an enormous water reservation out of Yellowstone River – no constraints as to where they take it out of river or where they put that water. City is looking into putting in a reservoir and different methods to get water from Yellowstone River. Not sure how long we can continue with current system, but it is not sustainable.

**Julie Flynn, Dept of Commerce – what programs are available?**

1. Programs tend to focus on supply side, but she is focusing on mortgage programs.
2. Focus on fed level tends to be on urban development, so they try to adapt that to MT's needs as much as possible.
3. CDBG program: rehab existing multi-family properties for LMI housing.
  - a. 2-person household = \$52K (\$25/hour total – so \$12.50/hour for two adults)
4. Single-family Rehab: need to rehab existing homes that already have infrastructure available. But the market motivates construction workers to work on new developments.
5. NeighborWorks Montana manages funds – provide silent second mortgages to homeowners.
  - a. Have streamlined this process and asking only minimum to stay out of trouble with fed.
  - b. Also provide these funds to Trust Montana
6. MT Board of Housing
  - a. MT Tax Credit Program – Acme building, Red Fox apartments, Pheasant apartments all utilized tax credits to be built.
7. Board of Housing mortgages hit that 60-80% middle-income people who often get missed. Interest rate is 2.5% 30 years fixed.
  - a. Veterans loans at 1.2%
8. Reverse annuity mortgage for eligible seniors
9. MT Historic Preservation grant

**Q&A:**

- Groundwater does filter out some nitrates before getting into aquifer.



- Can City inject water from Yellowstone directly into aquifer? Possibly. Need City services to have higher density b/c when you need individual wells and drain fields, you need larger lots sizes.
- Has City considered expanding the red zone? This has been in discussion. Anticipated that this spring will bring some changes.
- Infill development? Can we get serious about this vs. continuous infrastructure development? There aren't a lot of tools to help with this. New codes allow for much greater density.
- Seems to be some non-cooperation between City and County.
- City has state of the art facilities for water coming in and going out.
- Opportunity Zone – but nothing to do within our zone? Redevelopment opportunities in downtown core are present. Any way to stretch the boundaries? Not that Monica is aware of.
- Cost of Services Study – a priority of the City. Not funded right now.

**2<sup>nd</sup> Panel: Are local lenders able to pivot to assist developers and builders more quickly than ever before? What else can be done so approved buyers aren't left on the sideline?**

1. **Deb Sokoloski, Opportunity Bank**
  - a. Access to credit and affordable programs is there, but wages aren't keeping up with housing prices. Many people sitting prequalified and ready to purchase with nothing in their affordable house range.
  - b. Many people own properties and are selling to turn a profit. Causing demand to shift even greater b/c some people who have been renting these are now displaced.
  - c. Sellers are going conventional – don't want to go with a buyer using some of the programs.
2. **Wayne Nelson, Stockman Bank Pres – criteria for developers to obtain financing**
3. **Bob Leach, Realtor – what changes are taking place in our housing market?**
  - a. Fear-based market: Worried about not finding a home, sight unseen, high offers – including more cash offers and often 10% over asking price.
  - b. Ave. sales price = \$340K
  - c. Home inventory continues to decline while demand rises.
  - d. Majority of young adults (age 18-29) are now living with parents (over half – first time in last 120 years).
  - e. Currently more houses on market for over \$500K than any other price category.
  - f. Workforce housing (80-120% of median household income). Median household income (4-prson) is currently \$59K in YC.
  - g. Rental demand is highest in memory.
  - h. Lot sales tripled from a few years ago.
  - i. Must encourage more kids to go into Trades rather than 4-year college.
  - j. 1940s – ave housing was 245 square feet/person and now is over 800/person. Houses are much bigger!
  - k. No major manufactured home subdivision in this community in over 20 years.
  - l. Explore what other communities are doing to solve housing problems.
4. **Rob Lorenz, Builder: Obstacles facing with construction**
  - a. Costs – OSB was \$10/sheet and has gone as high as \$80/sheet. Recently dropped back to \$15/sheet
  - b. Lack of tradesmen – they are 4-6 months out to schedule

- c. Availability of building products. Used to be 4-6 weeks out and now they are out 3 months or more.

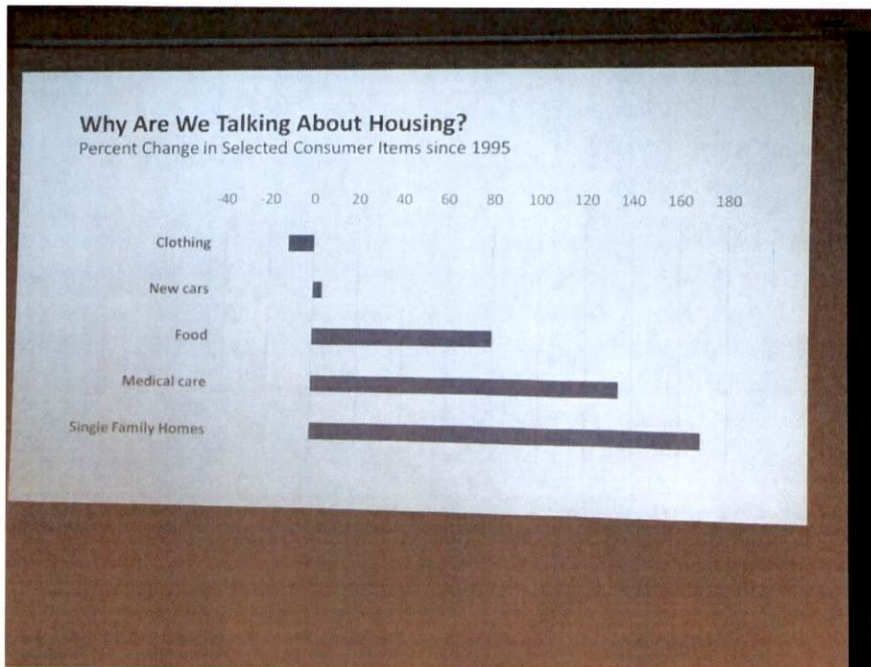
**5. Jeff Junkert, Developer:**

- a. Land – have seen it go to 60,000-100,000/acre now.
- b. Disparagement between City and County development.
- c. Affordability has always been an issue and will never be solved.
- d. More slab and crawl spaces houses now.

**6. Greg McCall, Builder/Developer – how to control/reduce cost of construction; innovation construction technology**

- a. Panelization plant – build walls in controlled environment to build higher quality home for less money.
- b. Just don't have the tradesmen to do the work. They could use 5 additional framing crews tomorrow just for their company. They have jobs!
- c. Utilizing kids from Teen Challenge.
- d. Trying to bring in more products and inventory some things right now (not normally what they would want to do).

**Photos of Slides from various presentations:**



### "High" Housing Prices Matter

- "High" prices = prices pushed higher by regulatory constraints or other inefficiencies
- Even if markets were efficient, the price might be too high for many households
- Not enough money left over for other essentials
- Increase sprawl, commuting costs, congestion
- Reduce labor availability for lower and medium paying jobs

### Housing Has Always Been a Public Policy Priority

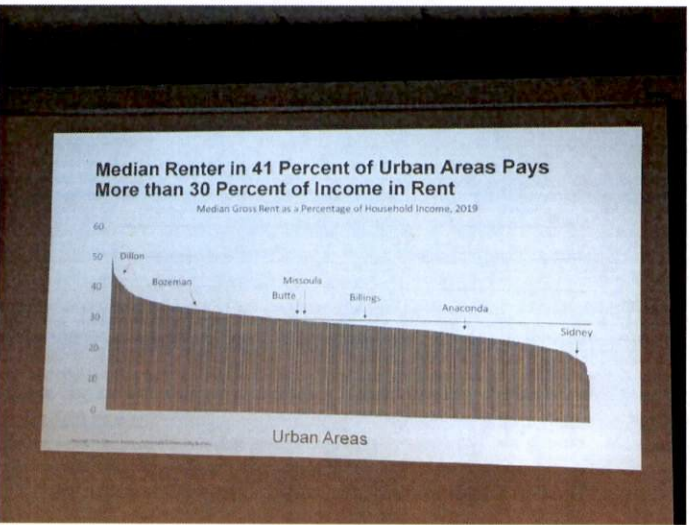
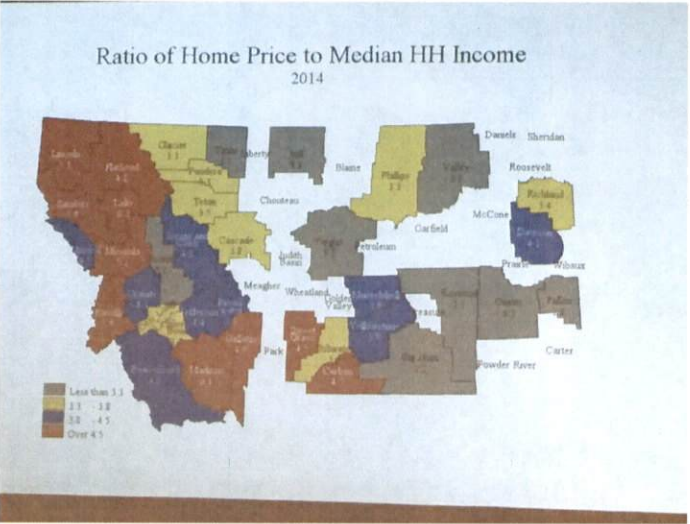
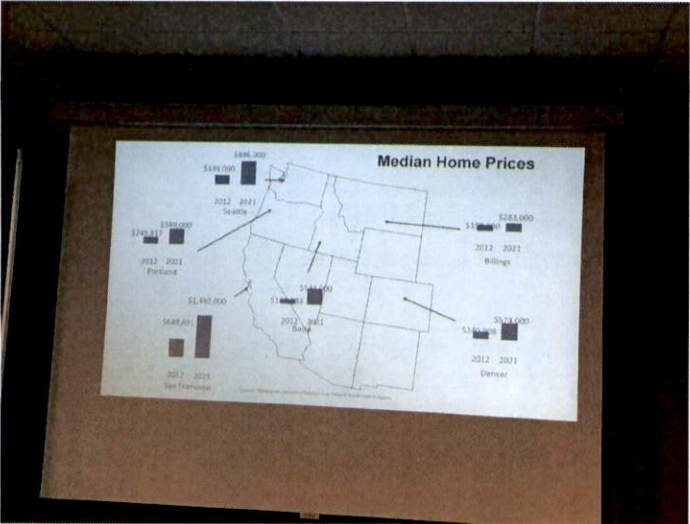
Federal Policies Supporting Homeownership

- Mortgage interest deduction
- Mortgage revenue bonds
- Mortgage credit certificates
- Capital gains treatment for sales of primary residences
- Savings and Loan Associations
- FHA insurance
- Fannie Mae and Freddie Mac mortgage guarantees
- Quota for Fannie and Freddie for targeted populations
- Support for institutions like FHLB's
- 30-year fixed rate mortgage with no pre-payment penalty
- FHA and VA loan programs
- HUD Section 502 low-rate mortgages to low-income households

### Median Housing Costs as a Percent of Median Household Income, 2019







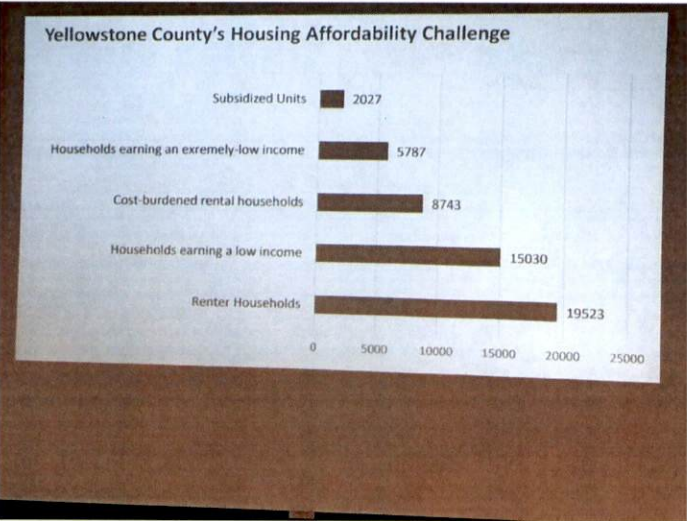




### Migration Data from Post Office Address Forwarding Request Data

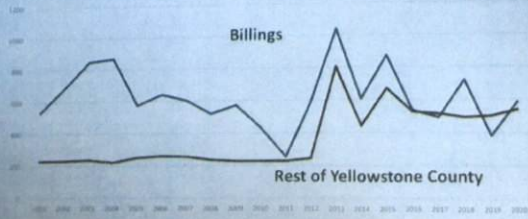
Billings MSA

Source-Destination	To		From	
	2019	2020	2019	2020
MT	16,441	16,709	16,166	16,660
WY	279	319	192	239
WA	281	317	254	187
CA	250	302	109	107
AZ	252	291	261	233
CO	267	260	189	180
ND	124	156	117	70
TX	59	97	129	133
OR	138	93	79	61
NV	98	91	98	78



### Residential Construction Has Cooled Off Since 2013

Yellowstone County Single Family Housing Starts, 2001-2020



### Is Billings Building Enough Housing?

	Job Growth	New Housing	Ratio
1999-2007 Bozeman	7,437	11,254	1.5
Billings	12,063	7,129	0.6
Missoula	6,513	7,744	1.2
2010-20 Bozeman	19,501	16,419	0.8
Billings	6,631	11,030	1.7
Missoula	5,767	6,680	1.2

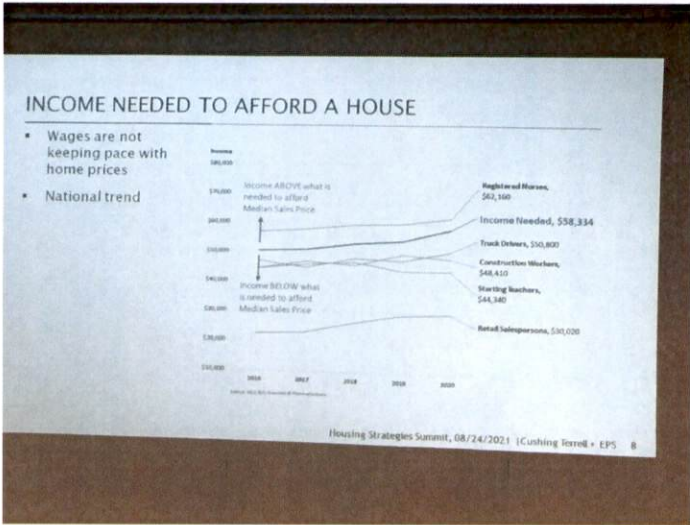
#### WHAT WE HEARD

##### Billings

- New construction is primarily focused on the upper end market (\$600k and higher)
- Land costs are high, minimum lot sizes pose a burden
- For-sale product moves quickly, many out-of-state buyers
- Low rental vacancy rates
- A market for smaller (lower cost) homes: rental housing, "missing middle" housing

##### Rural/Mountain Areas

- Very little rental housing
- Difficult for businesses to find workers
- For-sale product moves quickly, many out-of-state buyers
- Need funding grants for new housing development and rehab
- Land and infrastructure costs are a major burden
- Lack of capacity and resources to generate momentum for new housing policies/strategies
- Employers want to build housing, asking for assistance



- ### LOCAL HOUSING TOOLKIT - ATTAINABLE
- Goal: private market builds vast majority of housing!
  - Zoning**
    - Smaller lot sizes
    - Multifamily by right
    - All a variety of unit types: ADUs, cottages, townhomes, duplexes, 4-8 plexes
  - Growth planning**
    - Infrastructure (water and sewer)
    - Annexation
    - Density is needed to drive down infrastructure cost per unit
  - Incentives**
    - Fee deferrals for a defined pricepoint - 120% AMI and below
    - Expedited administrative review
- Housing Strategies Summit, 08/24/2021 | Cushing Terrell + EPS 10



## LOCAL HOUSING TOOLKIT - AFFORDABLE

- **Funding**
  - Tax increment financing
    - Limited to streets, utilities, remediation, and demolition costs
  - Resort tax (limited to municipalities under 5,500 pop.)
  - Short term rental fees or tax
  - Property tax abatements
  - Property tax levy for housing (going on the ballot in Bozeman)
  - Housing Trust Fund
    - Revolving loans for gap closure
    - Down payment assistance
  - Infrastructure assistance program - local gov't lending, grants
- **Supply**
  - Use City or County owned land for affordable housing
  - Community land trusts
  - Expand ADUs?

Housing Strategies Summit, 08/24/2021 | Cushing TermB

## HOUSING TOOLKIT - STATE LEGISLATION

### What currently exists

- Coal trust housing loan program for multifamily
  - \$15 million loan fund that provides low-interest gap financing to projects with units affordable to low-income renters
  - Loans capped at \$1.5M
  - 6-7 projects per year

### Possible Best Practices

- State workforce housing tax credit program
  - Bill passed legislature, vetoed by governor in 2021
- Local option sales tax - not currently legal
- Real Estate Transfer Tax - not legal
- Inclusionary zoning and linkage fees: Banned at the state level by the legislature in 2021
- Statewide Upzoning: a bill was introduced in 2021
- State incentive program (Colorado and Nebraska)

Housing Strategies Summit, 08/24/2021 | Cushing TermB - EPS

## LAND SUITABILITY: HARDIN, BIG HORN COUNTY



- Number of Opportunity Sites: 12
- Average Opportunity Site Size: 1.27 Acres
- Number of Jobs within 5 Miles: 2,500
- Largest Employment Sector: Public Administration, Educational Services
- Largest Employers: Big Horn Hospital Association, 100-249 Employees; Decker Coal Company, 100-249 Employees; Hardin Elementary; Hardin HS Districts
- Inflow/Outflow Commuting Patterns: Employed in the Area but Living Outside: 1,447; Employed and Living in the Area: 1,091; Living in Area but Employed Outside: 990
- Main Commuter Destination: Billings
- Overall Potential: High (Class 10 Census LEAs)

Housing Strategies Summit, 08/24/2021 | Cushing TermB - EPS



LAND SUITABILITY, BILLINGS, YELLOWSTONE COUNTY



- Number of Appropriately Sited: 4.4 Acres
- Average Opportunity: 500,000 - 4.4 Miles
- Largest Employment Sector: Educational Services, Health Care
- Largest Employers: Billings, Elbow High School District, Billings Clinic, St. Vincent Healthcare
- Inflow/Outflow Commuting Pattern: Employed in the Area but Living Outside: 28,500  
Employed and Living in the Area: 41,800  
Living in Area but Employed Outside: 15,900
- Main Commuter of Destination: WOODS BARRAGE
- Overall Community Potential: Very High  
Climate: US Climate 1980s

# House Bill 52 Report







# Opening Message

The suite of eight economic development programs reauthorized by the 2019 Montana Legislature through House Bill 52 provide tools that form part of the backbone of a comprehensive economic development strategy in Montana. These programs strategically enable the small businesses and entrepreneurs who power Montana’s economy. First developed in 2000, reauthorized in 2009 and again in 2019, this proven set of business development programs is designed with intention to support each phase of growth.

The state carefully tracks metrics of success. The state’s investment remains \$3.365 million each year, which in turn provides an exponential return in each of our communities. A big part of why the state’s investment is so impactful is because it allows Montana to bring in matching dollars from federal and other partners. From 2012-2019, these programs supported 15,000 businesses and made available 12,000 jobs for Montanans!

	<b>2001-2009</b>	<b>2010-2019</b>	<b>2020-2027</b>
Cooperative Development Center	\$65,000	\$65,000	\$65,000
<b>DEPARTMENT OF AGRICULTURE</b>			
Growth Through Agriculture	\$1,250,000	\$625,000	\$900,000
Food & Agricultural Development Centers	\$0	\$300,000	\$600,000
<b>DEPARTMENT OF COMMERCE</b>			
Small Business Development Centers	\$125,000	\$125,000	\$325,000
Small Business Innovative Research Program (MTIP at MSU TechLink)	\$50,000	\$50,000	\$50,000
Certified Regional Development Corporations (funded in 2003)	\$425,000	\$425,000	\$625,000
Montana Manufacturing Extension Center at MSU	\$200,000	\$200,000	\$500,000
Export Trade	\$300,000	\$300,000	\$300,000
Montana Board of Research and Commercialization Technology	\$4,850,000	\$1,275,000	\$0
Business Recruitment	\$175,000	\$0	\$0
<b>TOTAL</b>	<b>\$7,440,000</b>	<b>\$3,365,000</b>	<b>\$3,365,000</b>

*These are the annual funding levels per program.*

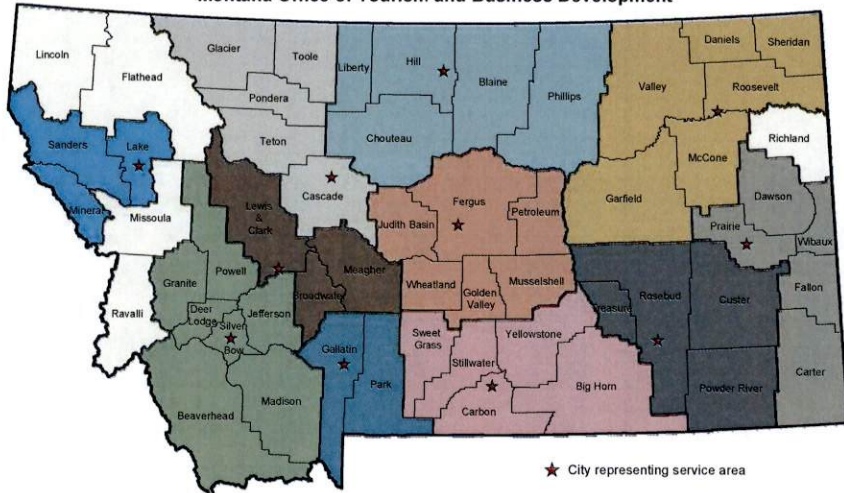
This report marks the beginning of a more streamlined and consistent approach to measuring the impact of the programs housed within the Montana Department of Commerce. We listened to lawmakers who said they wanted to better understand the collective impact of investing \$3.365 million into Montana businesses.



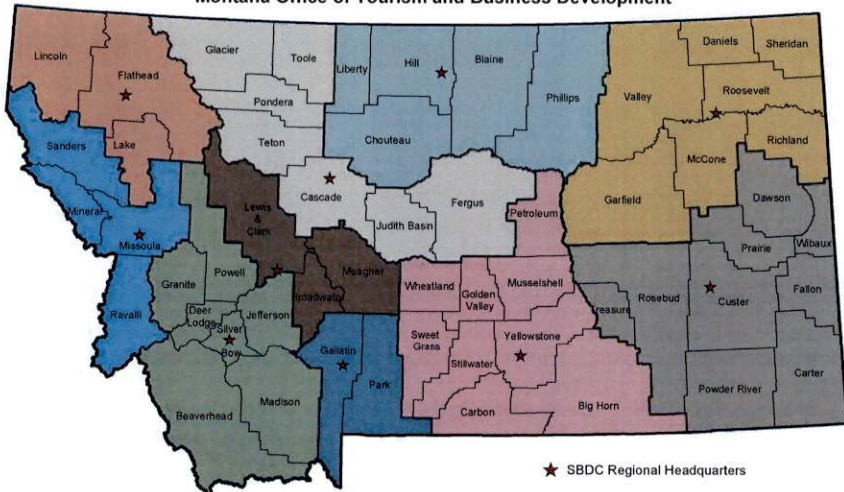
The Department has streamlined its definitions of jobs and businesses supported across all of its business development programs, and is using one tool, Salesforce, to organize information provided directly from business clients, regional economic development partners and university partners. This tool will also allow the Department to better inform lawmakers and the public of impacts that are more difficult to measure.

Most of the programs reauthorized by HB 52 invest in local communities with on the ground resources around the state. These aren't solely a collection of grant programs, instead, they largely support regional technical assistance centers and professionals in communities in nearly every corner of Montana. This regional approach is critical to ensure hands-on support for business and entrepreneurs.

**CERTIFIED REGIONAL DEVELOPMENT CORPORATION REGIONS**  
 Montana Office of Tourism and Business Development



**SMALL BUSINESS DEVELOPMENT CENTER (SBDC) REGIONS**  
 Montana Office of Tourism and Business Development



The Montana Department of Commerce is a resource for small-scale makers, innovative startups, well-established brands that sell their products globally – and everything in between. The Legislature’s \$3.365 million annual investment allows the Department to access a broader network of federal support, it powers regional expertise, and it helps businesses go from a good idea to an international exporter.





# Idea to International Exporter



As part of a comprehensive approach to economic development, Montana deploys a toolbox of programs, including the HB 52 programs, to strategically target critical points in the pipeline of business development. Montana businesses are supported by the Montana Departments of Commerce and Agriculture from their very first product or service idea, through startup, financing, and growth, and even to international sales. These programs provide technical assistance, expertise, support, and grant and loan dollars for a myriad of Montana businesses, including manufacturers, main street businesses, service providers, tourism businesses, etc. Additionally, this support is not centralized and difficult for Montana companies in rural areas to reach; rather, Commerce hosts a statewide network of business assistance resources, providing localized assistance in every corner of the state, with specialized services for disadvantaged businesses.

Taking an idea and turning it into a profitable business is a monumental process, and the complexity of it can be daunting for entrepreneurs. Most start out as ill-funded solopreneurs who already have a day job, spending every free moment they have tinkering with an innovation in their garage or sketching out their idea on a napkin. Alone, the process can be overwhelming and take much longer than with help.

## IDEA & STARTUP

The first place entrepreneurs can turn for guidance on turning their idea into a startup business is one of the state's ten Small Business Development Centers (SBDCs); those registered with a Montana tribe can also work with one of eight Native American Business Advisors (NABAs). Entrepreneurs can walk in the door of their local SBDC or NABA, sit down with an expert and discuss the feasibility of the startup, using financial projections and market research from the SBDC's national network. The SBDC may also help the entrepreneur via their local NABA or Certified Regional Development Corporation (CRDC) – there are 11 to choose from – to apply for the Big Sky Economic Development Trust Fund's (BSTF) Planning Grant or the Tribal Business Planning Grant (TBPG) to fund a feasibility study, business plan, etc., which can increase a new business's chance of accessing traditional bank financing.

Once the idea looks promising, the SBDC or NABA can help the entrepreneur with their business plan, perhaps referring them to the Cooperative Development Center (CDC) for guidance on starting up and financing a cooperative, if that business structure makes the most sense. For technology-based businesses, the Small Business Innovation Research (SBIR) program can provide funding to help the entrepreneur complete necessary research and development and to get the product ready for sales.





## **FINANCING**

Usually the next step for an entrepreneur is to obtain financing for their startup expenses and operations. SBDCs, NABAs, and CRDCs provide expert technical assistance, helping entrepreneurs to prepare their documentation for loan packages, and CRDCs can provide loans to local startups to help them apply for other grant and loan programs. Additionally, the MicroBusiness Finance Program (MBFP) can help with startup expenses. The Indian Equity Fund (IEF) Grant is available to help enrolled tribal members with start-up and expansion expenses, and the Native American Collateral Support (NACS) financial instrument helps bankable businesses to meet collateral requirements for traditional bank financing.

## **GROWTH**

When a manufacturer has established demand and is in the production growth phase, their local Montana Manufacturing Extension Center (MMEC) Business Advisor can help them plan and implement growth and innovation projects, such as facility layout, equipment purchases and implementation, cost and capacity planning, inventory systems, processes and procedure development, and the SBDCs and NABAs also help with growth planning. If this growth includes hiring employees, MMEC can also assist with hiring, training and retention activities. The business can also access BSTF Job Creation grant funds to help pay for capital expenditures, such as wages, equipment, construction materials, etc.; and the Primary Sector Workforce Training Grant (WTG) can help offset the cost of training the new employees. The MBFP can also help with financing this growth.

## **INTERNATIONAL EXPORTING + MARKETING**

As business grows, the sales pattern for most manufacturers and service providers develops in concentric circles radiating out from local, regional, and national, to international markets, depending on their marketing goals. SBDCs and NABAs can help companies to develop and execute their marketing plans. For local markets, manufacturers can take advantage of the Made in Montana program's marketing opportunities. To develop regional and national customers, businesses could use ExportMontana's Trade Show Assistance Program grant for exhibiting at trade shows within the USA. Montana exporters can benefit from ExportMontana's international marketing expertise when they are ready to develop international customers for their products, and they can use the State Trade Expansion Program grant for international trade shows, foreign language translation, international product certification, etc. For growing manufacturers, MMEC can assist with new product development, operational enhancements, technology integration, and regulatory compliance, among other things.

## **EXIT STRATEGY**

When it comes time for the business owner to consider the exit strategy or transition of the business to a family member, employee, outside buyer, etc., the process can be just as daunting as the startup phase. MMEC, SBDCs, and CRDCs offer the financial and strategic expertise the business owner needs to plan a successful strategy and begin the transition process.

The Montana Department of Commerce's idea to international business services provide entrepreneurs expertise and assistance every step of the way, removing startup and growth barriers, and improving the chances of long-lasting business success. More in-depth information on the programs funded through 2019's HB 52 are as follows:



# Montana Cooperative Development Center

The Montana Cooperative Development Center (MCDC) is a 501c3 organization whose mission is to promote and develop cooperatives to meet the economic and community needs of Montana. The \$65,000 received annually through the Montana Department of Agriculture is leveraged to match the \$200,000 Rural Cooperative Development Grant through USDA-Rural Development every October. MCDC, founded in 1999 as part of the Montana State University-Northern, became an independent organization in 2004 and continues to serve all 56 counties of Montana. MCDC is the administrative branch of the Montana Council of Cooperatives, a trade association serving all sectors of the 160 cooperatives in Montana. MCDC is part of the economic development community and partners with other statewide and regional organizations across the State. Current initiatives include wholesale grocery store cooperatives, workforce conversions, investment cooperatives, meat processing cooperatives (branding, distribution, facilities), grass bank and young producers, childcare, housing, and labor and shared service cooperatives.

Cooperative Development Specialists in Montana are housed in ten Economic Development Organizations across Montana: Beartooth RC&D, Native American Development Corporation, Headwaters RC&D/Butte & Silverbow Economic Development Corporation, Mountain West Economic Development Corporation, Snowy Mountain Economic Development Corporation, Park Local Development Corporation, Eastern Plains Economic Development, Great Northern Economic Development, Ravalli County Economic Development Authority, BearPaw Economic Development.

State Investment .....	\$65,000
Leveraged Investments:	
USDA- Rural Development .....	\$179,302
Montana Council of Cooperatives (Association) .....	\$5,000
Private/Other Funds .....	\$63,077
<b>Total Investment .....</b>	<b>\$370,456</b>

## METRICS FOR SUCCESS

Cooperatives Formed .....	2
Cooperatives Assisted .....	16
Businesses assisted not cooperatives .....	22
Number of Businesses incorporated no cooperative .....	1
Groups working with us to explore cooperative business model .....	20

*October 2019 to April 2020*



# Certified Regional Development Corporations

The Certified Regional Development Corporations (CRDC) program was created by the 2003 Montana Legislature to encourage a regional approach to economic development that facilitates the efficient delivery of economic development programs by supporting regional capacity. A CRDC must be a private, non-profit corporation, and apply for certification through a competitive state Request for Proposal (RFP) process. CRDCs work directly with businesses to help them access capital, grant and loan programs, and provide technical assistance. There are 11 CRDCs spread across the state; Havre, Joliet, Baker, Wolf Point, Butte, Ronan, Helena, Bozeman, Colstrip, Great Falls, Lewistown. Each CRDC serves multi-county regions.

## METRICS FOR SUCCESS

Total Number of Loans Closed .....	20
Total Dollar Amount of Loans.....	\$1,574,343
Dollars Matched by Businesses for Loans .....	\$8,081,417
Number of Jobs Created .....	48
Number of Jobs Retained.....	50
Number of Businesses Assisted .....	470
Number of Projects Assisted .....	429

*January to March 2020*





## Strategic Partnership: Montana Craft Malt

Montana Craft Malt started its six-year relationship with the Departments of Commerce and Agriculture back in 2014 when a Commerce-created industry study showed the potential for growing, making and selling Montana-made beer malt. Fast forward to 2020 and Butte-based Montana Craft Malt was cutting the ribbon on its \$25 million state-of-the-art malting facility designed to capitalize on the world-class quality and high quantity of barley grown in Montana to provide the microbrewery and micro-distillery industries with customized products.

Brewing and distilling is big business. In Montana alone, 92 breweries use an estimated seven million pounds of malted grain each year. Montana Craft Malt saw an opportunity in the industry since most malt used in Montana comes from out of state, and brewers around the globe are always seeking high-quality specialty malts.

The six-year path from moving an idea to a realized innovation was done with the coordinated support of the Montana Departments of Commerce and Agriculture. What started with industry research quickly turned into the development of a business plan under the advisement of Butte's Small Business Development Center (SBDC) and the Big Sky Trust Fund Planning Grant program. Montana Craft Malt then sought guidance from the Montana Technology Innovation Partnership (MTIP) to develop its Small Business Innovation Research (SBIR) grant application. From there, Montana Craft Malt worked with the Montana Manufacturing Extension Center (MMEC) to develop design and engineering plans for its facility. Montana Craft Malt was successful in competing for a Growth through Agriculture (GTA) grant award which helped purchase state-of-the-art malting equipment.

Along the way, the Montana Board of Investments supported the project with financing. With its Butte facility under construction, Montana Craft Malt started developing its international market connections thanks to the ExportMontana team and the State Trade Expansion Program (STEP). When it was time to hire, Montana Craft Malt turned to the Big Sky Economic Development Trust Fund Job Creation grant program to support the creation of new, good-paying jobs.

Montana Craft Malt's story shows what can happen when private business teams up with strategic government support: an expanding craft malt industry can take root in Montana, where we're known for growing the best grains in the world – soon, we'll be known for making the best malt, too.



# Montana Manufacturing Extension Center at MSU

The Montana Manufacturing Extension Center (MMEC) is a statewide manufacturing outreach and assistance center staffed by full-time professionals with extensive experience in manufacturing and business in a variety of industries. MMEC serves the thousands of manufacturers in Montana by helping them assess and improve their manufacturing operations, providing trainings and workforce development, and leveraging research and technological developments at state and federal entities to keep manufacturing competitive in the state.

MMEC is headquartered at MSU in Bozeman, with remote offices in Billings, Missoula, Kalispell, Great Falls, and Butte (opening 2020).

MMEC is also part of the National Institute of Standards and Technology’s Manufacturing Extension Partnership (MEP) National Network. NIST is a non-regulatory agency of the U.S. Department of Commerce that promotes U.S. innovation and industrial competitiveness. MEP is a public-private partnership with centers in all 50 states and Puerto Rico dedicated to serving small and medium-sized manufacturers. MMEC’s advisory board helps guide how MMEC serves Montana’s manufacturers.

State Investment .....	\$500,000
Leveraged Investments .....	\$540,000
Total Investment.....	\$1,040,000

<u>METRICS FOR SUCCESS</u>	<u>SFY2020 Goal</u>	<u>SFY2020 Metric</u>
Clients served	77	151
Jobs added and retained	298	182
New and retained sales	\$29,800,000	\$25,292,000
Cost savings and avoidance	\$4,172,000	\$4,518,020
New investment	\$8,940,000	\$5,147,676
Clients surveyed	44	30

*State Fiscal Year 2020*



# ExportMontana

ExportMontana helps Montana manufacturers and service providers sell outside the USA. Assistance provided includes market assessment, access, and development so Montana-based employers can take advantage of regional, national and international trade promotions and grants for developing new markets. Available programs include the Trade Show Assistance Program grant for exhibiting at national trade shows, and the federally-funded State Trade Expansion Program grant for international marketing. The state's \$300,000 statutory appropriation is used to access federal matching funds from the Small Business Administration which was \$401,818 in FFY 2018.

## METRICS FOR SUCCESS

Businesses supported through grants, consultations, trainings .....	386
Funding provided for market development activities* .....	\$540,919
Sales from market development activities* .....	\$25,159,189
Jobs retained or created from market development activities* .....	183

*\*Trade shows, etc.  
July 1, 2019-May 22, 2020*

# Responding to Crisis: Commerce-Supported Companies Step Up During COVID-19

As the novel Coronavirus spread closer to home early in 2020, Department of Commerce-supported businesses quickly shifted their product manufacturing lines to support the needs of the global pandemic.

Distilleries in nearly every corner of Montana started making hand sanitizer and shipping it to hospitals and health care centers by the truckload. **“We are just trying to get it out to the people who need it the most,” Gulch Distillers co-owner Steffen Rasile told the Helena Independent Record. “We felt like it was our duty to help out where we can. We are in a unique position, so we decided to step up.”**

Gulch Distillers, Bozeman Spirits and Headframe Spirits are among a handful of other spirits-turned-sanitizer companies that have accessed Commerce’s State Trade Expansion Program (STEP) grant dollars to expand their reach. The Montana Manufacturing Extension Center also assisted the distillers quickly shift their operations by hosting weekly conference calls where they collaborated on many issues, including finding bottles. It was MMEC that secured bottle and cap donations for the Montana businesses from Berry Global in Indiana.

Montana’s well-known pet accessory maker West Paw also shifted their manufacturing of indestructible dog toys and pet beds to make face masks for healthcare workers.

According to its website, West Paw worked to retool their Bozeman, Montana production facility, leveraging the skills of their employees who normally might be making dog toys, beds, collars, and leashes. “As a purpose-driven certified B Corp, we live our values of community and employee support by unleashing the capability and skills of our staff to make an impact,” says Spencer Williams, President and CEO of West Paw.

West Paw was MMEC’s first client in 1996 when Williams bought the company, and their relationship with Commerce started in 2006 when it first worked with the ExportMontana team. Since, it has grown to a large international exporter with assistance from the State Trade Expansion Program and Big Sky Economic Development Trust Fund Planning Grant program.

Several plastic injection molders in Montana; including Spark R&D, PDM, Diversified Plastics, Blackhawk, and Creative Sales; collaborated to produce nearly 20,000 facemasks for Bozeman Health and Billings Clinic. These masks were invented by Billings Doctor Dusty Richardson and made national news. Montana Silversmiths, Salient Technologies, and Thompson Precision also collaborated to produce these “Montana Facemasks” using their 3D printers.

These companies stepped up to make in-demand products and were able to adapt quickly through the support of the Montana Manufacturing Extension Center at Montana State University. MMEC partners with and is funded through Commerce.

**“Seeing Montana’s manufacturers collaborate to meet the demands of the crisis in Montana is truly inspiring,” said Paddy Fleming, Director of MMEC. “Former competitors are now talking about how they can better work together in the future and there are even a few of them talking about forming joint ventures!”**

Going from making pedicabs to protective face shields like Bonner-based Coaster Cycles, or from making world-class Gortex flyfishing waders to sewn surgical gowns like Bozeman-based Simms Fishing – these Montana-made companies have stepped up in a big way to respond to the crisis.



# Small Business Development Centers

The Montana Small Business Development Center (SBDC) is Montana's premier provider for entrepreneurial and small business assistance. The program is funded through a partnership with the Small Business Administration (SBA), Montana Department of Commerce, economic development organizations and higher education institutions. Montana SBDC's Business Consultants assist business owners and aspiring entrepreneurs with low-cost training opportunities and no cost, one-on-one advising that is customized to meet their needs. The SBDC network supports ten centers across the state, focusing on counseling and training in areas such as financial analysis, business planning, strategic planning, loan packaging, financial projections, business management and market research to help small businesses achieve their goals of growth, innovation and success.

## METRICS FOR SUCCESS

Number of Clients Served.....	1,025
Number of Training Attendees .....	1,280
Number of Jobs Supported .....	3,144
Number of Business Start Ups .....	56
Capital Infusion Amount.....	\$34,505,216

*July 1, 2019-March 31, 2020*



## Windrift Hill

Amber Hofstad, part owner of Windrift Hill, said her handmade, locally sourced goat milk soap and lotion business in Conrad, Montana, relied on multiple programs operated through the Department of Commerce to expand in 2017-2018. Hofstad said the knowledge and ongoing support from Jason Nitschke of the Great Falls Development Authority – part of Montana’s network of Small Business Development Centers (SBDC) – helped throughout the two-year expansion.

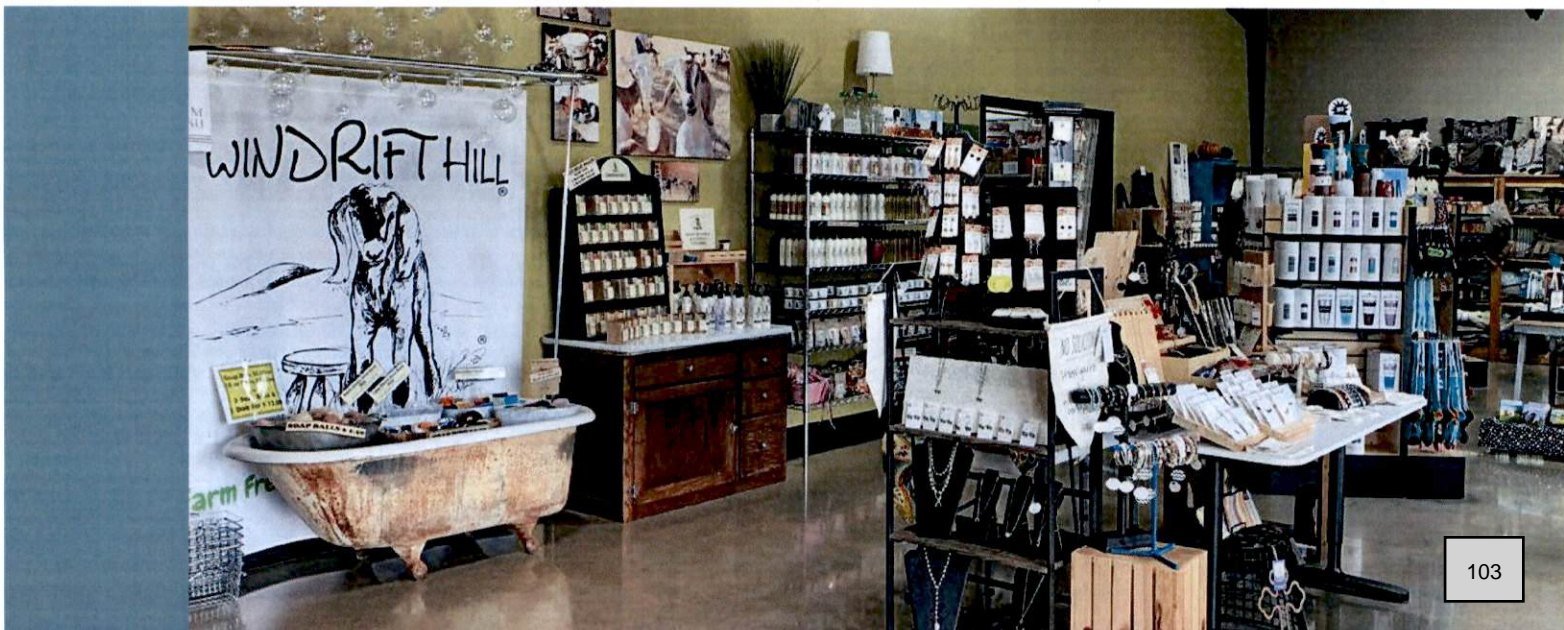
**“Jason is a great resource and very helpful in all aspects of business, if he doesn’t have the answer, he finds the answer or finds the best person for business owners to turn to,” Hofstad said.**

Hofstad said Windrift Hill also turned to the Montana Manufacturing Extension Center (MMEC) for the food safety and manufacturing expertise of Claude Smith, who created plans for Windrift’s new manufacturing facility and worked directly with contractors to ensure safety regulations would be met.

Additionally, assistance through the Bear Paw Development Corporation’s Food and Ag Development Center (FADC) located in Havre made it possible for Windrift Hill to receive \$45,000 in financing through the Department of Agriculture’s Growth Through Agriculture (GTA) program. A \$25,000 grant and a \$20,000 loan through GTA allowed Windrift Hill to speed up production to make 65 gallons of product in the same amount of time it previously took to make seven gallons.

**“I can honestly say that without the combination of all these programs Windrift Hill would still be struggling to find the help, support and correct equipment needed to grow,” Hofstad said.**

**“Our business has continued to grow, we have since hired employees and been able to reach new markets because we have been able to focus on growing WDH instead of focusing our energy on things the programs assisted us with. These people can take so much burden off a small business owner and make things that were once impossible seem possible again.”**





# Community Pillar: Spika Design & Manufacturing

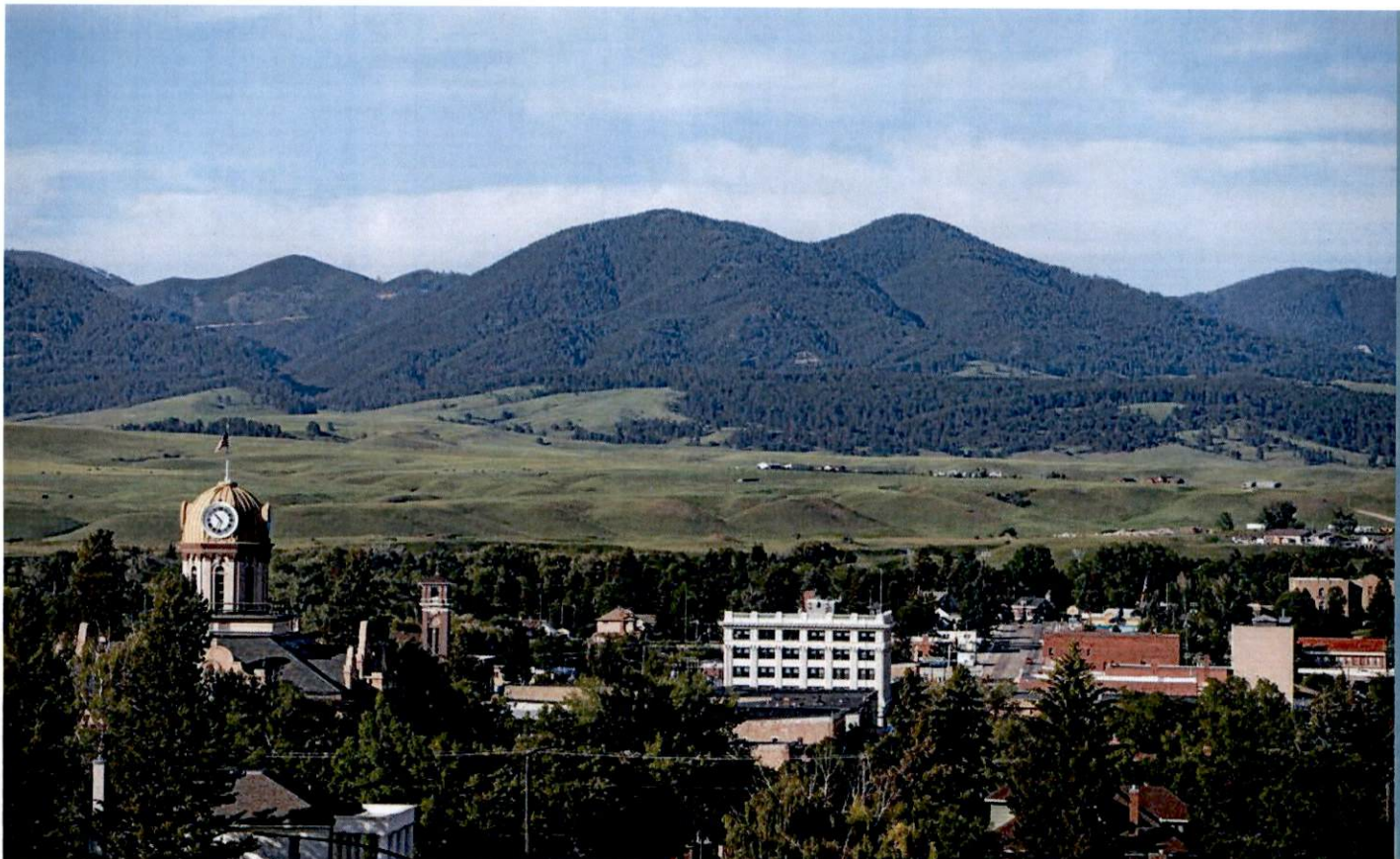
Spika Design & Manufacturing, one of the largest employers in Lewistown, has relied on programs through the Department of Commerce at various points throughout its prestigious tenure. The manufacturing business serves such customers as the U.S. Army, Navy, Marine Corps, Air Force, Coast Guard, NASA and Facebook out of its 15,600 sq. ft. production facility in Lewistown.

This family-owned and operated business is a pillar of the Lewistown community. The company's CEO, Katie Spika, says Spika rewards the dedication of their employees by offering wages above the statewide median and makes a meaningful impact on the local community through contributions to the local economy.

Several programs funded through or operated by the Montana Department of Commerce have helped Spika become the success it is today. Recently, the Snowy Mountain Development Corporation, which is a part of Montana's network of Certified Regional Development Corporations (CRDCs), Workforce Training Grants, the knowledgeable staff at the Department of Commerce's ExportMontana team, and Montana Manufacturing Extension Center (MMEC) have all provided Spika with technical assistance, grant funding, and expertise at different turning points in the company's history.

These programs have allowed Spika to expand into foreign markets and grow the company's sales. In fact, at times, Katie says, international customers account for a quarter of the company's sales. Spika has also been able to improve the quality and efficiency of their design and manufacturing, and hire additional employees.

“We would not be near the company we are without their support,” Katie says.



# Small Business Innovation Research Program

The Montana Innovation Partnership (MTIP) is powered by MSU TechLink, and is a strategic partner for Montana innovators, entrepreneurs and inventors to help them access critical Research and Development funding and craft effective commercialization plans.

## METRICS FOR SUCCESS

Number of Clients Served.....	41
SBIR/STTR Proposals Submitted .....	14
Number of Training Attendees .....	168
Number of Training Events Held.....	10

*July 1, 2019-May 6, 2020*



# Food and Agricultural Development Center Network

The Montana Food and Agricultural Development Center (FADC) Network helps Montanans innovate and grow businesses that produce and commercialize food, agricultural and renewable energy products and processes, creating wealth in our communities and on our farms and ranches. The centers - located in communities throughout Montana - operate as a statewide network serving community-based businesses.

The centers support economic development by ensuring that more of the state's food, agricultural and energy dollars circulate in Montana. The network provides training, coaching and technical assistance, including: product development, testing and analysis, regulatory compliance training, food processing, business planning and development, market research, business networking, access to financing, cooperative development and education on industry dynamics and technologies.

Currently, the State of Montana is served by eight FADCs, including: Bear Paw Development Corporation in Havre, Beartooth Resource Conservation & Development in Red Lodge, Great Falls Development Authority in Great Falls, Great Northern Development Corporation in Wolf Point, Headwaters Resource Conservation & Development in Butte, Lake County Community Development Corporation in Ronan, Prospera Business Network in Bozeman, and Ravalli County Economic Development Authority in Hamilton.

Prior to the passage of HB 52, state law limited the number of FADCs to four. HB 52 removed the limit on the number of centers, allowing for the current make up of eight centers and a more equitable distribution of services throughout the state. Additionally, HB 52 moved FADCs under the decision making authority of the Agriculture Development Council. With the new grant structure, Montana Department of Agriculture staff monitor these grants from award to close-out for compliance. Additionally, the Department's Marketing staff works with FADCs to collaborate on projects that promote and expand Montana's food and agriculture industries.

## METRICS FOR SUCCESS

Jobs Retained .....	344
Jobs Created.....	43.5
Leveraged Funds.....	\$6,643,000
New Clients .....	50
Businesses Assisted.....	91
Counseling Sessions - Hours Paid Time .....	522
New Products .....	26



# Growth Through Agriculture

The Growth Through Agriculture Program is a competitive grant and loan program whose mission is to strengthen and diversify Montana’s agricultural industry through loans and grants that assist with the development of innovative agricultural business organizational improvements, the commercialization and marketing of new agricultural products in order to keep pace with a transforming agricultural industry, and to create new jobs and expand small business opportunities.

The Agriculture Development Council, a seven member independent body consisting of industry representatives spanning food, agriculture and economic development, reviews applications and selects successful projects for program investment. The program is administered by the Montana Department of Agriculture.

The Program is administered by staff at the Montana Department of Agriculture. Eligible projects should primarily add value to Montana’s agricultural products, have prospects for achieving commercial success given the current personnel, experience and resources of the applicant and have the possibility to create and/or retain jobs in Montana. Examples of project activities include, but are not limited to: equipment purchases, advertising and promotion, and consultant services such as engineering costs. A \$1 for \$1 match is required for all types of Growth Through Agriculture projects, including both grants and loans. The maximum award from the program is \$150,000; up to \$50,000 in grant funding and up to \$100,000 in loan funding. Post-award, projects are monitored until close-out for compliance by Montana Department of Agriculture staff.

## METRICS FOR SUCCESS

### Awards Summary

Total Awards .....	39
Total Grant Amount .....	\$670,992
Total Loan Amount .....	\$239,600
Total Award Amounts .....	\$910,592

### Program Metrics

Increase in number of Full Time Employees .....	111
Increase in number of Part Time Employees .....	43
Increase in Gross Annual Sales.....	\$126,317,188.69
Projected Annual Payroll of New Jobs .....	\$8,260,633

*Numbers based on projections provided by FY20 awardees*

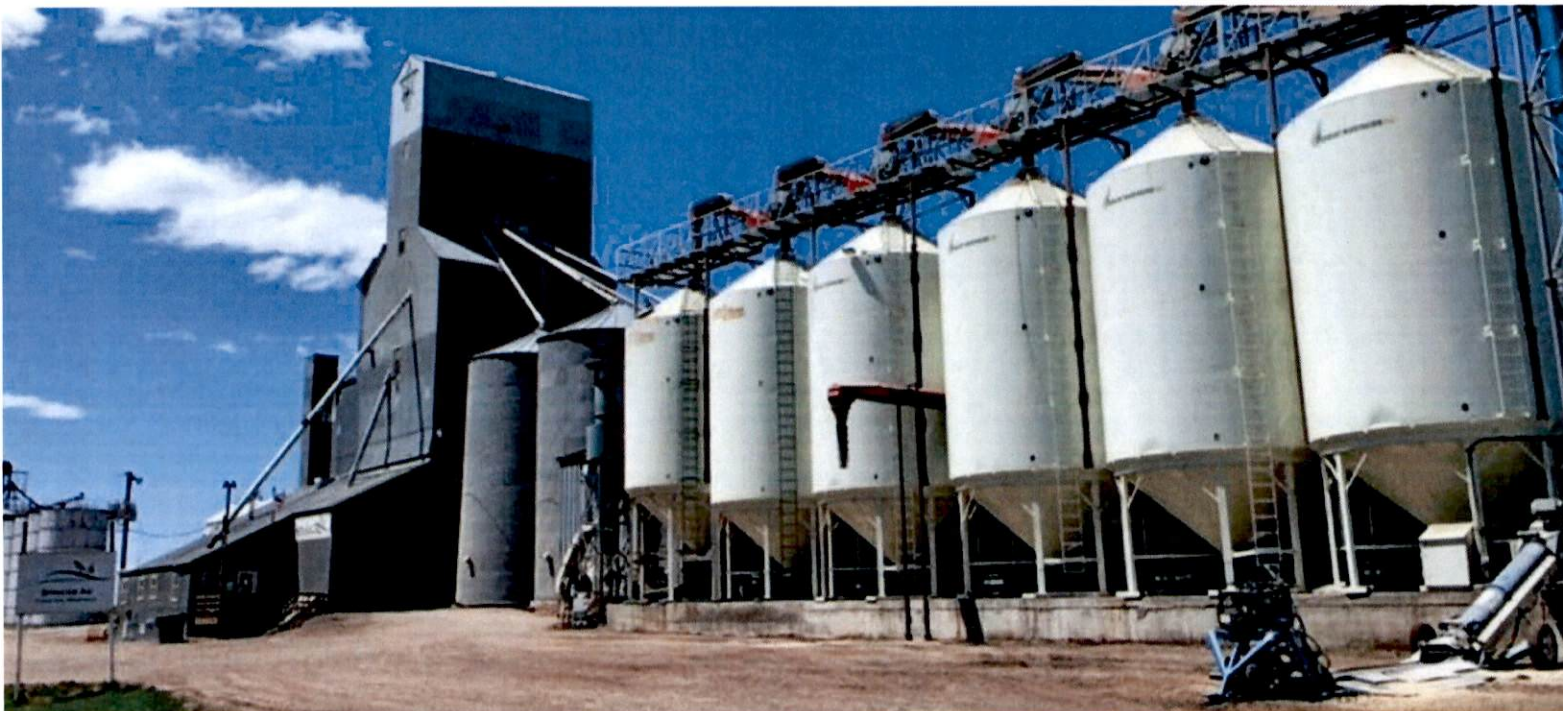


# Growth Through Agriculture Funding at Work

Strick's Ag is a family-owned grain merchandiser located in Chester. In 2017, Strick's Ag was awarded a grant of \$49,488.44 and a loan for \$100,000 for construction and equipment purchases to assist in the expansion of the processing facility.

**“Strick’s Ag was able to start off the construction of our pulse-processing plant because of the grant and loan from the GTA program, however, the program’s assistance stretched farther than just the grant and loan funds. Staff from the Montana Department of Agriculture was instrumental in our ability to meet some of our first customers who placed orders to get our plant operational. Strick’s Ag grew from a company of 8 employees before the GTA award, to having 25 full time employees now.”**

Jillien Striet, Stricks Ag





**File Attachments for Item:**

4.

Created with a trial version of Syncfusion Essential DocIO.

Ambulance Monthly Report - October 2021.



**Laurel Emergency Services Report created 10/19/21:**

**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:

**October 2021:**

Requests	110
Missed Calls	7=6 %
Shortest Delay	15 minutes
Longest Delay	44 minutes
Average Delay	28 minutes
Fire Driver Available	37 times
QRU Response With 1 Provider	4 times **
On A Previous Call	1 time
No Crew / Provider Available	2 times
AMR Transported or Responded	2 times
Red Lodge Transported	0 times
HELP Flight Transported	0 times
Columbus Transported	0 times
Joliet Transported	0 time
PD Assisted Pt no transport	0 times
POV Transport	5 times
YCSO Transported	0 times
MHP Transported	0 times

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

\*36 responses in Ward 5 = 33 % 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	91	110			1028
Missed Calls	8=9%	2=3%	10=9%	12=12%	8=7%	16=18%	11=9%	12=12%	9=10%	7=6%			95
Shortest Delay (minutes)	20	43	15	15	36	10	14	7	3	15			7
Longest Delay (minutes)	45	70	80	87	73	60	75	52	53	44			87
Average Delay (minutes)	25	47	30	50	61	36	35	23	29	28			39
Fire Driver Available	11	21	26	9	15	7	16	20	17	37			159
QRU Response w 1 Provider	6	1	5	7	3	14	9	9	7	4			61
On A Previous Call	3	1	4	2	1	1	1	1	1	1			15
No Crew / Provider Available	0	2	1	3	4	2	2	2	1	2			17
AMR Transported or Responded	4	1	5	7	5	5	4	5	6	2			42
Columbus Transported	0	0	0	1	1	1	0	0	0	0			3
Joliet Transported	0	0	0	0	0	0	0	1	0	0			1
Park City Transported	1	0	1	0	0	0	0	0	0	0			2
Red Lodge Transported	0	0	0	0	0	1	0	0	0	0			1
HELP Flight Transported	0	0	0	0	0	1	1	0	0	0			2
POV Transport	3	1	4	3	2	2	3	3	1	5			27
PD Assisted Pt no transport	0	0	0	0	0	1	0	0	0	0			1
Responses in Ward 5	21=23%	40=41%	30=26%	28=29%	36=33%	27=30%	43=34%	26=26%	20=22%	36=33%			307=30%

### Other Reporting Information:

- We have a MSU Paramedic Program student, also one of our EMT volunteers riding along with us for their ambulance clinical time. We also have volunteer EMT in the Powell Northwest College NREMT Advanced EMT program that will begin riding with us for his ambulance clinical time the end of November and December. This is a great opportunity for us to “try out” the students doing clinical time with us and then in the future we can open it up to others and use it as an excellent resource for recruitment.
- We are working on recruiting to fill 2 full time paramedic spots. This has been a challenge. There is a bit of a shortage in paramedics across the country, as with all workers currently. We have worked with the City Clerk and Mayor to make our service competitive with other providers in the area. I believe this will help and we will continue to work on recruitment.
- We continue to be extremely busy with very sick patients, a large number of positive COVID cases.
- We were not awarded the MDT grant for the ambulance. We will continue to seek out such opportunities and apply for them as we are able.
- We taught our first Stop the Bleed program for a sports medicine class at the Laurel High School. One of our volunteers is also an ATF agent and he was able to bring some of their training equipment that “bleeds”, we got excellent feedback from the school, the kids loved it and learned a live saving skill. We would really like to get this program out to as many businesses or groups in Laurel as we can. We are also working on some grant/donation ideas to gain our own equipment. If you would like a class or know someone that does, please contact me. It only takes about an hour and is well worth it to anyone willing to learn.



**File Attachments for Item:**

8. Council Workshop Minutes of October 5, 2021.

**MINUTES  
CITY OF LAUREL  
CITY COUNCIL WORKSHOP  
TUESDAY, OCTOBER 05, 2021**

A Council Workshop was held in Council Chambers and called to order by Council President Eaton at 6:31 p.m. on October 5, 2021.

**COUNCIL MEMBERS PRESENT:**

<input checked="" 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:**

Nick Altonaga, Planning Director  
Bethany Langve, Clerk/Treasurer (Zoom)  
Mayor Nelson (Zoom)  
Sam Painter, City Attorney  
Nathan Herman, Utilities Plant Superintendent  
Karen Courtney, Building Official

**Public Input:**

There were none.

**General Items**

1. TIF District Training

Janet Cornish, Community Development Services of Montana, gave a presentation on the attached PowerPoint.

It was questioned on page 11 of the PowerPoint it states, “stabilize and/or renovate publicly owned historic buildings.” Council asked for further clarification. It was clarified those are examples. They could also construct new publicly-owned buildings as well. However, in terms of historic facades belong to the people; however, the City should obtain an easement for those facades before improvements are made. You can use loans through the revolving loan fund for private buildings for capital improvement projects. You could use funds if it is a decay issue if a building has been abandoned and no one is taking care of it. Things such as mothballing or putting a roof on the building to keep it from decaying further or causing a hazard to adjacent buildings.

It was further questioned if the façade program that this district has is in agreement. It was clarified that is the case for historic buildings. Basic facades no.

It was questioned if any of the grants LURA is doing currently are they doing them correctly? It was clarified that it depends on what they are doing. When you get into renovation or energy savings, that is a gray area. What is the public purpose here? These kinds of things would be better suited with a revolving loan fund. For example, if you invest public tax dollars into a private business, it puts that business at an advantage over those not located within the district. The purpose of creating an Urban Renewal District is to invest in public infrastructure so that the businesses in that area thrive. It is not intended to invest in each individual business itself. Except for historic preservation or safety, the general rule is for a public purpose or public-owned property; it can be used.

It was questioned if the TIF District were to leverage other funding sources would have to be in connection to another project with a TIF District connection. It was clarified that it was correct. For example, if you get a TSEP or CBDG grant for a sewer system improvement, you could leverage the TIF District funds but just the portion that will benefit the district itself.

It was questioned where do privately-owned parking lots stand. They are not inside a building; they are outside, and the public can use parking lots. It was clarified that there is some gray area here. The easiest way to clarify this is that if it is a privately-owned parking lot, the City could enter into a lease with that owner to provide public spaces. In that case, there could be a joint agreement, and the City could lease for a lesser amount over time. It may be a privately-owned parking lot, but it is managed for public use. Another example was if the parking lots were unpaved and it was in the public interest to pave them due to a dust issue.

It was questioned if the recent grant applications involving renovating a bathroom, carpet, etc., is acceptable. They do not serve the public; it serves that business owners' customers. It was clarified that even the loan program would not be appropriate for those kinds of updates. You really want to invest money in capital improvements.

It was questioned if LURA approves applications and then sends them to Council. Then the Council votes them up or down. Recently requested that those applications be individualized and not as a package. It was further questioned that just because the City approved an incorrect application does not need to continue to approve something that is incorrect. It was clarified that now that Council is aware of this, they have not set a precedent. You may have given grants that don't fit the law, and you don't want to continue that mistake.

Sam Painter, City Attorney, stated that this training was substantially overdue. The City Council has not reviewed the program for a number of years. There has been Staff turnover for a number of years. Each Planner assigned to the LURA Board probably had different ideas of what is allowable. The statutes are very broad. Anything besides the public purpose has been broadly defined. This is an excellent time to review and redefine these programs. As for if there is a liability, should someone not receive a grant, no, there is no liability.

Council President Eaton asked if there was any public input for items not on the agenda. There was none.



## **Executive Review**

2. Resolution - A Resolution Of The City Council Authorizing The Mayor And City Clerk To Execute An Underground Gas Pipeline Easement For Northwestern Corporation D/B/A Northwest Energy For The Purpose Of Constructing, Operating, And Maintaining An Underground Pipeline To Be Installed And Located Under The City's Riverside Park.

Nick Altonaga, Planning Director, briefly reviewed the easement. It is a 40-foot easement through Riverside Park. There will be no clear-cutting of trees. There is a \$500 annual fee for this easement.

It was questioned if they would be digging holes in the area. It was further questioned what would happen if they didn't clean up after themselves. Is the clean-up included in this resolution? It was clarified that it is a bore under the park; they are not anticipating any site work within the park.

Roy Ishkanian, Northwestern Energy, it is going to be 40 to 50 feet below the park with no surface disturbance.

It was questioned how many easements are through Riverside Park. It was clarified that there is at least one. It was clarified that there are easements for Exxon, Williston Basin, MDU, and NorthWestern Energy.

Roy Ishkanian, NorthWestern Energy, clarified that they had purchased the old Phillips 66 line. However, that line was washed out. This is a new bore under the river.

It was questioned how the \$500 annual compared to the other easements within the park. It was clarified that Exxon negotiated a price after an oil spill and was willing to pay more. The Mayor and Public Works Director negotiated the \$500 annually. NorthWestern Energy preferred to do a lump sum vs. an annual payment. Each pipeline easement is negotiated separately.

3. Resolution - A Resolution Approving Zone Changes For Property Owned By Northwestern Corporation D/B/A Northwestern Energy Located Near Lindy Lane Within The City Of Laurel's Zoning Jurisdiction.

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

It was questioned if they would be on City services. It was clarified that there had been discussions with NorthWestern Energy regarding annexing into the City. At this time, NorthWestern Energy has not sought that out. The need for City water and sewer will depend on the needs of the plant.

Council noted that they had read in the paper that this project was not moving forward.

Roy Ishkanian, NorthWestern Energy, stated that the article was confusing. They had an application before the Public Service Commission asking for approval of this proposed project.

They had a contract with finite terms. They opted to pull their pre-approval and apply for reimbursement after the fact to keep the costs fixed.

4. Resolution - A Resolution Authorizing The Mayor To Execute A Contract With "In Control, Inc." To Prepare A Pre-Engineering Survey For The City's Water Treatment Plant.

Nathan Herman, Utilities Plant Superintendent, stated In Control does the control work for the plants. They program the system to run how we would like. This small service contract is the pre-engineering for rebuilding the PLCs. They will diagram everything, so there are no surprises when they replace them. The current processors are no longer available, and they do not make parts anymore. The spare parts the City has had have been used. They will trace all wires and update our schematics. This contract is not to exceed \$50k.

5. Resolution - A Resolution Authorizing The Mayor To Execute A Contract With Groshelle Construction For Repairs To The City Water Plant Roof.

Nathan Herman, Utilities Plant Superintendent, handed a photo of the area this roof will be built; see attached. This pad becomes a hazard in the winter as it is flat it will not drain. It is starting to crack and leak down to the pipe gallery below. The roof will go from the bottom of the windows to the gutters. Only one quote was returned for \$17,340. It will be a metal roof with wood framing. All wood will be wrapped in metal. It should last for quite some time.

6. Resolution - A Resolution Authorizing The Mayor To Execute A Contract With SR Landscaping, Inc. For Installation Of An Automatic Water Sprinkler System At The City Water Plant.

Nathan Herman, Utilities Plant Superintendent, stated that since the SED Basins were removed, there is a large bare area. They would like to install sprinklers to get this area back to look how it did before the project. The previous sprinkler system was removed during that project and not reinstalled after construction.

7. Resolution - Resolution Of Annexation And Zoning For Property Located At 810 West 7th Street, As An Addition To The City Of Laurel, Yellowstone County, Montana.

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

8. 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.

Karen Courtney, Building Official, clarified some of the changes that were done between the first reading and the second reading.

It was questioned if this ordinance would be enforceable. It was clarified that this ordinance would be enforceable. It does have penalties and abatement included. It also gives due process to



the abatement portion. If a code violation is not cleaned up, the City can have the Court abate the property and put the cost on the tax rolls.

### **Council Issues**

#### 9. Parking Study Discussion

Emergency Services Committee has requested a parking study be done in the Central Business District. The Mayor met with KLJ to discuss a potential parking study. The Police Department may be open to diagonal parking on the east side of 3<sup>rd</sup> Avenue, which could potentially help solve the issues there. Very soon, those vehicles will need to be moved due to the unlawful striping being removed.

It was clarified that a parking study would identify what spots we have currently and their utilization. The parking study would also identify areas of improvement. There have been studies that gave visioning for parking in the Central Business District, but never an actual study for what parking should look like. The issue on 3<sup>rd</sup> Avenue is because it was done without proper approval by Council.

### **Other Items**

#### **Review of Draft Council Agendas**

##### 10. Draft City Council Agenda of October 12, 2021.

There were no changes.

#### **Attendance at Upcoming Council Meeting**

All Council Members present plan on attending the next Council meeting.

### **Announcements**

Park Board's next scheduled meeting is October 7, 2021, at 5:30 p.m. in Council Conference Room.

The Clerk/Treasurer took a moment to thank the Council Secretary for all her work to get these meetings ready to go. Council echoed this statement.

The council workshop adjourned at 8:10 p.m.

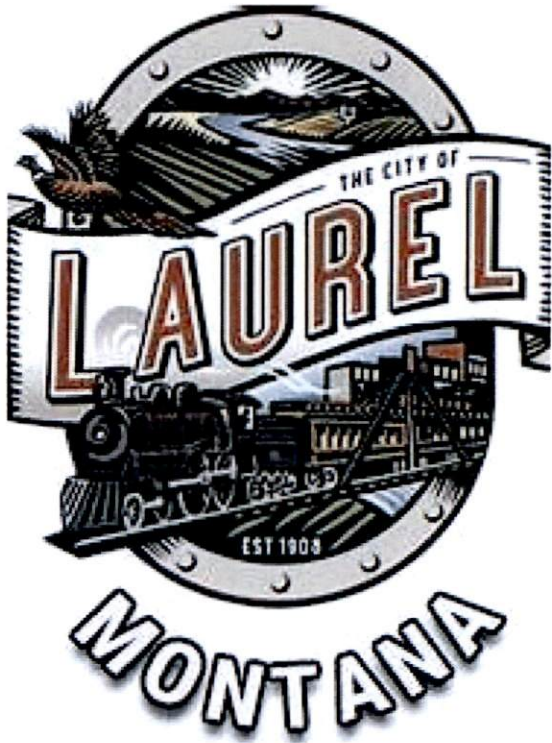
Respectfully submitted,



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.**





# Urban Renewal and Tax Increment Financing

CDS of Montana

October 5, 2021

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## Workshop Overview

Purposes of Urban Renewal

Fundamentals of Tax Increment Financing

Laurel URD Summary

District Management

Eligible Projects and Activities

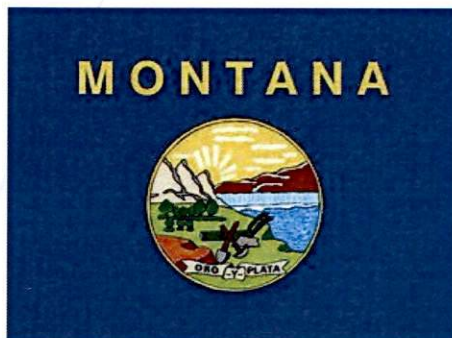
Urban Renewal Experiences Across the State  
and Cautionary Tales

Questions and Discussion

CDS - 2021



## Statutory Authority for Urban Renewal



“...the prevention and elimination of [blighted] areas is a matter of state policy and state concern in order that the state and its municipalities shall not continue to be endangered by areas which...consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization, and other forms of public protection, services, and facilities.” (§7-15-4202 MCA)



## Types of URDs



### Urban Renewal (URD)

Available only within incorporated cities and towns in areas that exhibit at least three conditions of blight

Provides for investments in public improvements in support of commercial, industrial and residential revitalization

CDS - 2021



### Targeted Economic Development (TEDD)

Available to cities, towns and counties in areas that exhibit public infrastructure deficiencies

Supports value-added economic development, usually industrial with limited commercial uses through investments in public infrastructure

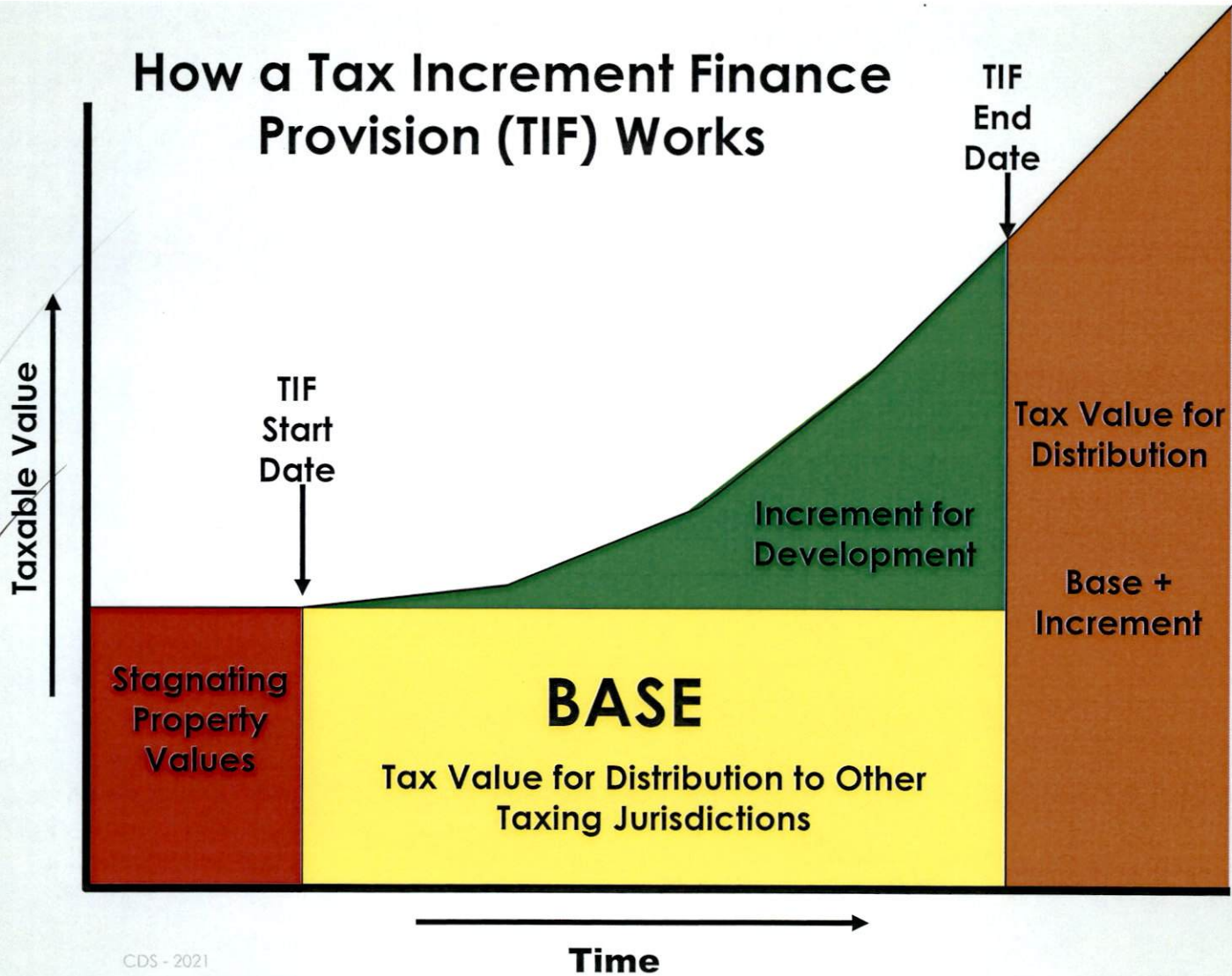
## Urban Renewal and Tax Increment Financing

- ▶ The plan for a URD may include a provision to use Tax Increment Financing (TIF).
- ▶ TIF is a state authorized, locally driven funding mechanism that allows cities and counties to direct property tax dollars that accrue from new investment within a URD or TEDD, to development activities *within* that district.
- ▶ TIF is not a special taxing district; it does not add any new taxes. Rather, it affects the way that incremental increases in property taxes are distributed once collected.
- ▶ Projects and programs that are funded by TIF dollars **must** serve a public purpose.

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# How a Tax Increment Finance Provision (TIF) Works



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## The Calculation

- Assume: \$10,000,000 dollars of net New Appraised Value
- Assume: Class 4 commercial property valued at a tax rate of 1.89% (2021)
- Taxable Value = \$189,000
- Assume: 600 *net* mills (total mills minus the six-mill university levy and any voted mills after TIF effective date )
- Tax Increment = \$113,400

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# Potential Funding Strategies

- ▶ TIF dollars can be used to:
  - ▶ Directly fund public projects and programs
  - ▶ Retire debt
  - ▶ Leverage other funding sources, both public and private.
- ▶ Funds may be used to establish a revolving loan fund to provide financing.
  - ▶ Interest rates can be set based on project feasibility.
  - ▶ The revolving fund may continue in perpetuity, even after the TIF provision has “sunsetting”, but funds must be used in accordance with the adopted urban renewal plan.

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## Laurel URD Summary



Laurel Urban Renewal District created in 2007



City created an urban renewal agency in 2008



Created a Facade Improvement Grant program in 2010



Created Technical Assistance Grant program in 2010



Large Grant Requests Program in 2015



General Small Grant Program in 2019

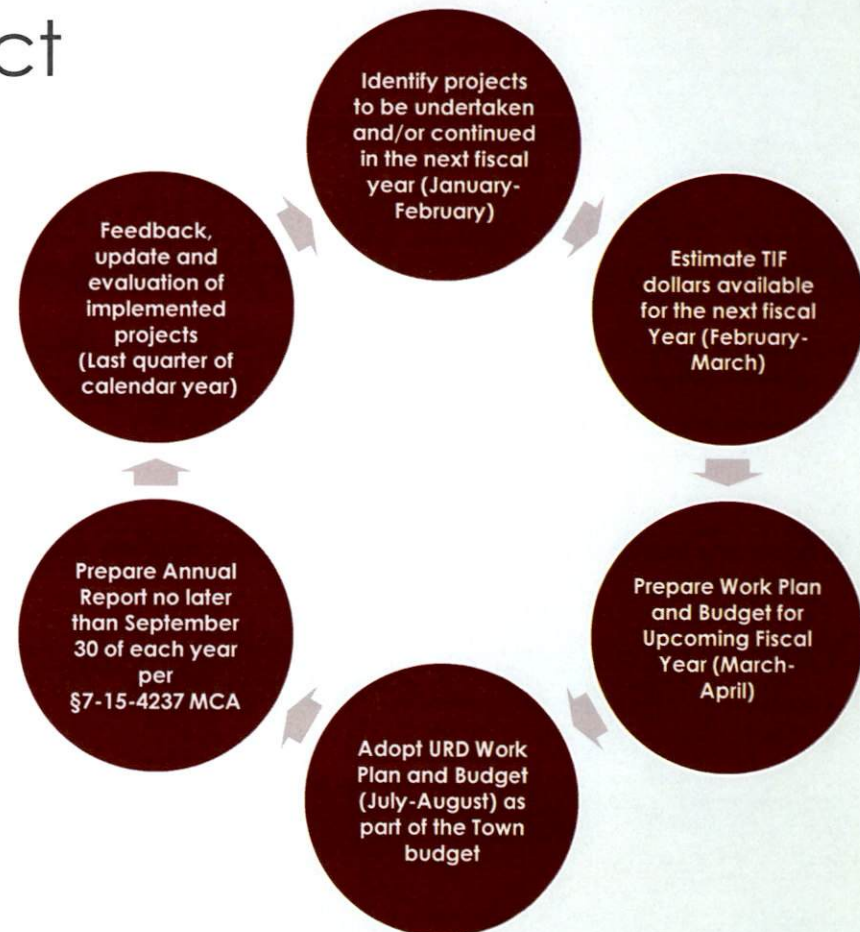


Issued a 25-year TIF bond in 2020



## Management of an Urban Renewal District

- Ongoing process of project identification, analysis and implementation
- Work plan and budget due when required by local government
- Annual report due by Sept. 30



# Allowable Uses of TIF Funds

Stabilize and/or renovate publicly owned historic buildings

Construct and connect public infrastructure

Mitigate unsafe decay

Improve streetscapes and public green spaces

Improve accessibility to publicly owned infrastructure

Study, plan and promote





# Project Evaluation Criteria

- ▶ Public purpose
- ▶ Urban Renewal Plan conformance
- ▶ Beneficiaries – community or district vs. business?
- ▶ Leverage – percent of total project cost
- ▶ Partnerships brought to the project
- ▶ Measurable objectives
- ▶ Property tax growth
- ▶ Opportunity cost
- ▶ Ongoing maintenance requirements



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## Urban Renewal Plan Conformance – Identified Conditions that Contribute to Blight

Flooding

Storm Drain  
System  
Inadequacies

Lack of Green  
Space

Need for Street  
Improvements

Need for  
Intersection  
Improvements

Lack of  
streetlights,  
sidewalks, curbs  
and gutters

## Urban Renewal Sample Projects

### Capital improvements

- Water main replacement
- Sewage system expansion pro-rata share
- Repaving/rebuilding streets
- Broadband installations

### Branding/Beautification

- Unified street fixtures/colors
- Intersection identification
- Signs and Wayfinding
- Utility box graphics/anti-graffiti







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## Sample Projects

### Economic development

- Public parking lot construction
- Revolving loan fund
- Historic Façade Improvements

### Safety

- HAWK (High Intensity Activated Cross Walk) light
- Traffic Signals
- Fire hydrant connections
- ADA in publicly owned buildings

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## Neighborhoods

- Sidewalks
- Streetlights
- Connectivity
- Leveraging LMI grant applications

## Decay

- Acquisition
- Removal
- Resale

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Sample  
Projects

## Cautionary Tales

Questionable  
public benefit

"Build it and  
they will come"

Lack of buy-in

Dependency  
on centrally  
assessed  
taxpayers

Change in  
taxable status

Single use  
districts





# 18 Questions and Discussion

CDS - 2021





## LAUREL CITY-COUNTY PLANNING DEPARTMENT

### STAFF REPORT

TO: Laurel City-County Planning Board  
FROM: Nicholas Altonaga, Planning Director  
RE: Zone Change Request – Northwestern Energy  
DATE: September 29, 2021

#### DESCRIPTION OF REQUEST

A Zone Change application has been submitted by Sanderson-Stewart on behalf of their client, Northwestern Energy Corporation on August 16, 2021 for their two properties described as:

- Parcel 2, COS 1677, S15, T02S, R24E
- Parcel 1, COS 1239, S15, T02S, R24E

Parcel 1, COS 1239 currently has two zoning designations, half the parcel is Heavy Industrial (HI), and half is Agricultural Open (AO). Parcel 2, COS 1677 currently has two zoning designations, approximately a quarter of the parcel is zoned Heavy Industrial (HI), a quarter of the parcel is zoned Agricultural Open (AO), and half of the parcel lacks a zoning classification.

The Applicant seeks to amend the official Laurel Zoning Map to expand the zoning jurisdiction to include the entirety of the parcels and provide Heavy Industrial (HI) zoning to the entirety of the two parcels. Approval of this Zone Change request would amend the Laurel Zoning district to fully encompass the parcels in question, as well as apply Heavy Industrial (HI) zoning to the entirety of Parcel 2, COS 1677 and Parcel 1, COS 1239.

Owner: Northwestern Corporation  
Legal Description: S15, T02 S, R24 E, C.O.S. 1677, PARCEL 2  
Legal Description: S15, T2S, R24E, C.O.S. 1239, PARCEL 1 (CENTRALLY ASSESSED)  
Address: Lindy lane (Approximate)  
Parcel Size: 44.179 Acres (total)  
Existing Land Use: Power Generation (Parcel 1), Agricultural (Parcel 2)  
Existing Zoning: Heavy Industrial (HI), Agricultural Open (AO), unzoned  
Proposed Land Use: Heavy Industrial (HI)

## BACKGROUND AND PROCEDURAL HISTORY

- February 23, 2021 – Contractors for Northwestern Energy begin conversations with the Planning Department regarding amending the zoning of parcels.
- March 23, 2021 – City Staff provide data and details on the quality of water within the City water system as well as other utility data.
- May 17, 2021 – Sanderson Stewart staff contact City Planning Dept inquiring on the process for re-zoning the parcels in question.
- May 18, 2021 – City Staff provide all information on the Zone Change process to Sanderson Stewart and explain the process.
- August 16, 2021 – Zone Change Application packet submitted to the City Planning Department.
- September 15, 2021 – Public Hearing took place at the Laurel City-County Planning Board for review as per the criteria in the Laurel Municipal Code. The Planning Board voted to approve the Zone Change request with the conditions stated within this staff report.
- October 12, 2021 – Public Hearing scheduled in front of the Laurel City-Council.
- Subsequent governing Body Action to follow as necessary.

## STAFF FINDINGS

1. August 16, 2021 - The Applicant submitted a physical and digital copy of the Zone Change application
2. The Application contains all necessary items to move forward in review process.
3. The applicant is requesting a zone change for the above identified parcels to Heavy Industrial (HI).
4. The applicant has stated their goal of installing a power generation station that will generate 175-megawatts from natural gas in order to reinforce current power system capacity.
5. The parcels in question are already partially zoned as Heavy Industrial (HI).
6. The surrounding area to the immediate west is zoned Heavy Industrial (HI) and is used for those purposes by CHS Inc. as a petroleum refinery and by the City of Laurel as a Sewer Treatment Facility.
7. The current use of Parcel 1 as a public utility service installation is allowable within the Heavy Industrial (HI) zoning classification.
8. The proposed use of Parcel 2 as a public utility service installation is allowable within the Heavy Industrial (HI) zoning classification.

## PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

17.72.060 - Zoning commission action.

- A. The zoning commission shall review and take action upon each application in accordance with the provisions of this chapter, and after a public hearing at which the application shall



be presented to the zoning commission by the planning director together with his findings and conclusions on the matter. A report of the commission's recommendation and the planning director's findings and conclusions shall be submitted to the city council.

- B. The zoning commission shall make a recommendation to the city council to:
1. Deny the application for amendment to the official map;
  2. Grant action on the application for a period not to exceed thirty days;
  3. Delay action on the application for a period not to exceed thirty days;
  4. Give reasons for the recommendation.
- C. The zoning commission shall adopt such rules and regulations for the conduct of public hearings and meetings, which shall be published and available to the public, as well as conflict of interest rules, to ensure that no member is entitled to vote on a matter in which he has an interest directly or indirectly.

## RECOMMENDATIONS

The Planning Director recommends that the Planning Board and Zoning Commission approve the zone change request and grant action on the application not to exceed thirty days for:

- Parcel 2, COS 1677, S15, T02S, R24E
- Parcel 1, COS 1239, S15, T02S, R24E

The Zone Change approval specifically notes that:

1. The parcels in question shall be fully included within the Laurel Zoning Jurisdiction.
2. The parcels in question shall have their zoning classification changed to fully be within the Heavy Industrial (HI) zoning district.
3. The parcels in question shall have no use on them which are not deemed allowable within the Heavy Industrial (HI) zoning district.
4. Any future change of zoning for said parcels shall follow the same process as this approval.

## ATTACHMENTS

1. Zone Change Request Letter and Justification
2. Zone Change Application Form
3. Aerial Parcel Maps for effected properties
4. Aerial Parcel Map with concept drawing of proposed use
5. Site Concept Plan for proposed use
6. Declaration of Covenants and Conditions
7. LMC 17.20 – Commercial-Industrial Use Regulations
8. LMC 17.72 – Amendments















## LAUREL CITY-COUNTY PLANNING DEPARTMENT

### STAFF REPORT

TO: Laurel City-County Planning Board and Zoning Commission  
FROM: Nicholas Altonaga, Planning Director  
RE: Annexation and Zoning Request for 810 W 7<sup>th</sup> Street  
DATE: September 29, 2021

### DESCRIPTION OF REQUEST

Scott and Amy Slothower submitted a request on August 9, 2021 for Annexation and Zoning for their property located at 810 W 7<sup>th</sup> Avenue. The Slothower family has sought to annex 810 W 7<sup>th</sup> Street due to the failure of the septic system on the property and the lack of options for fixing or repairing it.

Scott and Amy Slothower were granted permission by the Laurel City Council on July 14, 2020 to submit an application for annexation as per the Laurel Annexation Policy. Approval of the annexation and zoning petition would expand the Laurel city limits to include the property at 810 W 7<sup>th</sup> Street, zone the parcel as enable the property in question to connect to city services, and would

Owner: Scott & Amy Slothower  
Legal Description: INGRAHAM SUBD (LAUREL), S08, T02 S, R24 E, BLOCK 1, Lot 36 -  
Address: 810 W 7<sup>th</sup> Street Laurel, MT  
Parcel Size: 7,800sqft  
Existing Zoning: Residential Tracts  
Existing Land Use: Single Family Residential  
Proposed Zoning: Residential 6000 (R-6000)  
Proposed Land Use: Single Family Residential

### BACKGROUND AND PROCEDURAL HISTORY

- June 22, 2020 – Slothower Family submit letter to petition City Council for permission to submit an annexation and zoning application.
- August 9, 2021 – The Application for Annexation and Zoning was submitted to the Laurel Planning Department.

- September 1, 2021 – Planning Director provided clarification on the legal documents (AA and Waiver of Right to Protest) submitted with the Annexation application.
- September 15, 2021 – Planning Board held a Public Hearing on the proposed Annexation and zoning for 810 W 7<sup>th</sup> Street. Planning Board voted to approve the annexation and zoning for 810 W 7<sup>th</sup> Street with the stated staff conditions.
- October 12, 2021 – City Council has scheduled a Public Hearing to review the application for annexation and zoning for 810 W 7<sup>th</sup> Street and to make a final decision on the matter.

## STAFF FINDINGS

1. The applicant has submitted an application for the annexation and zoning of the property at 810 W 7<sup>th</sup> Street.
2. The applicant has submitted this application due to the inadequate septic system on the property that is unable to be repaired or improved.
3. The applicant seeks to connect the property into the city water and sewer system.
4. 810 W. 7<sup>th</sup> Street is immediately adjacent to the Laurel municipal city limits.
5. The applicant is requesting the zoning to be changed to Residential 6000
6. The immediately adjacent parcels to the east are zoned Residential 6000
7. The current use of the property as a single-family residence is allowable within the proposed R6000 district.
8. As per the criteria within the Annexation Policy:
  - a. The property is located within an area identified by the city for future expansion
  - b. There are existing water and sewer lines immediately to the east of the property
  - c. The property will meet the standard of the adjacent parcels within the municipal city limits.
  - d. The property owners have executed a Waiver of Right to Protest
  - e. The property will be zoned as R6000, to match the adjacent zoning of parcels to the east and south.
  - f. The land use (single-family residential) conforms with the goals of the Laurel Growth Policy (2020)

## RECOMMENDATIONS

The Planning Director recommends the Planning Board to approve the annexation and zoning request for the property at 810 W. 7<sup>th</sup> Street with the following conditions.

1. The Property shall connect to the municipal water and wastewater utility system.
2. The Property shall be zoned as Residential 6000 (R-6000)
3. The Annexation Agreement shall be updated as per the comments made by the Laurel Planning Department prior to filing with the Yellowstone County Clerk & Recorder.

4. The Waiver of Right to Protest shall be updated as per the comments made by the Laurel Planning Department prior to filing with the Yellowstone County Clerk & Recorder.
5. The Annexation Agreement, Waiver of Right to Protest, and City Council Resolution shall be filed with the Yellowstone County Clerk & Recorder within 90 days of annexation approval.
6. The proposed connections to the municipal water system shall be approved by the Laurel Department of Public Works.
7. Any and all public improvements and infrastructure connections shall be completed within one (1) calendar year from the date of the annexation approval.

## ATTACHMENTS

1. Annexation Application Form
2. Satellite view with parcel lines
3. Survey plat with parcel highlighted
4. Estimate for work regarding Water and Sewer extension.
5. Annexation Agreement
6. Waiver of Right to Protest (Signed)
7. Initial Annexation Permission Letter dated June 22, 2020.
8. Resolution R20-38 – Approval of request to file a petition to annex property.
9. Annexation Policy (2008)



**File Attachments for Item:**

9. Council Workshop Minutes of October 19, 2021.

**MINUTES  
CITY OF LAUREL  
CITY COUNCIL WORKSHOP  
TUESDAY, OCTOBER 19, 2021**

A Council Workshop was held in Council Chambers and called to order by Council President Eaton at 6:30 p.m. on October 19, 2021.

**COUNCIL MEMBERS PRESENT:**

<input checked="" 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:**

Nick Altonaga, Planning Director  
Nathan Herman, Utilities Plant Superintendent  
Kurt Markegard, Public Works Director  
Stan Langve, Police Chief

**Public Input:**

There were none.

**General Items**

**Executive Review**

1. Resolution - A Resolution Of The City Council Approving Certain Revisions To The CBA Through A Memorandum Of Agreement Between The City Of Laurel And Local Union Local 303, American Federation Of State, County And Municipal Employees, AFSCME.

Stan Langve, Police Chief, briefly reviewed the language changes in the 303 Union contract; see attached. The intent is to have this person in place by November 2<sup>nd</sup>.

2. Resolution - Dynamic Designs Encroachment Permit to Install Handicap Accessible Ramp at Front Door.

Kurt Markegard, Public Works Director, stated this is an encroachment permit to allow Dynamic Designs to install an ADA ramp into their business. Council issues a permit with Staff's recommendations. Staff's recommendation is to allow the encroachment to proceed.

It was questioned if this came from a LURA grant. It was clarified that Council awarded this LURA grant request. This request allows them to build in the right of way.

3. Resolution - A Resolution Authorizing The Mayor To Execute A Contract With “In Control, Inc.” To Prepare A Pre-Engineering Survey For The City’s Waste Water Treatment Plant.

Nathan Herman, Utilities Plant Superintendent, stated this is similar to the proposal Council saw at the last Council meeting. The last proposal was for the Water Treatment Plant. This proposal is for the WasteWater Treatment Plant. The cost will be no greater than \$50k.

#### **Council Issues**

4. NorthWestern Energy Easement Discussion

Council President Eaton reminded Council that they should now have ex parte communications and keep this process public. She knew of two Council Members who NorthWestern Energy had contacted.

Council Member Herr stated NorthWestern Energy had contacted him. They were asking where to go with proceedings. He told them to speak with the Mayor or the Council President.

Council Member McGee stated NorthWestern Energy also contacted him. They discussed the tabled resolutions and how to move these forward.

Council Member Wilke spoke with the Clerk/Treasurer on the need for these items to come back to the table.

Council President Eaton read the attached email into the record. There was a question on how the dollar figure was decided on. This item was tabled because there was discussion on whether this easement amount was fair.

Council did not see a reason to make any suggested changes at this time. The item will be untabled at the October 26, 2021, City Council meeting.

5. NorthWestern Energy Zone Change Discussion

Council President Eaton briefly reviewed the attached letter from Planning Director Altonaga.

6. Annexation of City-Owned Property Contiguous With Municipal City Limits Discussion

Nick Altonaga, Planning Director, stated that there is a lot of property outside of the City Limits that the City owns. It makes sense that all property owned by the City be within its limits. The attached list is a preliminary list of properties suggested to be annexed into the City. Once this is done, they can update the zoning map more accurately to represent the zoning jurisdictions correctly.



Council asked if there were any costs associated with these annexations. Such as sidewalks, utilities, etc. It was clarified there were no additional costs associated with annexing these properties into the City. There will be a resolution of intent to annex these properties. Then there will be a 20-day comment period. After that comment period has closed, there will be a resolution to annex the properties. This list does include the Water Treatment Plant and WasteWater Treatment Plant. As it sits now, if there were an issue at one of the plants, they would call the Sheriff instead of the local Police Department.

It was questioned if there were any private property included on this list. It was clarified that in the future, possibly, but the privately-owned property is a different process.

#### 7. Southside Storm Water Master Plan Discussion

Kurt Markegard, Public Works Director, stated that the Southside Storm Water Master Plan draft was presented to Public Works Committee last night.

Matt Smith, KLJ, briefly reviewed the attached PowerPoint. They based their calculations on a two-year storm event. In order to adequately drain the stormwater, they need a flow rate of 35cfs. The capacity of culvert #2 is 7 cfs. Culvert #2 is where the majority of the water on the southside naturally flows too. Once they found where the water was flowing and the capacity of that outfall, they were able to put together a few solutions. He briefly reviewed all the options available to deal with the stormwater. The best option is a phased approach. It would start with a retention pond located in Russel Park. This retention pond would be at a slight slope and grassed. It would not be filled with water very often. The next phase would be to increase the flow capacity of culvert #2. The final phase of this project is to include stormwater as the streets on the southside are rebuilt. The estimated cost for all of this is \$3.8 million.

It was questioned if stormwater is phased in with the street improvements will the lack of drainage affect the street improvements. It was clarified that by addressing S. 4<sup>th</sup> and W. Railroad, the drainage issues would be decreased significantly.

The cost to put in the retention pond will cost approximately \$300k. They would also put in a trench with gravel to help the water dissipate faster.

#### 8. W. Railroad Update

Kurt Markegard, Public Works Director, stated he had been asked to get an update of costs from the DOT; see attached. He spoke with the Clerk/Treasurer about either bonding via Street Maintenance or using Street Maintenance dollars when the State asks for the gap funding. Having a plan for the stormwater should assist with getting this project moving forward. The railroad crossing was also recently redone.

Council President Eaton read the attached email from the Clerk/Treasurer.

It was questioned what the State needs from the City to give an official answer on the gap funding of this project. The Public Works Director stated he would verify and get back to the Council President. Council expressed its desire to move forward with this project.

9. S. 4th Street Stakes Update

Council President Eaton had noticed stakes in people's yards on S. 4<sup>th</sup> Street. There were lots of utility markings and some stakes. These stakes seemed to have caused confusion.

Matt Smith, KLJ, clarified that the stakes were put in the ground as control points for a survey. The total map is complete, and people can remove the stakes from their yards. Those stakes do not represent where the street or curb will be.

10. Update on Lion's Park Improvements.

Kurt Markegard, Public Works Director, stated the trail is paved. It is .8 miles in length. The pier should be complete by the end of this week. Alisha Stickney with the State came down a few days ago and found a person in a wheelchair fishing from the paved trail. He thanked everyone for the many donations to get this project done. He also thank the Lions for all their hard work raising funds for this project.

**Other Items**

**Review of Draft Council Agendas**

**Attendance at Upcoming Council Meeting**

**Announcements**

A postal service worker had asked a Council Member to remind residents that mail trucks need 15 feet on each side of a mailbox to get in and out. Please keep garbage cans away from your mailbox as well.

There is a First Responder Chili Cook-Off and Silent Auction to benefit Sean McCleary, a Laurel Volunteer Fireman. It will be held on November 6, 2021, from 1 to 8 at High Plans Brewery.

The council workshop adjourned at 7:33 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.**

**ADDENDUM "A"  
CLASSIFICATION**

<b>GRADE</b>	<b>CLASSIFICATION</b>
1	
2	<b>Animal Control &amp; Parking Attendant (Vacant – Grade and salary to be negotiated when filled through future negotiation)</b>
3	<b>Communications Officer I</b>
4	<b>Communications Officer II</b>
5	<b>Communications Officer III</b>
6	<b>Police Officer, Patrolman</b>
7	<b>Police Officer, Senior Patrolman</b>
8	<b>Police Officer, Master Patrolman</b>
9	



## ADDENDUM "B" WAGES

1. Effective July 1, 2021 each bargaining unit employee shall receive a two percent (2%) increase to their current base rate: police officers - 2%, dispatchers - 2%
2. Effective July 1, 2022 each bargaining unit employee shall receive a two percent (2%) increase to their current base rate: police officers - 2%, dispatchers - 2% - animal control & parking 2%
3. Effective July 1, 2023 each bargaining unit employee shall receive a three percent (3%) increase to their current base rate: police officers - 3%, dispatchers - 3% - animal control & parking 3%
4. This contract will remain in effect until June 30, 2024 at which time it will be renegotiated under the terms of this Agreement
5. The Employer shall compensate a newly hired employee one-dollar (\$1.00) per hour below that of the base rate for his/her classification grade for the first twelve (12) months of employment. After employee's successful completion of his/her twelve (12) month probation period, the Employer shall compensate employee in accordance with the position's pay schedule.
6. Employees will receive differential pay of seventy-five cents (\$.75) per hour for the afternoon shift and one dollar (\$1.00) per hour for the night shift in addition to any other compensation.  
  
Afternoon shift shall be hours between 3 p.m. and 11 p.m. Night shift shall be hours between 11 p.m. and 7 a.m.
7. When an employee is temporarily assigned to a higher grade, the employee shall receive the wage rate of the step of the higher grade corresponding to his/her current step for each hour worked in the higher grade, provided however, that if such employee works four (4) hours or more in the higher grade in the same shift. The employee shall receive the higher rate of pay for the full shift.

**ADDENDUM "B" (continued)**

Grade	Position	7/01/21 To 6/30/22	7/01/22 To 6/30/23	7/01/23 To 6/30/24
1				
2	Animal Control & Parking Attendant (Vacant — Grade and salary to be negotiated when filled through future negotiations)	\$16.50	\$16.83	\$17.33
3	Communications Officer I	\$21.80/hr	\$22.24/hr	\$22.91/hr
4	Communications Officer II	\$22.88/hr	\$23.34/hr	\$24.04/hr
5	Communications Officer III	\$24.18/hr	\$24.66/hr	\$25.40/hr
6	Police Officer, Patrolman	\$24.59/hr	\$25.08/hr	\$25.83/hr
7	Police Officer, Senior Patrolman	\$25.67/hr	\$26.18/hr	\$26.97/hr
8	Police Officer, Master Patrolman	\$27.30/hr	\$27.85/hr	\$28.69/hr
9				

A. Senior Patrolman wage is a minimum of \$1.00 per hour over Patrolman's base wage. Master Patrolman wage is a minimum of \$2.50 per hour over Patrolman's base wage.

B. Communication Officer II wage is a minimum of \$1.00 per hour over Communication Officer I base wage. Communication Officer III wage is a minimum of \$2.20 per hour over Communication Officers I base wage.

**ADDENDUM "F"**  
**POLICE/DISPATCH - ANIMAL CONTROL/PARKING**  
**RETENTION SYSTEM**

Years of Service = \$.05/hour Increase beginning 2<sup>nd</sup> year of employment  
\$.10/hour increase beginning year 11-15 and then returns to \$.05/hour.

Years	Increase/Hour	Yearly Increase
1	\$ .00	\$ .00
2	\$ .05	\$ 104.00
3	\$ .10	\$ 208.00
4	\$ .15	\$ 312.00
5	\$ .20	\$ 416.00
6	\$ .25	\$ 520.00
7	\$ .30	\$ 624.00
8	\$ .35	\$ 728.00
9	\$ .40	\$ 832.00
10	\$ .45	\$ 936.00
11	\$ .55	\$1,144.00
12	\$ .65	\$1,352.00
13	\$ .75	\$1,560.00
14	\$ .85	\$1,768.00
15	\$ .95	\$1,976.00
16	\$ 1.00	\$2,080.00
17	\$ 1.05	\$2,184.00
18	\$ 1.10	\$2,288.00
19	\$ 1.15	\$2,392.00
20	\$ 1.20	\$2,496.00
21	\$ 1.25	\$2,600.00
22	\$ 1.30	\$2,704.00
23	\$ 1.35	\$2,808.00
24	\$ 1.40	\$2,912.00
25	\$ 1.45	\$3,016.00

Amounts will not compound. This is for all 303 Members. This amount is based on work year of 2080 hours/year. Yearly amount will depend on regular hours worked. There is no cap on years of service.



**Brittney Moorman**

---

**From:** Sam Painter <sam@thompsonpainterlaw.com>  
**Sent:** Thursday, September 30, 2021 1:01 PM  
**To:** Brittney Moorman; City Mayor  
**Cc:** Kurt Markegard  
**Subject:** FW: City of Laurel Easement Byron Line City of Laurel Park  
**Attachments:** FINAL City of Laurel Park Easement.pdf

Attached is the easement for Northwest Energy. I will send the resolution for this later on.

Sincerely,

*Sam S. Painter*

Sam S. Painter  
Thompson Painter Law P.C.  
180 South 32<sup>nd</sup> Street West, Suite 3  
Billings, MT 59102  
(406) 294-4230

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**From:** Ishkanian, Roy <Roy.Ishkanian@northwestern.com>  
**Sent:** Thursday, September 30, 2021 9:06 AM  
**To:** Sam Painter <sam@thompsonpainterlaw.com>  
**Subject:** RE: City of Laurel Easement Byron Line City of Laurel Park

OK – here you go.

I will have the first payment of \$500 with me at the meeting on Oct 5

Thx Roy

---

**From:** Sam Painter <sam@thompsonpainterlaw.com>  
**Sent:** Wednesday, September 29, 2021 5:01 PM  
**To:** Ishkanian, Roy <Roy.Ishkanian@northwestern.com>  
**Subject:** [EXTERNAL] RE: City of Laurel Easement Byron Line City of Laurel Park

**CAUTION: This Email is from an EXTERNAL source outside of NorthWestern Energy.**

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Roy, I talked to the Mayor, and if you are prepaying for the easement, the logical thing would be to make the easement have a 10 year term: \$5000 payment is \$500 per year for 10 years,

which is the amount the City requests and the amount you want to pay up front. A simple solution. Please insert a 10 year term, or I can if you would like, and we have a deal. I will get the resolution prepared for the council next week.

Sincerely,

*Sam S. Painter*

Sam S. Painter  
Thompson Painter Law P.C.  
180 South 32<sup>nd</sup> Street West, Suite 3  
Billings, MT 59102  
(406) 294-4230

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**From:** Ishkanian, Roy <[Roy.Ishkanian@northwestern.com](mailto:Roy.Ishkanian@northwestern.com)>  
**Sent:** Wednesday, September 29, 2021 3:59 PM  
**To:** Sam Painter <[sam@thompsonpainterlaw.com](mailto:sam@thompsonpainterlaw.com)>  
**Subject:** RE: City of Laurel Easement Byron Line City of Laurel Park

Hi Sam:

I appreciate that other companies pay annually, but for us paying all at once allows us to capitalize the payment along with the rest of the asset – this is helpful from our standpoint. That is why I offered nearly \$1,000 more than the calculated \$4,059 (at the \$150 per rod I have paid others). It would be very much appreciated if we could pay all at once.

Also, since this is recorded, I don't typically include the amount paid to each landowner. I am happy to confirm the amount we will pay via an email or letter to Nick or Tom separately. Once this is signed I can have a check within 10 days to the City.

I have prepared the final version with the easement and exhibit in one document and it is attached. I think this is ready for prime time unless you have any other questions or concerns. FYI – I have this set up for two City of Laurel signatures. If it is just one I can revise the signature lines and acknowledgement section.

Thank you again for your help with this.

Regards,

**Roy M. Ishkanian, MBA**  
*Manager Lands & Permitting*  
Energy Supply|Lands|Permitting  
[Roy.Ishkanian@northwestern.com](mailto:Roy.Ishkanian@northwestern.com)  
O: (406) 655-6415  
C: (406) 670-5765  
1944 Monad Road  
P.O. Box 80330  
Billings, MT 59108-0330

**From:** Sam Painter <[sam@thompsonpainterlaw.com](mailto:sam@thompsonpainterlaw.com)>  
**Sent:** Wednesday, September 29, 2021 10:32 AM  
**To:** Ishkanian, Roy <[Roy.Ishkanian@northwestern.com](mailto:Roy.Ishkanian@northwestern.com)>  
**Subject:** [EXTERNAL] RE: City of Laurel Easement Byron Line City of Laurel Park

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Roy,

I was advised NWE and the City want this item on next week's council agenda. I discussed the revised language with the Mayor and Staff and the revised language you proposed is . The language is acceptable. Please finalize.

The only outstanding issue is payment. The City has agreed to annual payments for pipeline easements with other company's and they would propose a \$500 annual payment as consideration for the easement. The payment would cease when the pipeline is no longer used and the easement extinguished or vacated.

Would you propose the payment arrangement and if acceptable, incorporate into the document? I will prepare the resolution for the council if you would prepare and send the final documents to me. I will make sure the item is added to the agenda on Tuesday.

Thank you.

Sincerely,

*Sam S. Painter*

Sam S. Painter  
Thompson Painter Law P.C.  
180 South 32<sup>nd</sup> Street West, Suite 3  
Billings, MT 59102  
(406) 294-4230



**From:** Ishkanian, Roy <[Roy.Ishkanian@northwestern.com](mailto:Roy.Ishkanian@northwestern.com)>  
**Sent:** Friday, September 17, 2021 10:58 AM  
**To:** Sam Painter <[sam@thompsonpainterlaw.com](mailto:sam@thompsonpainterlaw.com)>  
**Subject:** RE: City of Laurel Easement Byron Line City of Laurel Park

Hello Sam:

OK- I have taken a stab at addressing the concerns you outlined below. Please see the 'compare' and REV versions of the easement to see what has changed.

Yes, we intend to compensate the City. I have paid private land owners \$150 per rod for the same easement just south of the river. For the 446.5' of bore, we are taking about 27 rods at \$150/rod = \$4,059. I would propose compensating the City \$5,000 for the easement.

Please let me know your thoughts on the above items

Thanks!

**Roy M. Ishkanian, MBA**  
*Manager Lands & Permitting*  
Energy Supply|Lands|Permitting  
[Roy.Ishkanian@northwestern.com](mailto:Roy.Ishkanian@northwestern.com)  
O: (406) 655-6415  
C: (406) 670-5765  
1944 Monad Road  
P.O. Box 80330  
Billings, MT 59108-0330



**From:** Sam Painter <[sam@thompsonpainterlaw.com](mailto:sam@thompsonpainterlaw.com)>  
**Sent:** Friday, September 17, 2021 9:56 AM  
**To:** Ishkanian, Roy <[Roy.Ishkanian@northwestern.com](mailto:Roy.Ishkanian@northwestern.com)>  
**Subject:** [EXTERNAL] City of Laurel Easement Byron Line City of Laurel Park

**CAUTION: This Email is from an EXTERNAL source outside of NorthWestern Energy.**

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Dear Mr. Ishkanian:

I write on behalf of the City of Laurel in my capacity as the City's City Attorney for Civil Matters. The Mayor and Public Works Director met with me to discuss the proposed easement you had sent them for the City's approval. After our meeting, the Mayor requested I provide you the City's response as follows:

1. The City is agreeable to an easement for the buried pipeline across its City Park. However, the City is concerned about the language authorizing you to clear cut any trees or vegetation over the entire right of way area. As you know the right of way runs across a city park. The City has been working to reconstruct a campground and recreational area that was damaged during the past floods and a pipeline failure. The City would like some sort of language providing notice and an opportunity to negotiate a payment for damages to the park, especially tree removal.
2. In regard to the improvements to the park, the City would like to negotiate compensation for allowing the pipeline to be placed under the park, which limits options for the surface. When I asked them the purpose of the compensation, the Mayor and Staff advised they would like to construct a walking path through the park and along the back where the old city dump is buried. As an alternative to cash, the City would be interested in discussing your company's construction of a walking path, including a placard or sign providing notice that your company constructed the path for all Park Guests to use during their temporary visit or stay. As I understand it, the path is not intended to be a substantially expensive paved path. The City is thinking a gravel walking path would be more appropriate in the area of the park, and perhaps a bench or two for folks to sit and rest upon, near the rear of the park. I can provide you further information regarding the proposal if you have interest expressed.

Please consider the City's concern and proposal at your first convenience.

Thank you.

Sincerely,

*Sam S. Painter*

Sam S. Painter  
Thompson Painter Law P.C.  
180 South 32<sup>nd</sup> Street West, Suite 3  
Billings, MT 59102  
(406) 294-4230

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

# City Of Laurel

P.O. Box 10  
Laurel, Montana 59044



Office of the City Planner

October 18, 2021

Regarding the Northwestern Energy Zone Change Application

Mayor and City Council,

The Planning Department has reviewed the recently made recommendation of annexation of the Northwestern Energy property adjacent to the Yellowstone River with other city staff. After further review, the Department recommends that City Council un-table the resolution for zoning for the Northwestern Energy parcels and pass the resolution at the City Council meeting scheduled for October 26, 2021.

It is in the best interests of the city to move the zone change forward in order to facilitate the development of a vital piece of infrastructure for the region. Please let me know if you have any questions or comments about this letter or the item to be discussed. Thank you for your consideration.

Regards,

Nicholas Altonaga, CFM

A handwritten signature in black ink, appearing to read 'N. Altonaga', is written over a light blue horizontal line.

Planning Director

## City Owned Property Draft

Planning Director  
10/13/2021

Address: 1152 YARD OFFICE RD  
Legal description: S10, T02 S, R24 E, C.O.S. 1048, PARCEL 1  
Taxid: D02645  
Geocode: 03082110116010000  
Property owner: CITY OF LAUREL  
Certificate of Survey: CS 1048  
Tract: 1

Address: 1501 SEWER PLANT RD  
Legal description: S15, T02 S, R24 E, ACRES 9.5, PORTION IN E2E2SW ADJ TO & S OF COS 1998  
(SEWAGE \*  
Taxid: D02720  
Geocode: 03082115307200000  
Property owner: CITY OF LAUREL  
Subdivision: UNPLATTED

Address: US HIGHWAY 212 S  
Legal description: S15, T02 S, R24 E, WATER PLANT IN SWSW4  
Taxid: D02722  
Geocode: 03082115307010000  
Property owner: CITY OF LAUREL  
Subdivision: UNPLATTED

Address: W RAILROAD ST  
Legal description: S17, T02 S, R24 E, C.O.S. 3014, PARCEL 1, 26.788 AC (2000) RESOLUTION  
ANNEX TO CITY 03-12 (04)  
Taxid: D02829  
Geocode: 03082117104010000  
Property owner: CITY OF LAUREL  
Certificate of Survey: CS 3014  
Tract: 1

Address: US HIGHWAY 10 W  
Legal description: S17, T02 S, R24 E, C.O.S. 1055, PARCEL 1, LESS 1.71 AC FOR HWY (17)  
Taxid: D02804  
Geocode: 03082117207200000  
Property owner: CITY OF LAUREL  
Certificate of Survey: CS 1055

Tract: 1

Legal description: S04, T02 S, R24 E, IN N2SW4 LAUREL RESERVOIR

Address: W BEARTOOTH DR

Taxid: D02545

Geocode: 03082104324200000

Property owner: CITY OF LAUREL

Subdivision: UNPLATTED

Address: W BEARTOOTH DR

Legal description: S04, T02 S, R24 E, C.O.S. 496, PARCEL 1, AMND

Taxid: D02541

Geocode: 03082104324210000

Property owner: CITY OF LAUREL

Certificate of Survey: CS 496 1ST AM

Tract: 1

Address: Park W 12TH ST

Legal description: LAURMAC SUBD AMEND, S09, T02 S, R24 E, BLOCK 14, Lot 4 - 6, AMND (13)

Taxid: B01523

Geocode: 03082109238010000

Property owner: CITY OF LAUREL

Subdivision: LAURMAC SUB AM

Block: 14

Lot: 4

Address: LAUREL AIRPORT RD

Legal description: S04, T02 S, R24 E, C.O.S. 3162, PARCEL A, TRS A-B, C1, D-E COS 3162 (11)

Taxid: D02525

Geocode: 03082104101010000

Property owner: CITY OF LAUREL

Certificate of Survey: CS 3162

Tract: A

Address: MILWAUKEE RD

Legal description: VILLAGE SUBD, S11, T02 S, R24 E, BLOCK 6, Lot 1

Taxid: B03234

Geocode: 03082111202010000

Property owner: CITY OF LAUREL

Subdivision: VILLAGE SUB 1ST FIL

Block: 6

Lot: 1



Address: SE 4TH ST

Legal description: HAGEMAN SUBD 3RD FILING, S16, T02 S, R24 E, BLOCK 11A, Lot ROW, AMD (12)

Taxid: B00464C

Geocode: 03082116106120000

Property owner: CITY OF LAUREL

Subdivision: HAGEMAN SUB 3RD FIL

Block: 11A

Lot: ROW

Address: W 7<sup>TH</sup> ST

Legal description: S08, T02 S, R24 E, C.O.S. 3397, PARCEL 2, \*\*MULTI-DISTRICT\*\* TR 2 COS 3397 SD 7 - .619 AC SD 07L - 1.282 AC

Taxid: D02583B

Geocode: 03-0821-08-1-05-21-6000

Property owner: CITY OF LAUREL

Certificate of Survey: COS 3397

Block:

Lot:

Opinion of Probable Capital Cost					
Alternative SD-1 (Extend New Stormdrain from Culvert 2)					
Stormdrain Improvements as part of Street Rehabilitation					
#	ITEM	QTY	UNITS	UNIT PRICE <sup>1</sup>	TOTAL
101	Mobilization	1	LS	\$ 103,000.00	\$ 103,000
102	Taxes, Insurance and Bond	1	LS	\$ 52,000.00	\$ 52,000
103	Traffic Control	1	LS	\$ 15,000.00	\$ 15,000
104	Stormwater Management and Erosion	1	LS	\$ 8,000.00	\$ 8,000
105	Concrete Curb and Gutter Removal	210	SY	\$ 17.00	\$ 3,570
106	Type 2 Pipe Bedding	150	CY	\$ 72.00	\$ 10,800
107	Imported Trench Backfill	300	CY	\$ 50.00	\$ 15,000
108	Exploratory Excavation	30	HR	\$ 300.00	\$ 9,000
109	Concrete Collars	19	EA	\$ 400.00	\$ 7,600
110	Combined Curb & Gutter	945	LF	\$ 35.00	\$ 33,075
111	12" diam. Storm Drain Pipe	1,290	LF	\$ 75.00	\$ 96,750
112	15" diam. Storm Drain Pipe	1,400	LF	\$ 82.00	\$ 114,800
113	18" diam. Storm Drain Pipe	1,110	LF	\$ 90.00	\$ 99,900
114	24" diam. Storm Drain Pipe	2,630	LF	\$ 95.00	\$ 249,850
115	30" diam. Storm Drain Pipe	720	LF	\$ 120.00	\$ 86,400
116	36" diam. Storm Drain Pipe	610	LF	\$ 140.00	\$ 85,400
117	Bore 30" Culvert (West Railroad)	90	LF	\$ 650.00	\$ 58,500
118	2'x3' Inlet Boxes	63	EA	\$ 3,200.00	\$ 201,600
119	48" diam. Storm Drain Manhole	15	EA	\$ 4,000.00	\$ 60,000
120	60" diam. Storm Drain Manhole	4	EA	\$ 5,400.00	\$ 21,600
121	Street Trench Repair	9000	SY	\$ 100.00	\$ 900,000
Subtotal					\$ 2,232,000
	Contingency		20%		\$ 447,000
Subtotal: 2022 Construction Cost					\$ 2,679,000
	Engineering		18%		\$ 483,000
<b>Subtotal: 2022 CAPITAL COST</b>					<b>\$ 3,162,000</b>

Culvert 2 Improvements					
#	ITEM	QTY	UNITS	UNIT PRICE <sup>1</sup>	TOTAL
201	Mobilization	1	LS	\$ 12,000.00	\$ 12,000
202	Taxes, Insurance and Bond	1	LS	\$ 6,000.00	\$ 6,000
203	Traffic Control	1	LS	\$ 5,000.00	\$ 5,000
204	Stormwater Management and Erosion	1	LS	\$ 2,000.00	\$ 2,000
205	Bore 42" Culvert	300	LF	\$ 800.00	\$ 240,000
Subtotal					\$ 265,000
	Contingency		20%		\$ 53,000
Subtotal: 2022 Construction Cost					\$ 318,000
	Engineering		18%		\$ 58,000
<b>TOTAL: 2022 CAPITAL COST</b>					<b>\$ 376,000</b>

<sup>1</sup> Estimated unit costs are based upon estimates from suppliers and bid tabs for similar projects throughout Montana.

<b>TOTAL: 2022 CAPITAL COST (All Storm Drain Imp with Alt SD-1)</b>	<b>\$ 3,538,000</b>
---	---------------------



Opinion of Probable Capital Cost					
Alternative SD-2 (Extend New Stormdrain from Culverts 1 & 2)					
Stormdrain Improvements as part of Street Rehabilitation					
#	ITEM	QTY	UNITS	UNIT PRICE <sup>1</sup>	TOTAL
101	Mobilization	1	LS	\$ 89,000.00	\$ 89,000
102	Taxes, Insurance and Bond	1	LS	\$ 45,000.00	\$ 45,000
103	Traffic Control	1	LS	\$ 15,000.00	\$ 15,000
104	Stormwater Management and Erosion	1	LS	\$ 8,000.00	\$ 8,000
105	Concrete Curb and Gutter Removal	177	SY	\$ 17.00	\$ 3,003
106	Type 2 Pipe Bedding	150	CY	\$ 72.00	\$ 10,800
107	Imported Trench Backfill	300	CY	\$ 50.00	\$ 15,000
108	Exploratory Excavation	30	HR	\$ 300.00	\$ 9,000
109	Concrete Collars	17	EA	\$ 400.00	\$ 6,800
110	Combined Curb & Gutter	795	LF	\$ 35.00	\$ 27,825
111	12" diam. Storm Drain Pipe	1,090	LF	\$ 75.00	\$ 81,750
112	15" diam. Storm Drain Pipe	1,040	LF	\$ 82.00	\$ 85,280
113	18" diam. Storm Drain Pipe	390	LF	\$ 90.00	\$ 35,100
114	24" diam. Storm Drain Pipe	3,330	LF	\$ 95.00	\$ 316,350
115	30" diam. Storm Drain Pipe	800	LF	\$ 120.00	\$ 96,000
116	Bore 30" Culvert (West Railroad)	90	LF	\$ 700.00	\$ 63,000
117	2'x3' Inlet Boxes	53	EA	\$ 3,200.00	\$ 169,600
118	48" diam. Storm Drain Manhole	17	EA	\$ 4,000.00	\$ 68,000
119	Street Trench Repair	8000	SY	\$ 100.00	\$ 800,000
Subtotal					\$ 1,945,000
	Contingency		20%		\$ 389,000
Subtotal: 2022 Construction Cost					\$ 2,334,000
	Engineering		18%		\$ 421,000
<b>Subtotal: 2022 CAPITAL COST</b>					<b>\$ 2,755,000</b>

Culvert 1 & 2 Improvements					
#	ITEM	QTY	UNITS	UNIT PRICE <sup>1</sup>	TOTAL
201	Mobilization	1	LS	\$ 18,000.00	\$ 18,000
202	Taxes, Insurance and Bond	1	LS	\$ 9,000.00	\$ 9,000
203	Traffic Control	1	LS	\$ 5,000.00	\$ 5,000
204	Stormwater Management and Erosion	1	LS	\$ 2,000.00	\$ 2,000
205	Bore 30" Culvert	510	LF	\$ 700.00	\$ 357,000
Subtotal					\$ 391,000
	Contingency		20%		\$ 79,000
Subtotal: 2022 Construction Cost					\$ 470,000
	Engineering		18%		\$ 85,000
<b>Subtotal: 2022 CAPITAL COST</b>					<b>\$ 555,000</b>

<sup>1</sup> Estimated unit costs are based upon estimates from suppliers and bid tabs for similar projects throughout Montana.

<b>TOTAL: 2022 CAPITAL COST (All Storm Drain Imp with Alt SD-2)</b>	<b>\$ 3,310,000</b>
---	---------------------



Opinion of Probable Capital Cost					
Alternative S-3 (Stormwater Detention in Russell Park)					
Modifications to Storm Drain Improvements with Pond Addition					
#	ITEM	QTY	UNITS	UNIT PRICE <sup>1</sup>	TOTAL
101	Mobilization	1	LS	\$ (13,000.00)	\$ (13,000)
102	Taxes, Insurance and Bond	1	LS	\$ (7,000.00)	\$ (7,000)
105	Concrete Curb and Gutter Removal	-20	SY	\$ 17.00	\$ (340)
106	Type 2 Pipe Bedding	-25	CY	\$ 72.00	\$ (1,800)
107	Imported Trench Backfill	-50	CY	\$ 50.00	\$ (2,500)
109	Concrete Collars	-4	EA	\$ 400.00	\$ (1,600)
110	Combined Curb & Gutter	-90	LF	\$ 35.00	\$ (3,150)
111	12" diam. Storm Drain Pipe	-120	LF	\$ 75.00	\$ (9,000)
112	15" diam. Storm Drain Pipe	25	LF	\$ 82.00	\$ 2,050
113	18" diam. Storm Drain Pipe	-360	LF	\$ 90.00	\$ (32,400)
114	24" diam. Storm Drain Pipe	-60	LF	\$ 95.00	\$ (5,700)
115	30" diam. Storm Drain Pipe	-720	LF	\$ 120.00	\$ (86,400)
116	36" diam. Storm Drain Pipe	135	LF	\$ 140.00	\$ 18,900
118	2'x3' Inlet Boxes	-6	EA	\$ 3,200.00	\$ (19,200)
120	60" diam. Storm Drain Manhole	-4	EA	\$ 5,400.00	\$ (21,600)
121	Street Trench Repair	-1000	SY	\$ 100.00	\$ (100,000)
Subtotal					\$ (283,000)
	Contingency		20%		\$ (57,000)
Subtotal: 2022 Construction Cost					\$ (340,000)
	Engineering		18%		\$ (62,000)
<b>Subtotal: 2022 CAPITAL COST</b>					<b>\$ (402,000)</b>

Culvert 2 & Pond Improvements					
#	ITEM	QTY	UNITS	UNIT PRICE <sup>1</sup>	TOTAL
201	Mobilization	1	LS	\$ 25,000.00	\$ 25,000
202	Taxes, Insurance and Bond	1	LS	\$ 13,000.00	\$ 13,000
203	Traffic Control	1	LS	\$ 5,000.00	\$ 5,000
204	Stormwater Management and Erosion	1	LS	\$ 2,000.00	\$ 2,000
205	Bore 24" Culvert	300	LF	\$ 550.00	\$ 165,000
206	Bolder Pit	385	CY	\$ 65.00	\$ 25,025
207	Pond Excavation	3,500	CY	\$ 30.00	\$ 105,000
208	Top Soil Stripping/Stockpile & Restoration	2000	CY	\$ 10.00	\$ 20,000
209	Irrigation Repair	1	LS	\$ 15,000.00	\$ 15,000
210	Landscape Restoration (Sod)	11,000	SY	\$ 15.00	\$ 165,000
Subtotal					\$ 496,000
	Contingency		20%		\$ 100,000
Subtotal: 2022 Construction Cost					\$ 596,000
	Engineering		18%		\$ 108,000
<b>TOTAL: 2022 CAPITAL COST</b>					<b>\$ 704,000</b>

<sup>1</sup> Estimated unit costs are based upon estimates from suppliers and bid tabs for similar projects throughout Montana.

Opinion of Probable Capital Cost					
Alternative S-4 (Stormwater Detention on First Congregational Church Property)					
Modifications to Storm Drain Improvements with Pond Addition					
#	ITEM	QTY	UNITS	UNIT PRICE <sup>1</sup>	TOTAL
111	12" diam. Storm Drain Pipe	60	LF	\$ 75.00	\$ 4,500
115	30" diam. Storm Drain Pipe	-50	LF	\$ 120.00	\$ (6,000)
Subtotal					\$ (2,000)
	Contingency		20%		\$ (1,000)
Subtotal: 2022 Construction Cost					\$ (3,000)
	Engineering		18%		\$ (1,000)
<b>Subtotal: 2022 CAPITAL COST</b>					<b>\$ (4,000)</b>

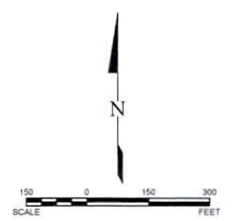
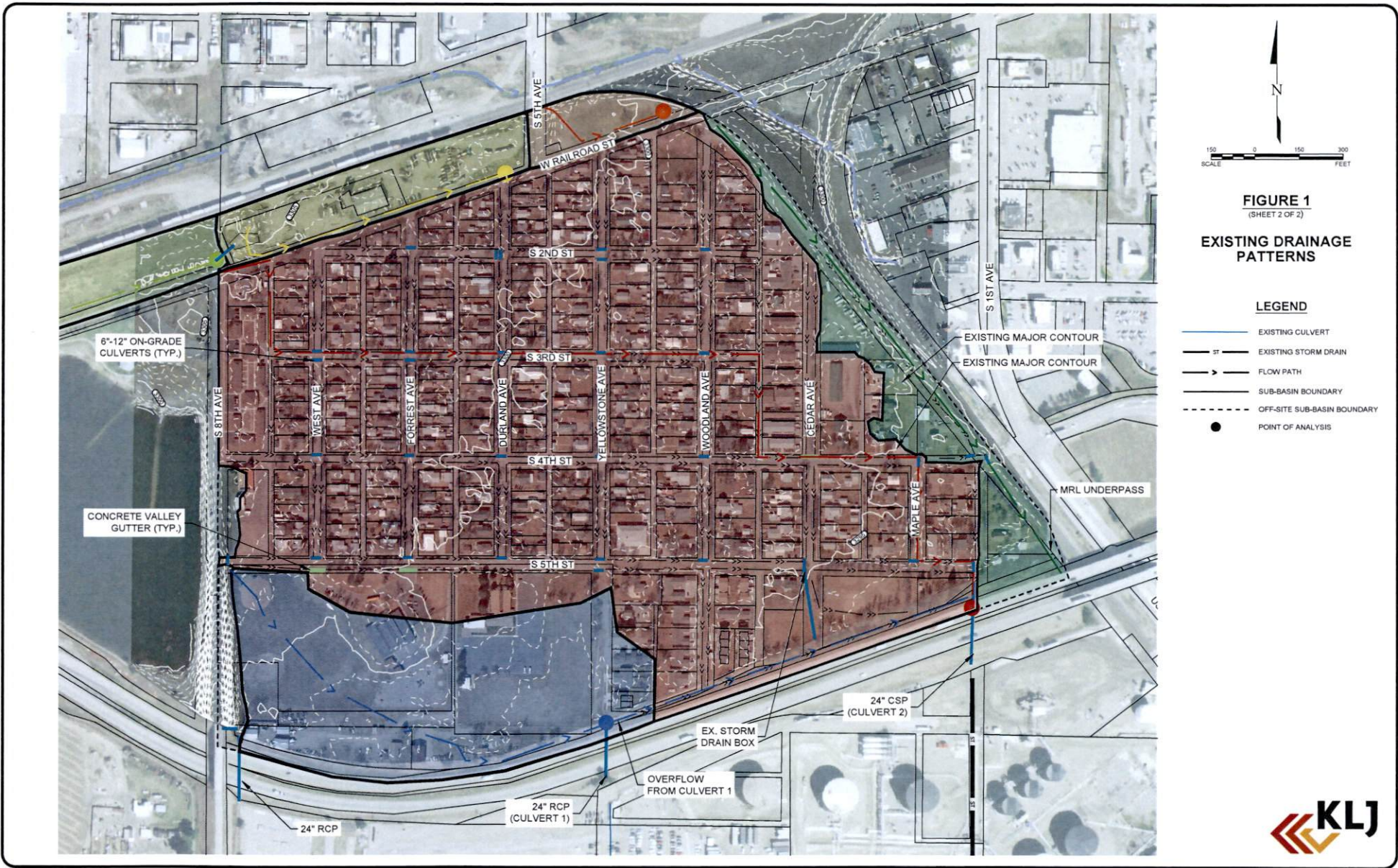
Culvert 1 & Pond Improvements					
#	ITEM	QTY	UNITS	UNIT PRICE <sup>1</sup>	TOTAL
201	Mobilization	1	LS	\$ 9,000.00	\$ 9,000
202	Taxes, Insurance and Bond	1	LS	\$ 5,000.00	\$ 5,000
203	Traffic Control	1	LS	\$ 5,000.00	\$ 5,000
204	Stormwater Management and Erosion	1	LS	\$ 2,000.00	\$ 2,000
205	Bore 24" Culvert	210	LF	\$ 550.00	\$ 115,500
206	Pond Excavation	2,000	CY	\$ 30.00	\$ 60,000
207	Top Soil Stripping/Stockpile & Restoration	481	CY	\$ 10.00	\$ 4,815
208	Landscape Restoration (Seeding)	0.3	Acre	\$ 1,500.00	\$ 448
Subtotal					\$ 181,000
	Contingency		20%		\$ 37,000
Subtotal: 2022 Construction Cost					\$ 218,000
	Engineering		18%		\$ 40,000
<b>Subtotal: 2022 CAPITAL COST</b>					<b>\$ 258,000</b>

<sup>1</sup> Estimated unit costs are based upon estimates from suppliers and bid tabs for similar projects throughout Montana.







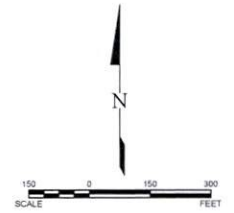
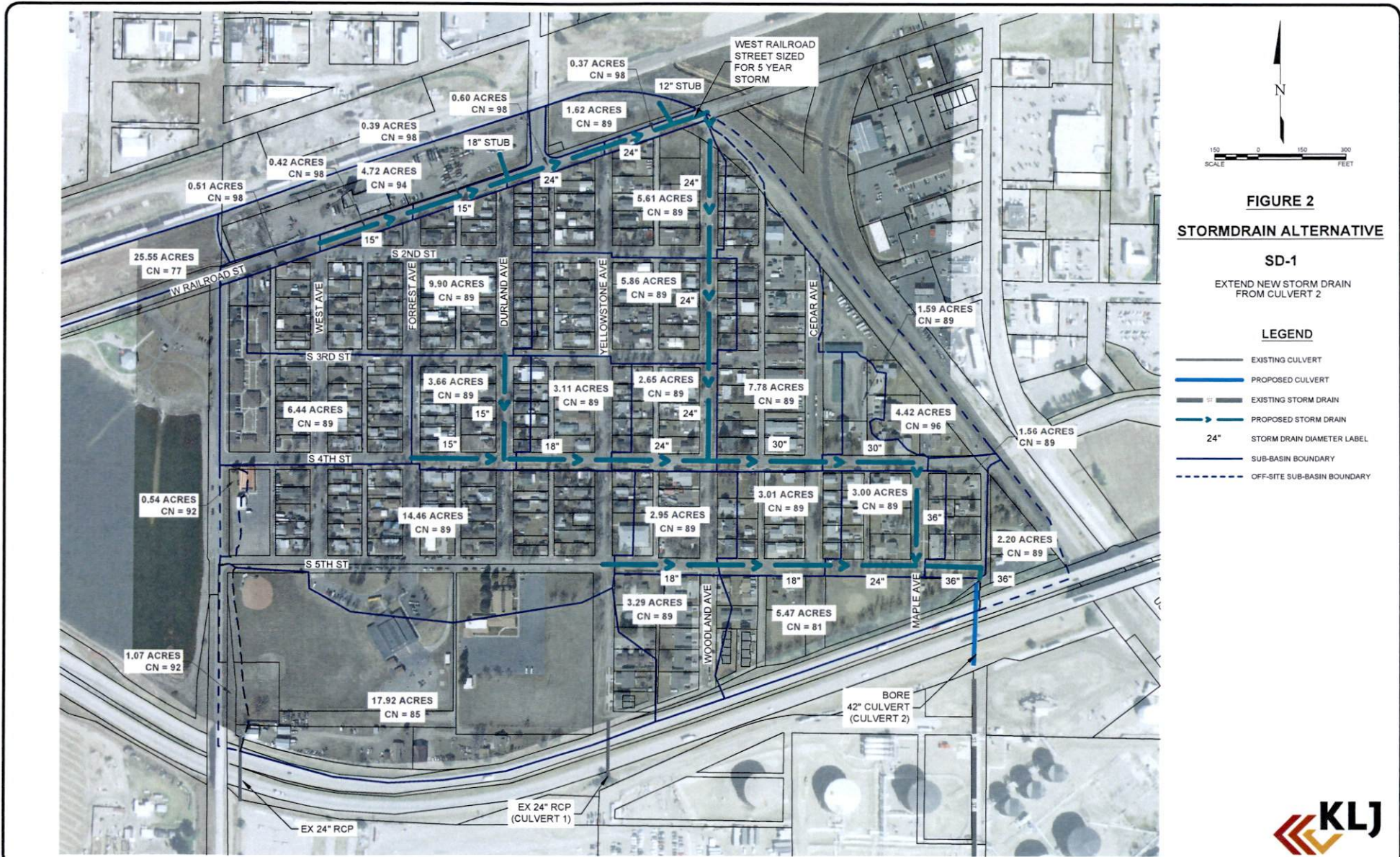


**FIGURE 1**  
(SHEET 2 OF 2)  
**EXISTING DRAINAGE PATTERNS**

- LEGEND**
- EXISTING CULVERT
  - EXISTING STORM DRAIN
  - FLOW PATH
  - SUB-BASIN BOUNDARY
  - OFF-SITE SUB-BASIN BOUNDARY
  - POINT OF ANALYSIS







**FIGURE 2**  
**STORMDRAIN ALTERNATIVE**

**SD-1**

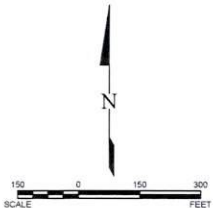
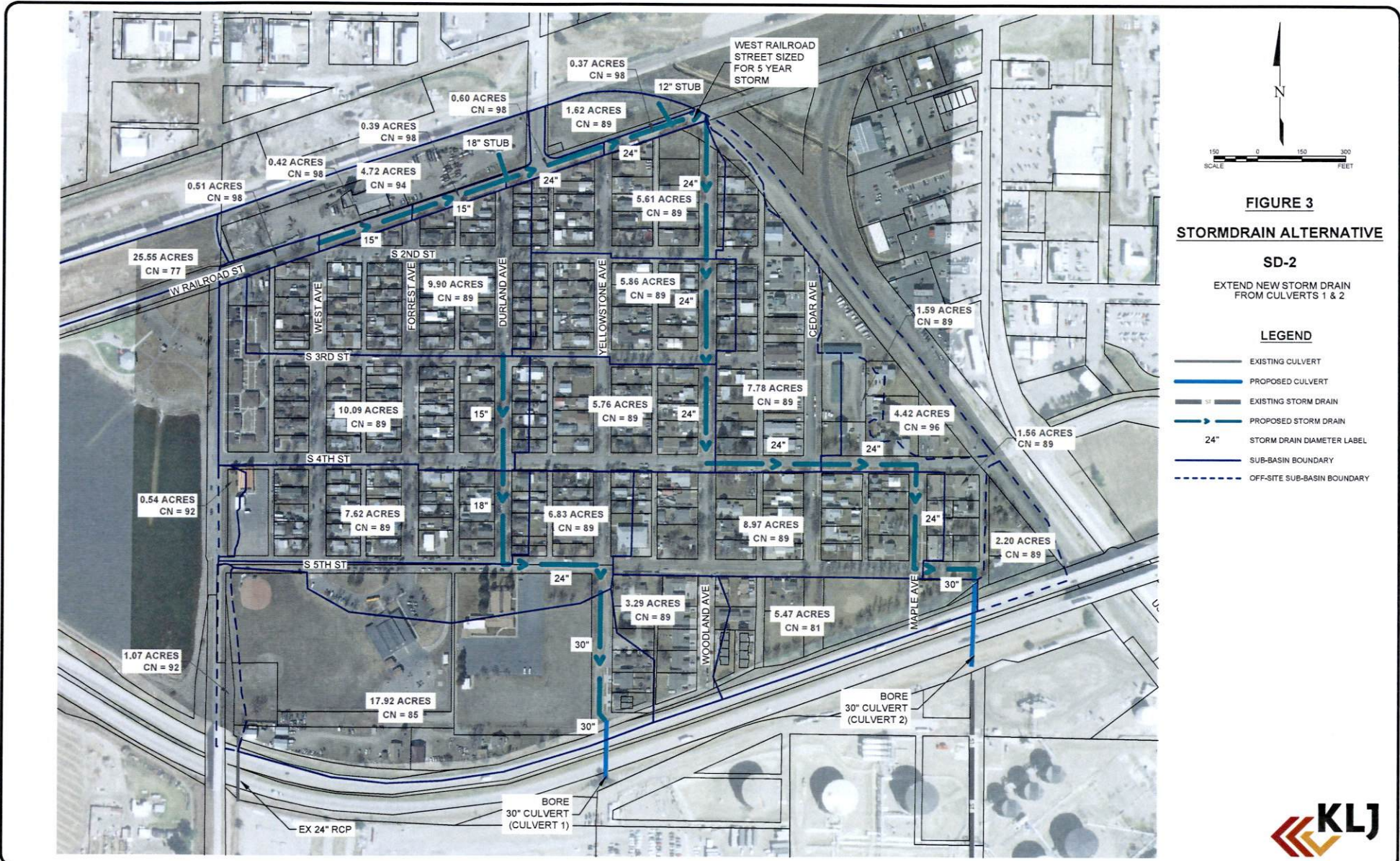
EXTEND NEW STORM DRAIN FROM CULVERT 2

**LEGEND**

- EXISTING CULVERT
- PROPOSED CULVERT
- EXISTING STORM DRAIN
- PROPOSED STORM DRAIN
- STORM DRAIN DIAMETER LABEL
- SUB-BASIN BOUNDARY
- OFF-SITE SUB-BASIN BOUNDARY







**FIGURE 3**  
**STORMDRAIN ALTERNATIVE**

**SD-2**

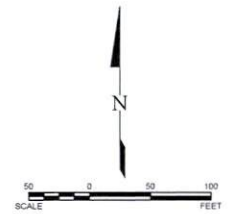
EXTEND NEW STORM DRAIN FROM CULVERTS 1 & 2

**LEGEND**

- EXISTING CULVERT
- PROPOSED CULVERT
- EXISTING STORM DRAIN
- PROPOSED STORM DRAIN
- 
- SUB-BASIN BOUNDARY
- OFF-SITE SUB-BASIN BOUNDARY














**FIGURE 4**  
**STORAGE ALTERNATIVE**

**S-2**

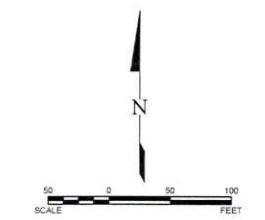
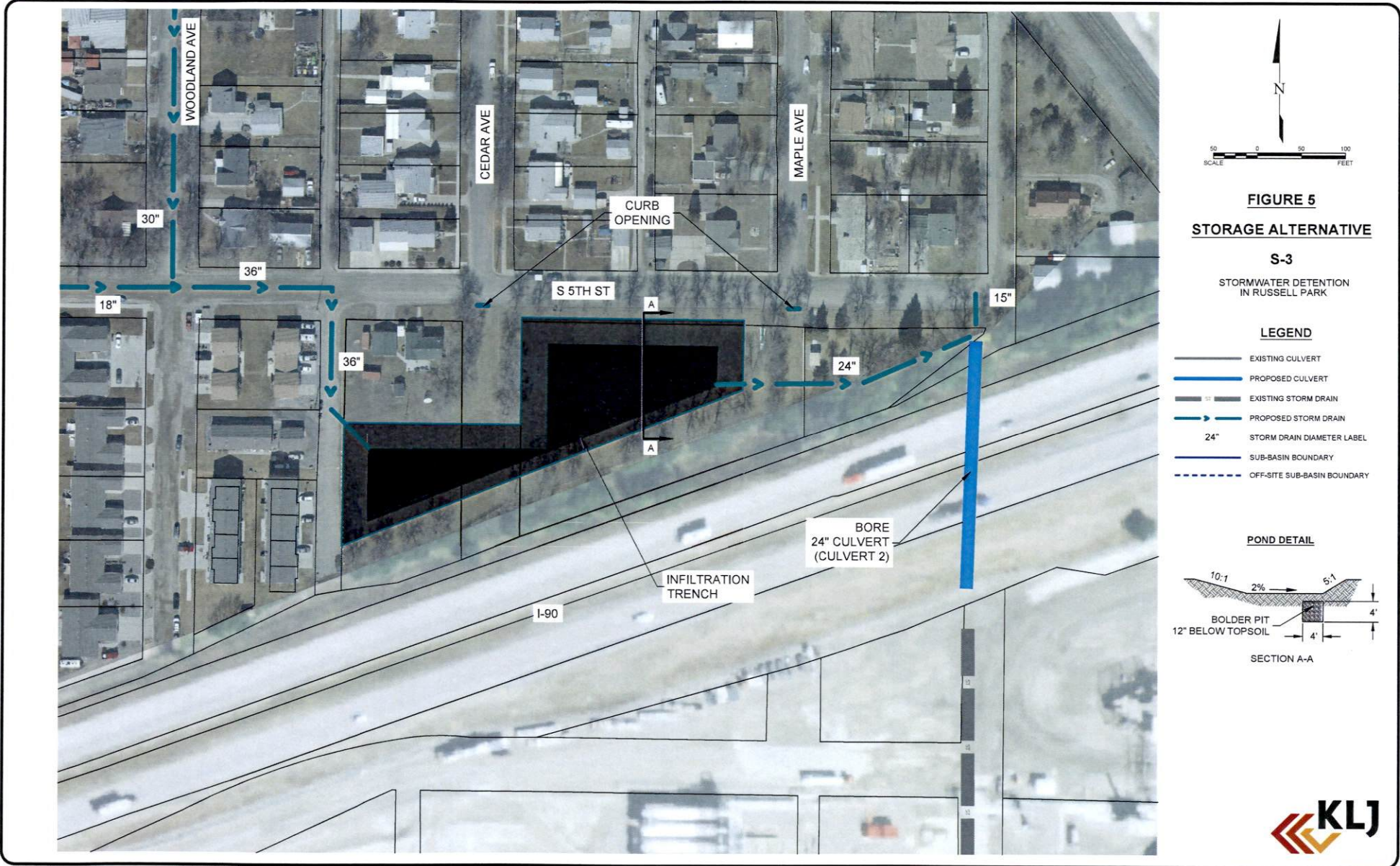
STORMWATER DETENTION ON  
CHS PROPERTY AT CULVERT 2

**LEGEND**

-  EXISTING CULVERT
-  PROPOSED CULVERT
-  18" EXISTING STORM DRAIN
-  PROPOSED STORM DRAIN
-  24" STORM DRAIN DIAMETER LABEL
-  SUB-BASIN BOUNDARY
-  OFF-SITE SUB-BASIN BOUNDARY

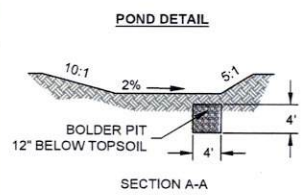




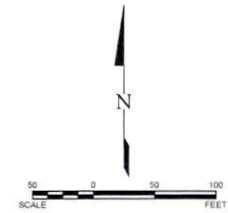


**FIGURE 5**  
**STORAGE ALTERNATIVE**  
**S-3**  
 STORMWATER DETENTION  
 IN RUSSELL PARK

- LEGEND**
- EXISTING CULVERT
  - PROPOSED CULVERT
  - EXISTING STORM DRAIN
  - PROPOSED STORM DRAIN
  - 24" STORM DRAIN DIAMETER LABEL
  - SUB-BASIN BOUNDARY
  - - - OFF-SITE SUB-BASIN BOUNDARY







**FIGURE 6**  
**STORAGE ALTERNATIVE**

**S-4**

STORMWATER DETENTION ON  
FIRST CONGREGATIONAL  
CHURCH PROPERTY

**LEGEND**

- EXISTING CULVERT
- PROPOSED CULVERT
- EXISTING STORM DRAIN
- PROPOSED STORM DRAIN
- 24" STORM DRAIN DIAMETER LABEL
- SUB-BASIN BOUNDARY
- OFF-SITE SUB-BASIN BOUNDARY





## Kurt Markegard

**From:** Osterloh, Parker <josterloh@mt.gov>  
**Sent:** Tuesday, September 7, 2021 1:48 PM  
**To:** Kurt Markegard  
**Cc:** Potts, Katie; Strizich, Carol; Nelson, Rod; Taylor, Michael; Schnieber, Kurtis; Bethany Langve; Matt Smith; City Mayor  
**Subject:** RE: City of Laurel Urban Priority Project

Good morning Kurt,

After speaking with the district engineers it is my understanding that project cost estimates should not have significantly increased due to material costs and that the original cost estimates, which include an inflation factor of 3% per year, to the anticipated year of construction, and 20% contingency, are likely still accurate enough that a full reexamination of the cost estimate is not warranted.

However, I have been cautioned by the district engineer that, similar to 2019, when the cost estimates were originally being developed, there is still a significant amount of risk and unknowns with the project because there is not enough field data to make a more informed cost estimate. It is possible that after nomination and project development begins in earnest there may be unforeseen factors that elevate project costs as much as 25%. Unfortunately, with the limited information available to develop preliminary cost estimates it is difficult to know if this is the case, that is the reason for such a disparity between the high cost estimate and the low cost estimate, and why we include a contingency in all project estimates. It is still entirely possible that the low end cost estimate is more accurate, but there is no way to tell until further on in the process.

One solution to this risk would be to increase the contingency percentage for the project, which would then decrease through project development as and more is known about the site conditions.

I have included the original cost estimates updated to display projected costs with inflation. If you would like I can increase the contingency percentage, to 25 or 30 percent, for you to look at as well.

Estimated Project Costs					
Project Segment	Estimate	FY2021	FY2022	FY2023	FY2024
West Railroad Street - 8th Ave - 1st Ave [High End Estimate]	\$ 6,189,800	\$ 6,566,759	\$ 6,763,762	\$ 6,966,675	\$ 7,171,678
Urban Funding Balance		\$ 4,108,240	\$ 4,325,642	\$ 4,543,044	\$ 4,760,446
Shortfall		\$ (2,458,519)	\$ (2,438,120)	\$ (2,423,631)	\$ (2,411,232)
West Railroad Street - 8th Ave - 1st Ave [Low End Estimate]	\$ 4,370,800	\$ 4,636,982	\$ 4,776,091	\$ 4,919,374	\$ 5,062,656
Urban Funding Balance		\$ 4,108,240	\$ 4,325,642	\$ 4,543,044	\$ 4,760,446
Shortfall		\$ (528,742)	\$ (450,449)	\$ (376,330)	\$ (301,999)
Inflation 3% per year after 2019					
Includes IDC					
Annual Urban Allocation \$217,402					
OT/PE	\$ 500,000.00		PE	\$ 350,000.00	
RW	\$ 500,000.00		RW	\$ 300,000.00	
IC	\$ 385,000.00		IC	\$ 500,000.00	
CN	\$ 3,640,000.00		CN	\$ 2,440,000.00	
CE	\$ 364,000.00		CE	\$ 244,000.00	
Total	\$ 5,389,000.00		Total	\$ 3,834,000.00	
20% Contingency*	\$ 800,800.00		20% Contingency*	\$ 536,800.00	
	\$ 6,189,800.00			\$ 4,370,800.00	
*Contingency applied to CN/CE estimates					

If you feel like a meeting would be beneficial to discuss this in more detail let me know and I'd be happy to set something up. Feel free to reach out if you have any questions as well.

Thanks,  
Parker

**From:** Kurt Markegard <kmarkegard@laurel.mt.gov>  
**Sent:** Friday, July 30, 2021 12:08 PM  
**To:** Osterloh, Parker <josterloh@mt.gov>  
**Cc:** Potts, Katie <kpotts@mt.gov>; Strizich, Carol <cstrizich@mt.gov>; Nelson, Rod <rodney@mt.gov>; Taylor, Michael <mictaylor@mt.gov>; Schnieber, Kurtis <kschnieber@mt.gov>; Bethany Langve <cityclerk@laurel.mt.gov>; Matt Smith <matt.smith@kljeng.com>; City Mayor <citymayor@laurel.mt.gov>  
**Subject:** [EXTERNAL] RE: City of Laurel Urban Priority Project

Parker,

Yes.

Kurt

**From:** Osterloh, Parker <josterloh@mt.gov>  
**Sent:** Friday, July 30, 2021 12:06 PM  
**To:** Kurt Markegard <kmarkegard@laurel.mt.gov>  
**Cc:** Potts, Katie <kpotts@mt.gov>; Strizich, Carol <cstrizich@mt.gov>; Nelson, Rod <rodney@mt.gov>; Taylor, Michael <mictaylor@mt.gov>; Schnieber, Kurtis <kschnieber@mt.gov>  
**Subject:** RE: City of Laurel Urban Priority Project

Kurt,

Thanks for reaching out, I just want to confirm that you want the cost estimate based on the same scope as before (full reconstruct with sidewalk, curb and gutter)?

Thank you,  
Parker

**From:** Kurt Markegard <kmarkegard@laurel.mt.gov>  
**Sent:** Friday, July 30, 2021 10:42 AM  
**To:** Osterloh, Parker <josterloh@mt.gov>  
**Cc:** Potts, Katie <kpotts@mt.gov>; Strizich, Carol <cstrizich@mt.gov>; Nelson, Rod <rodney@mt.gov>; Taylor, Michael <mictaylor@mt.gov>; Schnieber, Kurtis <kschnieber@mt.gov>  
**Subject:** [EXTERNAL] RE: City of Laurel Urban Priority Project

Parker,

The City of Laurel is discussing moving the West Railroad project forward again. I have been asked by the mayor if we can get an updated cost estimate seeing pricing for materials is way up. I would expect the costs might be around 25% increase? Let me know if this is something the DOT could provide Laurel as we are looking at trying to find the gap funding.

Thanks,

Kurt Markegard  
Public Works Director  
Laurel MT



## **Brittney Moorman**

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**From:** Bethany Langve  
**Sent:** Tuesday, October 19, 2021 12:37 PM  
**To:** Ward 1B; Emelie Eaton  
**Cc:** Brittney Moorman  
**Subject:** TIF District Bonding Capability

Council President Eaton,

Brittney assisted me today in figuring out how much debt service the TIF Districe could currently support.

The maximum amount of annual debt service payments the TIF District could potentially support is \$466,623.35. This figure is a rough figure that does not take into consideration the current grant programs, staff wages to assist the LURA Board, future changes in interest rates, etc. I would never recommend the City sell a bond with annual debt service payments this high, as it would tie up all of the TIF Districts cash.

To give you an example of what the TIF District could potentially bond, the Water Fund recently sold the \$4,921,000 SED Basin bond. The most recent annual debt service payment on that bond is \$314,500.

These are really rough figures, and all of this is subject to the buyer of the bond's interest, requests, etc. We will also have to take into consideration the grant programs, staff wages etc. at the time of any bond sales. I hope this helps with some of the questions regarding the TIF District and bonding.

Bethany

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**File Attachments for Item:**

10.

Created with a trial version of Syncfusion Essential DocIO.

Council Workshop Minutes of November 2, 2021.

**MINUTES  
CITY OF LAUREL  
CITY COUNCIL WORKSHOP  
TUESDAY, NOVEMBER 02, 2021**

A Council Workshop was held in Council Chambers and called to order by Council President Eaton at 6:30 p.m. on November 2, 2021.

**COUNCIL MEMBERS PRESENT:**

<input checked="" 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:**

Nick Altonaga, Planning Director  
Kurt Markegard, Public Works Director  
Stan Langve, Police Chief  
Bethany Langve, Clerk/Treasurer  
Matt Smith, KLJ

**Public Input:**

Council President Eaton read into the record the attached public comment from Carol Blades of 1809 DeNittis Lane.

**General Items**

**Executive Review**

1. Resolution - A Resolution Of The City Council Approving A Memorandum Of Understanding Between The City Of Laurel And Local Union Local 303, American Federation Of State, County And Municipal Employees, AFSCME.

Stan Langve, Police Chief, stated as he was getting Code Enforcement Officer Sauter up and running, he noticed the contract really didn't fit this situation. To move retirement systems, he needed to retire for one day to move into the bid position. A new hire has a 1-year probation. He spoke with the City Attorney, who suggested that given the uniqueness of this situation, it is unnecessary to need 365 days; 30 days would be sufficient. The language is for this one position this one time and will not set a precedence in the future.

2. Resolution - A Resolution Authorizing A Lease Agreement Between The City Of Laurel And Laurel American Legion Post #123, For The Construction And Use Of City Owned Property For A Parking Lot Near The City's Cemetery.



Council Member Klose stated that he is a Council Member and a member of the America Legion Post #123. He will not be speaking or voting on this matter.

Ken Olson, 1702 Groshelle Boulevard, briefly described the parking situation up at the cemetery when there is an event held at either cemetery. Many people park along the highway. This parking lot would be used for either cemetery. It is critical for the citizens of Laurel.

3. Motion To Allow Council Member Sparks To Be Absent From The City Of Laurel For More Than Ten Days. (LMC 2.12.060)

Council Member Sparks stated she would be out of the City for a few weeks. She would like Council's permission to go. She will only be missing two Council meetings due to November having five Tuesdays.

### **Council Issues**

4. Discussion on Disbanding LURA/Ceasing the LURA Grant Program

Recently Council had a presentation by Janet Cornish and Lanette Windmaker. During this presentation, there was a discussion about the LURA grants and what LURA would do if there were no grant programs. So this is a discussion about disbanding them and having Staff manage the TIF District.

Leslie Atkins, 4100 McGirl Road in the Heights, I own the property of 217-221 W. Main Street here in Laurel. I have a question, does that mean that our taxes go back down? Because I pay an awful lot of extra taxes specifically to funds that LURA project. If that's going to be disbanded, does that mean my taxes are going to go down?

It was clarified that any TIF District that is formed is not a raise in taxes. It is a rerouting of the taxes. Rather than going into the General Fund, they go into a TIF District Fund.

Ms. Atkins, for the purpose of reuse in that district. With that, I would say my vote would be no. I've used TIF District funds to fix some of my exterior building to make that a way better building on the outside on the inside. And it's been a really wonderful program for me. And I realize that things have been twisted a little bit, and some of those funds were put in the wrong place, and people were allowed to use funds that weren't allowed to use funds. I understand that, but I hope that the program doesn't go away. Because it's been a great benefit to me.

Peggy Miller, Laurel, I would say I would vote in favor of keeping the LURA. I think that it can be reevaluated and restructured and rules and guidelines written a little bit better and different. Also, some of the Council Members have indicated at times that they weren't really sure what the LURA program was for. So again, I think it was maybe a matter of miscommunication and rules and regulations not necessarily known to both the Committee and to the Council Members. We have been recipients of it. We have been in Laurel for 40-years and have property in town and have put into the fund, and it has been a great resources. I think there are a lot of businesses that can benefit from it. And more so it really helps the town and the structure in the refurbishing

and just the beautification. And so, I would encourage you to reevaluate this and keep the program and again just work more on the guidelines and the rules and regulations.

Brandon Ellis, 221 W. Main Street, I own Dirty Paws of Montana, a small business. Being a new business, too, I would support these LURA funds; it would help people like me revitalize downtown and get small businesses up and going again. I understand some of the funds are misused. But if we just follow how it's supposed to be used, I think it would be helpful to revitalize the town. So me personally, if I had a vote, I would say keep LURA funding. Thank you.

Ken Olson, 1702 Groshelle Boulevard, I have to admit I've been out of the loop for a while. But the idea that this would even be considered kind of shakes me up a little bit. The amount of improvements that this has brought to our community is really astounding. I can't say walking from all the way west to all the way east on Main Street where there hasn't been a major improvement. Partly due to the creation of the TIF District and the LURA Board. If there has been a problem with the LURA Board, an oversight committee may be needed, a couple of Council people and a couple of LURA people may open up that route of discussion between the LURA and the Council so that there can be further understanding of exactly what goes on between the LURA and the Council. The Council has the final say, but the LURA sure has a lot of important information to get forward. I stand with every business owner of this community who understands the importance of the LURA as it's been created. I certainly hope that you would be keeping it the way that it is. Thank you.

Various Council Members voiced their opinions not to disband LURA but to rework the grant program as it has helped many businesses downtown. Council also expressed their interest in starting to offer low-interest loans as well.

Council asked if Janet and Lanette could be invited back to do joint training with Council and LURA to help rework their programs. The Clerk/Treasurer will follow up on this request.

##### 5. Discussion on Downtown Parking Study

Council President Eaton read into the record a public comment from Abbie Manley; see attached.

Council President Eaton read into the record a public comment from Brandon Ellis; see attached.

KLJ has been asked to put together information regarding a parking study.

Matt Smith, KLJ, the project's scope will be to study the parking in the Central Business District. They will then make recommendations that are ADA compliant.

It was clarified that the area being studied would be Alder Ave. to 8<sup>th</sup> Ave. This is an excellent use for TIF dollars. The TIF would pay for a large portion of this study as the TIF District ends at 5<sup>th</sup> Avenue.

Leslie Atkins, 4100 McGirl, I own property from 217-221 W. Main Street. Parking, folks, it needed to be done a long time ago. A long, long time ago. I am really glad you guys are taking it up now as an official item to discuss. It needs to be done. We are killing our small businesses. I own, I got two small businesses in my building now and eleven residential apartments. We simply do not have enough space. With the angled parking, it's perfect. And it works wonderfully; nobody was hurt. So I am glad KLJ is addressing our parking issues in the City. And I hope that the Council will stand up for that and stand up for our local businesses and residents of our Central Business District. Thank you.

Brandon Ellis, 221 W. Main, I won Dirty Paws of Montana, one of the renters in Leslie's building. I fully support downtown parking, not even just on 3<sup>rd</sup>—all of downtown. I've lived in Laurel for about 15-16 years now. And I've always seen the parking downtown has been horrible for quite a while now. And I know speaking with other business owners, they have tried to bring it up, and it's kind of been brushed aside over the years. Hopefully, we can find a resolution and get the studies done. That email you read is actually the email I sent to all of you guys. That is just 200 signatures from Change.org that I didn't do any canvassing of town yet. But if I have to, I can, but we really need to parking resolved down there, especially because I have a lot of elderly and disabled customers. Being a dog groomer, I get some service dogs in there, and the elderly customers really can't park there anymore. So for free, I have actually started offering pick-up service for their dogs from the elderly communities because it's kind of dangerous having to get in and out of their cars down on those streets right now. Thank you for getting it on the agenda, and hopefully, we can keep working towards getting this resolution going. Thank you.

Shannon Davis, I came here about a year ago. When we came here, my wife was blind. We have two young boys. First time we wintered here, there was snow pretty much everywhere. It was dangerous; it was icy, my wife was blind, she couldn't see her vision was on forward move. So I'm really making you guys put this into play considering the parking down there for the disabled. It means a lot and really how you guys follow through with it. Like I said with disabled people, businesses suffering because of the lack of parking. My wife tripping and falling last winter. That could have created a huge issue for the City, but we decided not to. Parking is vital; what Ms. Atkins did was a godsend, and to have that taken away, especially for those that are blind and those that can't walk, those that are in wheelchairs. I really hope you guys go through with it. And then it would be beneficial for everybody including businesses. Thank you.

Brandon Ellis read a letter from Amanda Spring, 1015 1<sup>st</sup> Avenue; see attached.

#### 6. Update On Clean-Up Efforts on Fir Avenue.

Council questioned the progress on the development on Fir Avenue.

Nick Altonaga, Planning Director, stated the developer Darrel Dyer is working with the owner of the lots, Jim Cotter, as they are under contract. They are cleaning up the property as a condition of annexation. Once the property is cleaned up, then they will move forward with annexation and the development. County Code Enforcement has been contacted to start to deal with it.



## 7. Update on IronHorse Subdivision - Has Building Begun

Nick Altonaga, Planning Director, stated the developer has been building out the road. There have been no requests for hooks up to develop the lots at this time.

### Other Items

- **W. Railroad Update**

Bethany Langve, Clerk/Treasurer, stated that the City Attorney is drafting a letter to the State. In 2019 the City received a letter asking the City to state its intentions. This letter would let the State know the City will come up with the gap funding on the project. We are hoping to have this letter drafted by the end of the week. The Council President will sign, and it will get sent off. Right now, the States timeline is to begin the project in 2026. The State will dictate the timeline of this project. The City received \$860,191.92 in the first half of the ARPA funds. It is up to the Council and Mayor what they would like to use these funds for. It can only be used for water and sewer improvements and must be used by a specific date. Also, in HB 1, the State did award \$1 million to the City. It was payment for the intake and will need to be used for the water system. These monies will be held in a restricted account until the City is ready to use them. The auditors are aware of these monies. The City can use it towards the new water reservoir as it is part of the water system. The second half of ARPA funds will come in June 2022.

It was questioned if those monies could be used toward a new water storage facility.

Matt Smith, KLJ, stated they are currently working on a preliminary engineering report. They are putting together final cost estimates for that report. They hope to have that report completed in December. This report can be beneficial in applying for additional grant funding.

Bethany Langve, Clerk/Treasurer, stated she strongly recommends paying off the intake loan with that million dollars. Water would only have one loan remaining. The others were paid off a while ago.

- **Resolution to remove Thomas C. Nelson from all banking institutions.**

Bethany Langve, Clerk/Treasurer, stated next week Council would see a resolution removing Mayor Nelson from all of our banking institutions. She needs a resolution from Council to be able to do that.

- **Mayor Vacancy**

Council President Eaton briefly reviewed the attached memo from the City Attorney regarding filling the Mayor's vacancy. This will be on next week's agenda.

There was a question on if the Council Member filling that role would then vacate their seat. The answer to that is no. On January 3<sup>rd</sup>, they would revert to their role on Council. Council would operate down one Council Member.

**Review of Draft Council Agendas**

8. Draft Council Agenda of November 9, 2021.

The resolution removing Mayor Nelson from all banking institutions and filling the Mayor's vacancy will be on next week's agenda.

**Attendance at Upcoming Council Meeting**

Council Member Wilke will be absent from next week's meeting.

**Announcements**

Mayor Nelson's funeral will be held Friday, November 5<sup>th</sup> at 11:00 a.m.

A Council Member recently noticed the poor condition of the front of the building. They had thought it was going to be fixed. It was clarified that this summer Council approved a small service contract to fix the front of the building. The work is not scheduled to be done until March or April 2022.

The next Park Board meeting is scheduled for November 4<sup>th</sup> at 5:30 p.m. in the Council Conference Room.

Council offered their condolences to Mayor Nelson's family.

The council workshop adjourned at 7:24 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.**

## **Brittney Moorman**

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**From:** Carol Blades <cblades41@gmail.com>  
**Sent:** Monday, November 1, 2021 10:18 AM  
**To:** Brittney Moorman  
**Subject:** commendations for city council  
**Attachments:** commendation for city council.docx

Hi Brittney,

Attached is a letter I would like you to share with each City Council member. I think you can easily forward it to each of them but I do not know how. If you cannot forward it to each council member please let me know.

Carol Blades

--

"We cannot tell the precise moment when friendship is formed. As in filling a vessel drop by drop, there is at last a drop which makes it run over; so in a series of kindnesses there is at last one which mbmoormanakes the heart run over."



I want to give two shout outs of appreciation to the Laurel City Counsel for several recent events they were key in bringing to fruition. First, after several years of collaboration with the Lions Club, a safe, lovely, and user friendly paved path has been installed around South Pond, at the Lion's Family Park. It is directly across the street from Laurel Gardens and the Laurel Senior Center. This is a 'visionary' gift to Seniors, walking is a key to good health and wellbeing, and an equally valued gift to Laurel families. Mom's and Dad's could easily push a stroller around this pond now, introducing even infants and toddlers to fresh air, bird life and movement in the great outdoors. Wheel chairs, walkers, all such devices could easily navigate this broad smooth walkway.

Secondly, The Laurel City Counsel just tabled Northwestern Energy's request to rezone land along the Yellowstone for installation of a gas plant. They have basically said it is time for thoughtful input from various points of view, this is a massive decision that needs a substantial amount of community and statewide input. It is incredibly refreshing to see a small town city council stand up to a major corporation and pull in the reins on potentially disastrous plans. That is how representative government of the people and for the people is supposed to work.

## **Brittney Moorman**

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**From:** Abbie Manley <alfordsabitha@gmail.com>  
**Sent:** Tuesday, November 2, 2021 1:24 PM  
**To:** Brittney Moorman

Good afternoon,

My name is Abbie Manley. I have been a resident of Laurel for about 20 years. I would like to add my input on our continuing infrastructure issues. In particular I would like to speak on the parking issues down main street and 3rd Ave. It is fact that the city is growing and this area in particular has become congested. I lived on this corner in the appartment above Coburn Tax about 15 years ago and parking was an issue then. Now with the growth and restoration it has become horrible to try to park over there. The diagonal parking alleviated part of the problem, however the city reversed this. I understand that is the emergency services route. I would like an explanation why the city cannot simply use 2nd ave?

Thank you for your time,  
Abbie Manley

## **Brittney Moorman**

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**From:** Brandon Ellis <brandonellis1326@gmail.com>  
**Sent:** Monday, November 1, 2021 3:40 PM  
**To:** City Mayor; Ward 1A; Ward 1B; Ward 2A; Ward 2B; Ward 3A; Ward 3B; Ward 4A; Ward 4B; Brittney Moorman; Bethany Langve; Laurel City Planner  
**Subject:** I am sharing 'signatures of support for parking' with you.  
**Attachments:** signatures of parking.pdf

This is the current list of signatures gained on [Change.org](https://www.change.org) of those who support working together to find solutions to this problem of lack of downtown parking and also easy parking access downtown for the disabled and/or elderly. I am sending you this as support for the workshop meeting on 11/2 discussing a possible parking/traffic study.



Name	City	State	Postal Code	Country	Signed On
Brandon Ellis	Laurel	MT	59044	US	#####
Ellyn Williams	Laurel	MT	59044	US	#####
Maria Custodio	Laurel	MT	59044	US	#####
Abbie Manley	Laurel	MT	59044	US	#####
Eric Calhoun	Laurel	MT	59944	US	#####
Karisma Kaufman	Bozeman	MT	59718	US	#####
Lorrie Krell	Billings	MT	59101	US	#####
Justine Degele	Billings	MT	59102	US	#####
Leslie Atkins	Laurel	MT	59044	US	#####
Chad Degele	laurel	MT	59044	US	#####
Cameron Degele	Billings	MT	59106	US	#####
Jessica Cummings	Billings	MT	59105	US	#####
Olivia Grimes	Billings	MT	59106	US	#####
Peggy Forsberg	Billings	MT	59044	US	#####
Nelson Bailey	Laurel	MT	59044	US	#####
Shawn Bradshaw	Billings	MT	59102	US	#####
Christopher Smith	Laurel	MT	59044	US	#####
Marcia ketchem	Laurel	MT	59044	US	#####
Tanya Freeman	Laurel	MT	59044-282	US	#####
Shannon Williams	Laurel	MT	59044	US	#####
Jaymegirl_2020 Isaacson	Laurel	MT	59044	US	#####
David Newton	Laurel	MT	59044	US	#####
Ben Lyons	Laurel	MT	59044	US	#####
Trisha Baker	Laurel	MT	59044	US	#####
Katrina welch	Laurel	MT	98271	US	#####
Pamela Wallace	Laurel	MT	59044	US	#####
Mariah Bass	Laurel	MT	59044	US	#####
Timothy Mark Smith	Laurel	MT	59044	US	#####
Dawn Kuper	Billings	MT	59105	US	#####
Mykal Willoughby	Billings	MT	59101	US	#####
Charles Robert	Laurel	MT	59044	US	#####
Connie Dolman	Park City	MT	59063	US	#####
Renee Melle	Billings	MT	59944	US	#####
Lindsey Farnsworth	laurel	MT	59044	US	#####
Franco Carlo		NY		US	#####
JON INWOOD	Brooklyn	NY	11230	US	#####
Greg Schreiner	Laurel	MT	59044	US	#####
David Ligon	Salinas		93907	US	#####
Austin Ward	Corvallis	OR	97330	US	#####
Sarah Kuhr	Billings	MT	59044	US	#####
Becky Vandyke	Laurel	MT	59044	US	#####
Shaynna Threefingers	Laurel	MT	59044	US	#####
Ashley Winchell	Billings	MT	59102	US	#####
Kathleen Linger	Laurel	MT	59044	US	#####
Amanda Spring	Laurel	MT	59044	US	#####
Karl Worthen	Laurel	MT	92782	US	#####

Jennifer Schessler	Laurel	MT	59044 US	#####
Harold Mesenbrink	Laurel	MT	59044 US	#####
Dianne Boren	Laurel	MT	59044 US	#####
Sydney Bieber	Laurel	MT	59044 US	#####
Ian Logan	Park City	MT	59063 US	#####
BillieJo Hutchinson	Laurel	MT	59044 US	#####
Krystal Cocho	Laurel	MT	59044 US	#####
Colton Salo	Laurel	MT	59044 US	#####
Kirsten Cormier	Laurel	MT	59044 US	#####
V. Ardell Bessler	Laurel	MT	59044 US	#####
Joseph Shaw	Billings	MT	59102 US	#####
Heather Wilson	Billings	MT	59102 US	#####
Denette Jacobson	Park City	MT	59063 US	#####
Melissa Bautista	Billings	MT	59102 US	#####
Alvina Hernández Hernandez	Burlington	WY	82411 US	#####
Miguel Hernandez	Billings	MT	59106 US	#####
Krystal Maerling	Laurel	MT	59044 US	#####
Danielle Bogunovich	Billings	MT	59105 US	#####
F1uffy4 Memez	Fontana		92336 US	#####
Debbie Huskinson	Laurel	MT	59044 US	#####
Ken Miller	Laurel	MT	59044 US	#####
Peggy Miller	Laurel	MT	59044 US	#####
Christopher LeDuc	Billings	MT	59105 US	#####
Carla Harmon	Laurel	MT	59044 US	#####
Jaymi Van Rooyen	Billings	MT	59102 US	#####
Jodie Drange	Laurel	MT	59044 US	#####
Donna Godwin	Billings	MT	59101 US	#####
madi achten	Laurel	MT	59044 US	#####
Anne Heiser	Laurel	MT	59044 US	#####
Rachel Patterson	Laurel	MT	59044 US	#####
Keith Carpenter	Billings	MT	59101 US	#####
Larry Gibson	Billings	MT	59102 US	#####
Jocelyn Krum	Billings	MT	59102 US	#####
Casey Huskinson	Laurel	MT	59044 US	#####
Sheila Roberts	Laurel	MT	59044 US	#####
Claudine Farrar	Hardin	MT	59034 US	#####
Adam Kaluba	Burleson	TX	76028 US	#####
Joshua Lewis	Garland		75040 US	#####
Shelly Yarbrough	Billings	MT	59102 US	#####
Diane Kraft	Laurel	MT	59044 US	#####
Pearl Spooner	Billings	MT	59105 US	#####
Steve Lavelly	Laur	MT	59044 US	#####
Alicia Wold	Laurel	MT	59044 US	#####
Jessica Smith	Absarokee	MT	US	#####
Rhonda Miller	Laurel	MT	59044 US	#####
Jesse Melvin	Billings	MT	59106 US	#####
Miranda Helzer	Billings	MT	59102 US	#####

Dionna Rudd	Dallas		30132 US	#####
Rylee Johnson	Laurel	MT	59044 US	#####
Natalia Souza	Alexandria	VA	22314 US	#####
Carter Frank	Southbury		6488 US	#####
Andrew Cummings	Billings	MT	59105 US	#####
Joe Broere	Laurel	MT	59044 US	#####
Sara Romero	Laurel	MT	59044 US	#####
Jennifer Haq	Alexandria	MN	56308 US	#####
Catherine Farnes	Laurel	MT	59044 US	#####
Charity Watkins	Billings	MT	59102 US	#####
daniella preudhomme	Miami		33187 US	#####
dianne lievens	moving to Laurel soon	FL	32162 US	#####
Rosa Broere	Laurel	MT	59044 US	#####
Patty Knopp	Laurel	MT	59044 US	#####
Becky Giudice	Worland	WY	82401 US	#####
Shelley Wold	Laurel	MT	59044 US	#####
Diane Oversen	Laurel	MT	59044 US	#####
Dani Stringer	Laurel	MT	59044 US	#####
David Wegner	Chicago	IL	60612 US	#####
Peggy LeBrun	Bozeman	MT	59718 US	#####
Jeremy Lavold	Laurel	MT	59044 US	#####
Patrick Trainor	Billings	MT	59102 US	#####
Ashton Baggett	Brandon		39042 US	#####
Karen Anderson	Laurel	MT	59044 US	#####
Chris Green	Atlanta		30309 US	#####
Dana Burgess	Laurel	MT	59044 US	#####
Jeremiah Johnson	Laurel	MT	59044 US	#####
Dianna Walker	Billings	MT	59102 US	#####
Chelsey Stein	Billings	MT	US	#####
davido draco	Irvington		7111 US	#####
Kelly Hazen	Billings	MT	59102 US	#####
Liam Miller	Helena	MT	59602 US	#####
alyson early	Billings	MT	59106 US	#####
Shanna Fredrickson	Billings	MT	59101 US	#####
Chuck PLATT	Billings	MT	59102 US	#####
Sara Wiggins	Forsyth	MT	59327 US	#####
Stephanie Beal	Billings	MT	59102 US	#####
Jason Wold	Billings	MT	59102 US	#####
Kimberly Pinter	Detroit	MI	48234 US	#####
Anna Anderson	Billings	MT	59102 US	#####
Melissa Wood	Billings	MT	59102 US	#####
Linda Lane	Laurel	MT	59044 US	#####
Lori Mendenhall	Laurel	MT	59044 US	#####
michaella grauberger	billings	MT	59106 US	#####
Cassandra Kelly	Billings	MT	59101 US	#####
Scott Nagel	Laurel	MT	59044 US	#####
Fran Bonogofsky	Billings	MT	59102 US	#####



Darci Colbrese	Billings	MT	59102 US	#####
Tracy Barndt	Billings	MT	59102 US	#####
Sheya Askin	Syracuse	UT	84075 US	#####
Deborah Allen	Billings	MT	59102 US	#####
Joshua Haase	Minneapolis		58413 US	#####
Sophia Arebalo	El Paso		79936 US	#####
Latasha Burns			US	#####
Hunter Hensley	Cincinnati		48221 US	#####
Richard Woodson	Port Clinton		43452 US	#####
Nolan Krimpenfort	Mason		45040 US	#####
Douglas Batista	Aurora		80013 US	#####
Faith Jewett	Laurel	MT	59044 US	#####
Akeish Douglas	Marietta		30008 US	#####
Connie Phillips	Robins	IA	52328 US	#####
Andre Gabriel jr	Charlotte		28215 US	#####
Holee Miller	Denver	CO	80211 US	#####
Patty Smith	Laurel	MT	59044 US	#####
Amanda Anderson	Laurel	MT	59044 US	#####
Dianne Flack	Laurel	MT	59044 US	#####
Laura Moore	string:LAUREL	MT	59044 US	#####
Desiree Irwin	Park city	MT	59063 US	#####
Paige Farmer	Billings	MT	59102 US	#####
Madalyn Ostwalt	Laurel	MT	59044 US	#####
Rhoda Hoffman	Billings	MT	59105 US	#####
Debbie Jensen	Billings	MT	59101 US	#####
Jess Piper	LAUREL	MT	59044 US	#####
Aubrey Rode	Billings	MT	59106 US	#####
Amarra Kuiper	Otsego		49078 US	#####
Marcia Bray	Laurel	MT	59044 US	#####
Sherri Knaub-Krant	Laurel	MT	59044 US	#####
Mercedes Jenkins	Atlanta		30331 US	#####
marc perdomo	Port isabel		78578 US	#####
Andy Wang	Los Angeles		90057 US	#####
Swann Rice	Billings	MT	59102 US	#####
Scott Snowden	Laurel	MT	59044 US	#####
Ada Hodge	Groves	TX	77619 US	#####
Valana Morris	Des Moines		50310 US	#####

Amanda Spring  
1015 1<sup>st</sup> Ave Apt 1  
Laurel Mt 59044  
702-468-6466  
[Passion4makeup86@gmail.com](mailto:Passion4makeup86@gmail.com)

To whom it may concern,

My name is Amanda and I have lived in Laurel since 2013. I believe that downtown is way over do for some major parking upgrades! We need to move forward with traffic and parking studies down town. In 2013 I lived in an apartment downtown and parking was so hard to come by. I can't imagine what it's like for some of our older community living and shopping down town. It's hard for businesses to draw in customers, no one wants to fight for parking. I really hope the city puts this high on the list of priorities!

Thank you,  
Amanda Spring

CITY HALL  
115 W. 1<sup>ST</sup> ST.  
MAYOR OFC.: 628-8456  
PUB. WORKS: 628-4796  
WATER OFC.: 628-7431  
COURT: 628-1964  
FAX 628-2241

# City Of Laurel

P.O. Box 10  
Laurel, Montana 59044



Office of the City Attorney

## MEMORANDUM

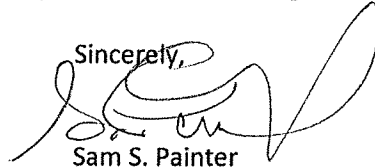
To: City Council Members  
From: Sam S. Painter, City Attorney  
Date: November 1, 2021  
Re: Succession Procedure Mayor Vacancy

In response to Mayor Nelson's passing, I am writing to advise you that there is a procedure to follow under these circumstances to ensure the City's ability to govern, function and provide services. City Ordinance ("LMC") and Montana law ("MCA") contain virtually identical provisions for the City Council to follow to temporarily resolve the situation presented.

The LMC provides that an office is vacant if the death of the incumbent happens prior to the expiration of his/her term. LMC 2.12.060. Upon such a vacancy, the City Council shall, by a majority vote of the members, appoint a person within thirty days to hold the office until his/her successor is elected and qualified. LMC 2.12.070.

Mayor Nelson's term was set to expire on the First Monday of January after the election or January 3, 2022. There are approximately sixty days remaining in Mayor Nelson's term that need to be filled. I suggest the City Council consider filling the remainder of Mayor Nelson's Term with a present Council Member who is willing to serve as Mayor until the Mayor elected in tomorrow's election is sworn into office at the City Council Meeting on January 4, 2022.

If the City Council decides to fill the vacancy, it shall by a majority vote at the next regularly scheduled meeting, appoint a Mayor. The next regular meeting is scheduled for November 9, 2021. I suggest the City Council place an agenda item on next week's agenda entitled "Appointment of Mayor to fill Vacancy." On November 9, 2021, the City Council can by nomination and majority vote, approve the appointment of a Mayor to serve Mayor Nelson's remaining term.

Sincerely,  
  
Sam S. Painter



**File Attachments for Item:**

11.

Created with a trial version of Syncfusion Essential DocIO.

Council Workshop Minutes of November 16, 2021.

**MINUTES  
CITY OF LAUREL  
CITY COUNCIL WORKSHOP  
TUESDAY, NOVEMBER 16, 2021**

A Council Workshop was held in Council Chambers and called to order by Mayor Eaton at 6:30 p.m. on November 16, 2021.

**COUNCIL MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Bethany Langve, Clerk/Treasurer

**Public Input:**

Steve Krum, 249 24<sup>th</sup> Avenue W., I would just like to clarify something. We are trying to understand how to do this properly when to talk when not to talk. We know that the vote is not tonight; we know that this is just a working meeting and that we don't want to lose any opportunity to reemphasize what we want to at the meeting. We came last night; my son-in-law and I ... we spoke with Richard and Heidi after the meeting. That's why we came to run into a Council Person and talk to them and clarify what you just read. Is it true tonight what we read on a specific resolution we cant bring up again during the meeting next Tuesday? We were under the understanding it was only applied to public on non-agenda items.

It was clarified that the public can come whenever there is a public comment, and they can say whatever they want. You can say it as many times as you would want; you can say the same things as many times as you want.

Mr. Krum asked if they could speak again on the same topic if they want to add to it or emphasize it something like that.

Correct.

Mr. Krum questioned if the public comment would be written down twice.

It was clarified that each public comment is recorded into the record.

Mr. Krum stated he was afraid if he spoke here, he wouldn't be able to speak then on the same topic.

It was clarified that he would be able to speak at both.

## **General Items**

1. LARC Update

Leif Welhaven, LW Consulting, briefly reviewed the attached PowerPoint.

## **Executive Review**

2. Resolution - Resolution Of Intent To Annex Contiguous City-Owned Properties Into The City Of Laurel, Yellowstone County.

Mayor Eaton stated a memo from the Planning Director was in Council's packet; see attached. The list of properties has been updated. Some properties have been added.

3. Resolution - A Resolution Of The City Council To Adopt Criteria For Awarding And/Or Approving Grants For The Laurel Urban Renewal Agency (LURA) Board And City Council.

Mayor Eaton stated the resolution has suggestions taken from the PowerPoint by Janet Cornish of allowable projects.

The Planning Director also wrote a memo in regards to this agenda item; see attached.

4. Resolution No. R21-109: A Resolution Approving Zone Changes For Property Owned By Northwestern Corporation D/B/A Northwestern Energy Located Near Lindy Lane Within The City Of Laurel's Zoning Jurisdiction.

The Planning Director also wrote a memo in regards to this agenda item; see attached.

Aaron Felder, 1434 McMullen Lane, I kind of think I owe this Council an apology and some people here and the Mayor and the City people who work here on your fallen Mayor. So my condolences to you and to the people here in this City and to the Council on your loss. There has been some question raised; I know the last time we spoke about this about the decibels at 65. So I wanted to, if I could please, play an engine running. And I have a meter here that will gauge the 65 decibels. Can I do that for you that way? You have an understanding of what 65 decibels really sounds like.

Mayor Eaton granted permission to play an engine running. The sound made it to approximately 60 decibels.

Mr. Felder stated, so it's a constant noise 24/7, that's the point of this. And when sound hits the water, it travels even further. I thank you for your time. I see NorthWestern Energy is not here this evening. I don't know why, but I think you guys for your time. I appreciate each and every one of you. It is, you got a lot on your plate, and you got to deal with a lot with the meetings we've been coming to on other agenda. It's quite respectfulness of you to do what you're doing. I really do thank you all. Thank you.



Carol Blades, 1809 DeNittis Lane, read the attached letter into the record.

Carah Ronan, 1721 Nicholas Lane, read the attached letter into the record.

Greg Childs, Theil Road, I just have two points, both pretty brief. The first one, I fear I am probably preaching to the Pope. I think Council Members understand that the purpose, one of the purposes of zoning laws, is to protect property values. And obviously, that plant going in across the river is going to be very detrimental to property values. So keep that in mind. The other one is that I read in the paper today by some professor of environmental studies with one of those credentials that's four lines long. I've learned to kind of skip through that and kind of get right down to the meat of it. He says that methane leak, now this is not emissions from the stack, this is a methane leak. And we know that pipelines leak. Is 86 times more harmful per ton than is produced by coal, 86x if that pipeline should, or a valve simply leaks. In your votes on the various zoning laws and permits, please keep those two items in mind. Thank you.

Steve Krum, 249 24<sup>th</sup> Avenue W., I don't really have anything written up, but I did want to start by asking the Council to consider having the Mayor appoint a special committee to actually truly dig in deep to this issue before taking a vote next week. Postponing that vote at the very least. I'd rather you vote no because I am an opponent against the plant. But at the very least, have the Mayor appoint a special committee with a Council Member or two, whoever wants to be on it. People from the neighborhood. People from the surround area and the community. The different wards who are also interested in this plant. And do some research on this, because what I found when I keep going through the paperwork. And many of the folks who have spoke already is a key thing in the City codes, which are our laws; they are our laws. Is that the health and welfare of the community is always first. Always comes first. And when you go through the DEQ report, which I spent a day doing that. It seemed very odd that a lot of the information was somewhat misleading. And I don't know if it was intentional, but it was somewhat misleading. Some of the facts were that they said the City of Laurel is 2 miles from the plant location. When in fact, it is a little over half a mile. Because if you drive on a road, I don't even think it is 2 miles. So your not a whole lot farther than what this neighborhood is that's sitting right next to it on the river. They reference the CHS refinery, saying we're no noisier than they are. I've working in the refinery. I've been around it most of my working life. And yes, they are noisy, but they're also spread out. They are not a concentrated source in a small area like this plant is going to be. This plant is going to have a lot of horsepower there. It's going to have a lot of stacks; it's going to have a lot of emissions; it's going to have a lot of intake air noise, exhaust air noise. It's going to have turbines making noise. It's going to have fans making noise. And when you look at the report, and one of the people already brought it up, this is an estimate that they are going to have as far as decibels as far as going out into the City, go out to these guys, going north, south, east and west. And so as you get through the report, you find there's more and more issues like that. But when you look at the permitting process that the City of Laurel should go through. Like I said, they speak to the health and welfare of the people of this community, but they also speak for the health and welfare of the environment. And in the DEQ report, they are not evening going to mention the Yellowstone River as being down there and the ecosystem which is there. Which is our pride and joy, right. That's what we're here for. We're at the confluence of the Clark's Fork and the Yellowstone. This is a special place. And we really want that there? I mean, think about it. This noise is going to be constant and in the report. Which is one true thing it's going to run 24



hours a day, seven days a week, 365 days a year. And it's not going to be just a constant noise; it's going to be noise going up; it's going to be noise going down. As they load and unload these, so that makes getting used to it if it's not changing, but it's not going to do that either. So along with the Yellowstone River, you don't even see in the DEQ report, I have a whole bunch of notes in here about it, but I just figured I don't have time to go over all of it. But you also see in the DEQ report they don't even mention this neighborhood till the end. Oh yeah, and there's a neighborhood about 2,300 feet to the south. Those are the people they should have been talking about at the very beginning of this report. And the thing about the DEQ report, Where'd they get their information from? NorthWestern Energy. And it says right in there that's who provided the DEQ with the information that this permit was authorized...permitted by was the information they got provided from NorthWestern Energy. The information was skewed, somewhat misleading. And really didn't address the issue like it should be. So that's why I'm asking that, at the very least, put together a committee to review this thing like it should be because normally, you guys rely heavily on the City/County Planning Board, right. They were misled, too; if you compare their notes to the notes in the DEQ there not the same either. They did not say there's going to be 65 decibels this way, this way, this way, this way, that way. In the City/County Planning Board meeting, they said, oh, it's going to be quiet; we are going to take and focus all the noise at the refinery. You don't do that; they're not going to do that; they never were going to do that. So I think even the City/County Planning Board misled a bit as well as well as City Officials that's been dealing with them. So I think it would be truly right for the community for our best chance at doing this right for 30 years to at least put together a committee and really sit down and get all the facts because a constant noise in Riverside is going to be even more for these people because even Riverside is further away. Comparing it to CHS refinery on the southeast corner, that's a quiet part of the refinery. They're not noisy down there. That humdrum that they are talking about is going to be new in Riverside too. I mean, sure, you get an occasional noise there, but not like that. Best yet, because of the pollution, that is a fact that unburnt natural gas methane is way worse than burnt natural gas methane. If you look at all the reports, it is a huge multiplication exponentially worse when it doesn't burn and escapes to the atmosphere. I worked at a plant, again valves leak, gaskets leak, its very common so you do your best to keep them tight but there always going to leak some. Everything is always going to leak some. I mean, they work at it and work at it, so but I ask that you vote no because of the pollution aspect of it as well. Because I think I don't have the expertise to read that part of it, but that's probably being tweaked a bit to what's really going to be happening there. These people live very close to 18 stacks concentrated in one area, and one breeze in the wrong direction can lay that pollution right on top of them. They're that close to that, so. Please vote no, or at the very least, Mayor, please create a committee. Just don't pass this resolution. Thank you.

Melanie Tripp, 1519 McMullen Lane, my face is new here, so I'll keep it very brief. I am not a scientist, I don't know anything about a methane gas plant, but I would say that this issue is incredibly new to me. I have just recently found out about it on our street, and I am extremely concerned. I feel like I have a lot of questions and that I feel like I wasn't asked or given the information that I should have been given. My entire family lives on McMullen Lane; it's a beautiful place. You'll hear a lot of people in here talk about it passionately because it is an incredible, incredible place. I would invite you and welcome you to come down to the river. To where my family and I take photographs every year right in front of the place, the skyline right where the methane gas plant is proposed to be. I don't suppose that it will be the same kind of



photograph if they build that. I live there with my husband, my three daughters, my son-in-law, and my two grandkids. My first thought, of course, was I don't want this in my backyard. And I have a pretty good feeling that you all would say the same. My home isn't in City limits, I know that, but when I vote, when I vote for mill levy's it's for the Laurel School District. And all three of my kids have and do go to Laurel School District. My daughter is a teacher, so I fully support how we need to get money for schools and roads and things like that. However, I don't think that NorthWestern Energy and their power plant is the answer for that. And I don't believe that they have our best interest or anybody in this room's best interest at heart. I am not bought out that easily by NorthWestern Energy. I understand that they are the business, and they try to run things the best that they can and have rules that they must follow, but all I'm hearing from all of this is that it's going to be a lot of pollution and a lot of noise. And I truly hope somebody can convince me otherwise, but I think that the consequences of building this gas power plant, they are probably not worthwhile. The information I'm getting just gets me, makes me want to think I have more questions. And I wonder, just like Steve I wonder is there any way we can put together something that's a little bit more comprehensive so that some of us can understand the real tradeoffs of putting the power plant with 18 77-foot stacks in the middle of our beautiful City. Where you got the alternative, things like the LARC that are going to provide a legacy for our future, just like Leif had said. I guess when all is said and done; if we do build it, we have to remember that's it; there's no take-backs. This is what's going to be there and left for us, for our families, and for our kid's futures. So, I really do ask you to please deeply consider whether or not the zoning is appropriate for the methane gas plant. Thank you.

Kasey Felder, 1434 McMullen Lane, read the attached statement. She had her daughter read a portion of her statement.

Steven Lance, I live on Lance Lane, off of Theil Road across from the proposed site. Just thinking about the noises around our place. I don't know if you have ever listened to the river when it's flooding. It's a deafening sound if you're fairly close. You add that this whatever it's going to be to the environment that we have around here now. And I believe none of us are going to want to live here. And I am only the second-generation person who has live on Lance Lane. I have a grandson who live there also. So I'm just going to tell ya, please vote no. Thank you.

Terry Krum, 1311 E. Railroad, and as I've said before, I have lived in Laurel all my life in and out of town. One question I'll ask, and I'll keep this real short, why would we work in this community as hard as we have for as many years on both side of the issue with industry to try to reduce the emissions. Then we turn around and bring it right back in. We give up all the gains that we took many, many years to get. So I would ask you to consider very carefully what we are putting back into our air. Thank you.

John Wyant, 2208 Theil Road, I live with all these people, probably the furthest away. Every day I know when it's noon because you can hear the refinery noon whistle go off. Every morning you can see the flair going to the south, and then it changes and goes to the east, and it goes over us. I can also hear the highway, the interstate, and that's further away that what this methane power plant is supposed to be. We can also hear the railroad trains leaving, coming, switching. All I have to say is, please vote it down. Thank you.



Mayor Eaton read the attached letter from Jeffrey Smith of 350 Montana into the record.

Mayor Eaton read the attached letter from Calvin Lance of 1422 Lance Lane into the record.

Mayor Eaton read the attached letter from Gregory Childs of Laurel into the record.

Mayor Eaton read the attached letter from Carol Blades of 1809 DeNittis Lane into the record.

Mayor Eaton read the attached letter from Joan Marrin of Billings into the record.

Mayor Eaton stated she does have the power to appoint a temporary special committee. She asked if there were any Council Members interested in servicing on this committee.

Council Member Sparks stated I've done my own research outside of this chamber; I had last week off, not last week. I had a day off last week and spent the majority of the day researching this on my own. I feel like I am personally educated enough on this, and there's been enough opposition. I will say right now I will be voting against this as well. We represent the citizens. The citizens have continued to come into the chamber and speak against this plant. So for that, I will be voting against it, personally. But if you do appoint a committee, I would be very interested in serving on that as well.

Council Member Wilke stated he would like to be a part of this committee. He would like to educate himself so he can make an intelligent decision. He is on the fence, and he is kind of leaning one way more than the other after all public comments.

Council Member Stokes would like to be on this committee as well.

It was questioned if it would be Council's preference to put off the vote and study this issue further. Council agreed with that statement. The public hearing will not be occurring in leu of a fact-finding committee that has been formed. The Mayor asked if there were any members of the public interested in serving on this committee. Those present who would like to serve on this committee were asked to write their names and contact information down on a piece of paper.

Council asked if they would need to vote to table this item pending the findings of the special committee. It was clarified that it was simply being pulled from the agenda. It is within the Mayor's purview to create a committee like this. However, the Mayor will need time to contact all these people and set up this committee.

Carol Blades, 1809 DeNittis Lane, I want to give you an example of what it's like to live out here. In April or May, most of us are outside; we're farmers, gardeners, horse people. We can't wait till spring gets here and we are all outside. All the men get on their tractors and drive around; that's kind of the spring ritual. But what touches my heart the most is I am outside in April or May, and I hear the sandhill cranes. I hear them coming. If you have ever heard a sandhill crane. And it touches my heart, and I am on my cellphone. Darrin there here, they're back; it's spring. That's what living out there is about. We are not a bunch of grumpy people. We love nature and the beauty there. Thank you.

Steve Krum asked to show Mayor Eaton something. He showed her LMC 2.8.250.

Greg Childs, does not the Council need to determine if they are going to delay this vote?

It was clarified that they can leave it on the agenda and allow Council to table the item.

Aaron Felder, thank you for listening. That's all, thank you.

Kasey Felder, I just want to mention this because it goes along with what Ms. Carol said. I was outside the middle of the week last week. My dog is... needs to go to the bathroom a lot. So I was out in the middle of the night, and we're talking 12:30, and it is quiet, and I can hear owls like at least three bouncing off the tree echoing around. So again, that is where we live. That is the kind of neighborhood that we are dealing with and what we don't want to lose. So again, thank you for tabling this future... further consideration. Thank you.

Mayor Eaton had been asked to thank Mr. Felder for his kind words about the Mayor. Staff is still very upset about this, and it is an emotional/hot button issue. While Staff does try to remain with a professional appearance, it is touching to still hear comments like that. Thank you.

5. Motion To Allow Council Member Klose To Be Absent From The City Of Laurel For More Than Ten Days. (LMC 2.12.060)

Council Member Klose stated he would be in and out of town taking care of a cousin who is blind and unable to drive. He just wanted to make sure should he surpass ten days away from the City, he had permission to do so.

### **Council Issues**

6. Discussion On Changing The Ordinance Regarding Attendance By Council. (LMC 2.12.060)

Mayor Eaton stated that there had been a Council Member that has been two more weeks than he has been in attendance. There have been many comments by various Council Members of this person's absence. That Council Member is still receiving pay for filling that seat. Council referred to 2.12.060; see attached.

Council noted that if they are unable to attend a meeting, they should call in before the meeting with a valid reason not to be in attendance. Council noted that as of late, there had been very close votes that Council Members need to be present for. This Ward is not being served properly. Council also noted that they knew what they were signing up for when they ran for Council. It is not fair to the citizens or the City at large to not participate.

Mayor Eaton stated, based on the comments from various Council Members, that a formal notification will be made to the Council Member in question regarding their attendance at Council. Once that seat is vacant, they will post publicly and appoint someone to the position. The appointed person will serve until the next open election.



## **Other Items**

### **Review of Draft Council Agendas**

7. Draft Council Agenda for November 23, 2021.

### **Attendance at Upcoming Council Meeting**

#### **Announcements**

KLJ will be holding a public meeting on the S. 4<sup>th</sup> Street project Thursday, November 18, 2021, at 6:00 p.m. at the Senior Center.

A Council Member stated they recently had gone to breakfast and spoken with someone regarding the next refinery turnaround. This Council Member was told that there would be a turnaround in 2023, and they planned on bringing in 6000 workers in for 43 days.

Council thanked the Mayor for appointing a special committee to help clear up questions regarding the power plant.

A Council Member noted that Saturday, a long-time resident and great community member Don Hedges passed away. He was a fireman for 30 years. His funeral will be Thursday, November 18, 2021, at the Methodist Church.

The council workshop adjourned at 8:02 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.**

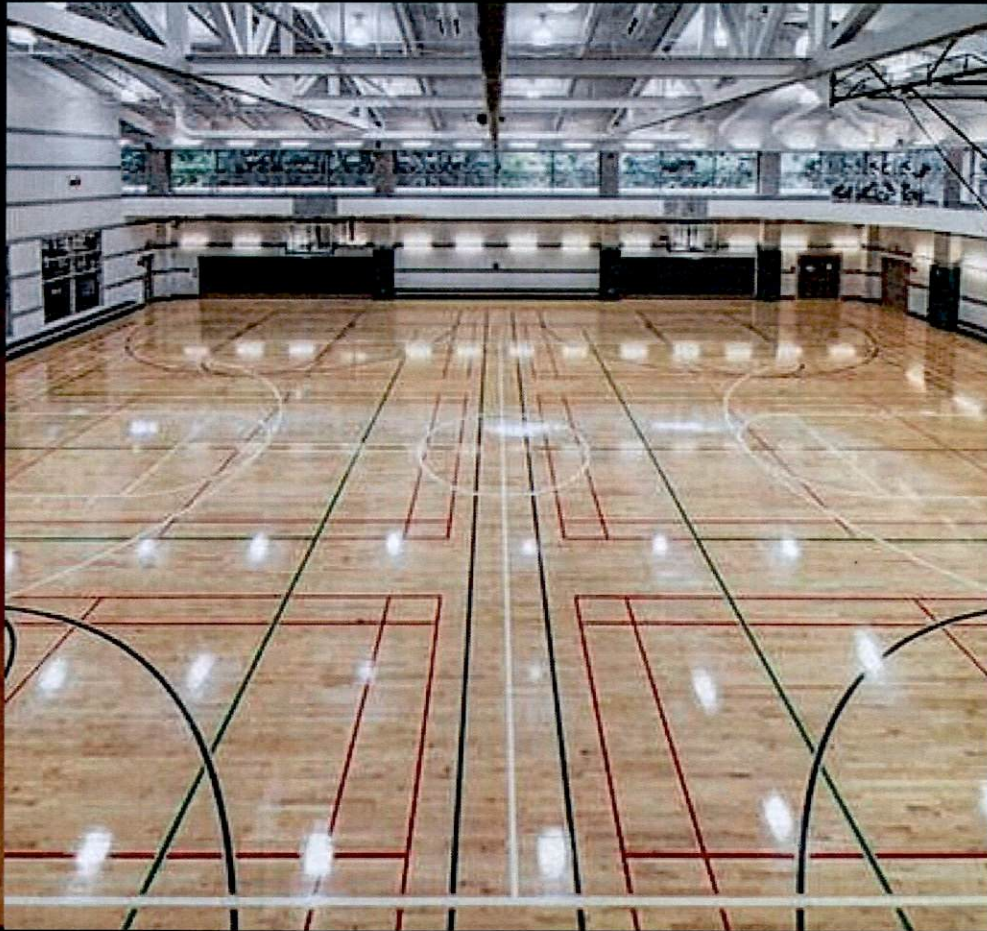


# L a r e r e c r e a t i o n s R e c r e a t i o n s C o m p l e x

Phase One Coming to Laurel







# The Project So Far

## A Brief History





## Laurel Swimming Pool

- End of life, 60 plus years old



## Riverside Hall

- Needs repair & updates \*in work



## Old Middle School Gym

- In need of major repairs



# How & Why We Got Started





# GOALS ACCOMPLISHED THUS FAR

- Community Awareness
- Grass Roots Fundraising
- Create Non-Profit Corporation
- Feasibility Study
- Site Selection
- Site Layout Drawings
- Change Name & Branding





# RE-BRAND & RE-FRESH BEGINS NOW

- New Logo
- New Ideas
- New & Existing Leadership
- New Focus
- Looking for your Input
- Looking for your Participation
- Looking for your Investment





# RECENT LOGO CONTEST ENTRIES





**The Winning Entry**  
**Holly Schwarm – Woods Power Grip**



# The Winner

## Holly Schwarm – Woods Power Grip





# Future Home of LARC

- Land Donated by Woods Power Grip
- 10 Acres
- Some Utilities Located Across the Street
- City working on TIF to bring more Utilities in
- LARC Facility
  - 8 Acre Footprint
  - Site Signs coming plus Yard Signs





# Future Home of LARC

- Land Donated by Woods Power Grip
- 10 Acres
- Some Utilities Located Across the Street
- City working on TIF to bring more Utilities in
- LARC Facility
  - 8 Acre Footprint
  - Site Signs coming plus Yard Signs





# Laurel Community Pride

- All things Laurel
- Laurel Activities
- Laurel Recreation
- Laurel Complex
  - Laurel Pride
  - Laurel Owned
  - Laurel Operated
  - Laurel's Future





# Laurel Activities

- **Community Activities**
  - Craft Fairs
  - Farmers Market
  - Event Center
  - Wedding & Reception Venue
  - Class & Family Reunions
  - Meeting Space
  - Concession Area
  - Etc.





# Recreation In the Gymnasium

- **Gymnasium/Multi-Use Facility**

- Indoor Soccer (Futsal)
- Basketball
- Martial Arts
- Baseball Training & Batting Cages
- Fitness Classes
- Weight Facility
- Dance Classes
- Wrestling
- Tournament Venue
- Team Practice & Game Facility
- Climbing Wall
- Future Aquatic Center
- Etc.





# Laurel Complex

- This will be a Local, County, Regional Complex
- How do we get Funding & Participation for this Project
  - Donations
  - Sponsors
  - Grants
  - Fundraisers
  - Board Members
  - Committee Members
  - Volunteers
  - Wall of Contributors (Gold, Silver, Bronze Levels)





# FUTURE ON-SITE EVENTS & IDEAS

- Trunk or Treat
- Fall Fest
- Halloween Events
- Summer Carnivals
- Food Truck Battles
- Walk a Thon's
- Run for LARC
- Fourth of July Float and Activities
- Etc.





# How can you get Involved?

- Invite us to Speak at your Event or Business
- Come to a Board Meeting
  - 2<sup>nd</sup> Monday of Month @ 6:30 pm @ Laurel Main St. Perk
- LARC Information
  - Website: <https://www.laurelarc.org/>
  - Facebook: <https://www.facebook.com/laurelarcmontana>
- Contact Information
  - Gabe Bush – Board President 406.208.1945
  - Leif Welhaven – LARC Consultant 406.855.6595







**Laurel Activities Recreation Complex**

**June 4<sup>th</sup>, 2022**

**West of Wood's Powr-Grip**

Along West Main Street, by the old highway on-ramp



Looking For  
**Food Vendors**  
**Craft Vendors**  
**& Sponsors**



**Mail you contact info to**

P.O. Box 1086, Laurel, MT 59044

\_\_\_\_\_ or \_\_\_\_\_

Message our Facebook Page: Laurel FoodFest

\_\_\_\_\_ or \_\_\_\_\_

Email: [Wave@LaurelARC.org](mailto:Wave@LaurelARC.org)



## Phase 1

### GYMNASIUM

The first phase of our building will be the gymnasium. It is thought that this is the most urgent need to the community.

LARC will have 2-3 full-size basketball courts. This will allow for tournaments to be hosted in Laurel as well as room for other activities like craft fairs and trade shows.

Seating will be movable seating to allow adjustable audience numbers and multi event nights.

There will also be a running track and fitness area on the second floor overlooking the courts.

## Phase 2

### COMMUNITY CENTER

LARC will be able to host a wide variety of community events. We will be build a large capacity event room that will be dividable. There will be a full-service kitchen available for event catering.

For small groups including non-profits, we will have several meeting room available. These rooms will include everything a organization will need to host a meeting including after-hour access.

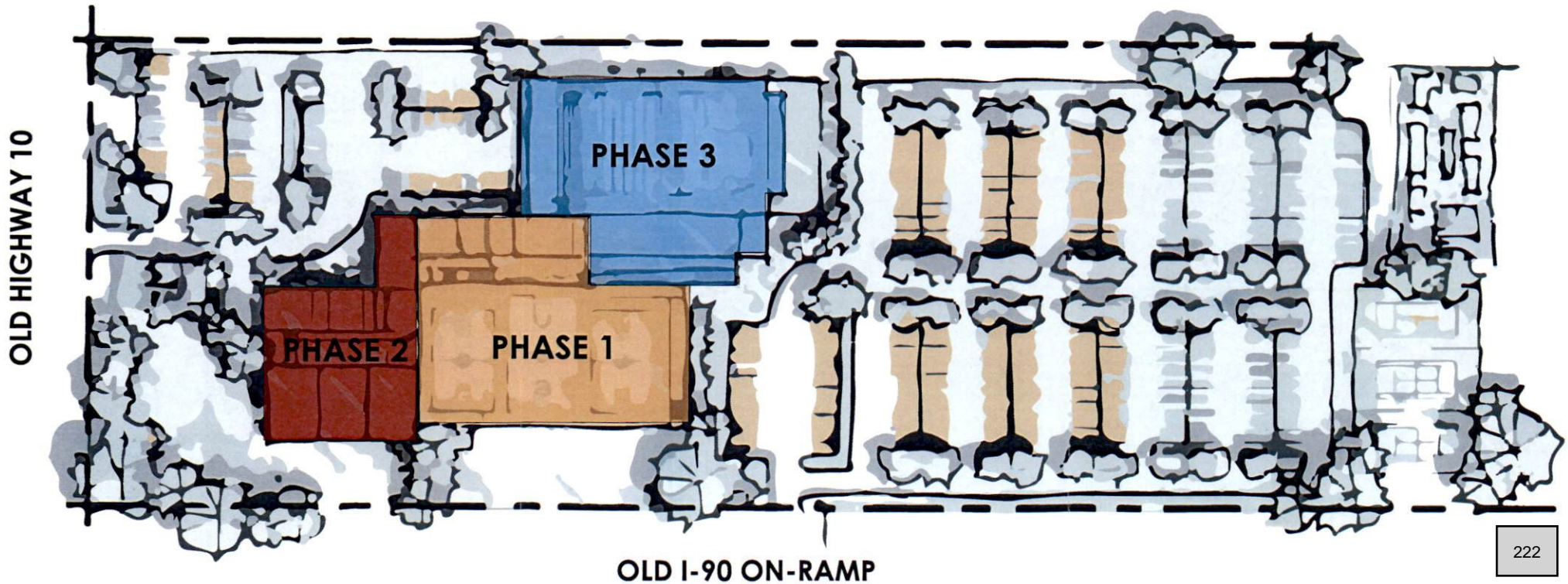
## Phase 3

### ATHLETIC POOL

Our main goal is to build a competition style pool. But that is not all that we will build.

The main pool will be a 6 lane competition pool. This will be for all the schools in the surrounding area. This would allow our schools to offer swimming as a after-school activity.

Along side the main pool will be wellness and fun pools with a Party Room. This will bring in more usage to the aquatic part of the building and allow the pools to be used every day of the week.







LARC's original mission is to bring a competition level aquatic pool to the Laurel area. Providing services and fulfilling the need for aquatic sports. It would be open for the public and school nearby school systems to use.

It has now grown to include a multi-use gymnasium and community center. Encompassing all athletic and community needs.

We are currently looking for more board members. We meet every Second Monday at Main Street Perks, 111 E Main St., Laurel. Our meetings are open to the public to attend.

**Find us on Facebook.**  
**facebook.com/laurelarcmontana**



Laurel Activities Recreation Complex

Laurel Activities Recreation Complex

More information available at:  
[www.laurelarc.org](http://www.laurelarc.org)

Questions or comments?  
Email: [wave@laurelarc.org](mailto:wave@laurelarc.org)



*For the future of Laurel*  
Three Phases  
to bring  
**Health**  
**Community**  
**Athletics**

to Laurel, Montana



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

# City Of Laurel

P.O. Box 10  
Laurel, Montana 59044



Office of the City Planner

November 16, 2021

Regarding the Resolution of Intent for the Annexation of Contiguous Government Land

Mayor and City Council,

I am unable to attend the meeting this evening due to illness, but this letter will provide some detail on the accompanying legal descriptions that were provided with the resolution detailing the annexation of government land contiguous to the Municipal City Limits of Laurel.

The list of legal descriptions includes the city-owned property contiguous with, and immediately adjacent to the city limits of Laurel. The Annexation of these properties not only clears up the jurisdiction in which city property falls under, but also allows for the City to expand its zoning jurisdiction outwards. Extra-territorial zoning extends 1-mile outside the municipal city limits. This is important for long range planning activities as well as planned provision of public services and basic land-use management.

Please let me know if there are any questions or comments about the properties in question or the process that this will take. Thank you for your consideration of this matter.

Regards,

Nicholas Altonaga, CFM

Planning Director

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# City Of Laurel

P.O. Box 10  
Laurel, Montana 59044



Office of the City Planner

November 16, 2021

Regarding the Resolution containing Criteria for the Approval of Grants through the Laurel Urban  
Renewal Agency (LURA)

Mayor and City Council,

I have reviewed the Resolution that adopts criteria for the awarding of grants through the LURA Board. I have some comments on the matter that I would like to be considered by the Council prior to the adoption of any criteria. I suggest the following updated criteria and verbiage should be used in place of that presented on the current draft of the resolution.

“NOW THEREFORE BE IT RESOLVED by the City Council of the City of Laurel, Montana, that the LURA Board and City Council shall apply the following criteria when reviewing LURA grants to applicants under the previously established grant programs and shall award a grant if it:

1. Supports blight removal projects and programs.
2. Stabilizes or renovates public historic buildings.
3. Constructs or connects public infrastructure.
4. Improves area streetscapes and/or green spaces.
5. Mitigates unsafe decay.
6. Improves accessibility to public infrastructure.
7. Funds a study, plan, or promotes something for the public benefit.”

I also suggest that a grant application should be awarded if it is found to comply with at least two (2) of the criteria above. As a note, I removed the items regarding retiring public debt and establishing a loan program as it would not be the purview of an applicant to do either of those actions.

I need to stress that resolutions such as this should be discussed with the LURA Board in order to have all the parties who review and manage the grant program and TIF District are adequately engaged in updating and amending the governing rules. Thank you for your consideration of this matter.

Regards,

Nicholas Altonaga, CFM

Planning Director



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# City Of Laurel

P.O. Box 10  
Laurel, Montana 59044



Office of the City Planner

November 16, 2021

Regarding the Zone Change Request for Northwestern Energy Parcels legally described as: Parcel 1, COS 1239 and Parcel 2, COS 1677.

Mayor and City Council,

I am unable to attend the meeting this evening due to illness, but I have prepared this letter to provide a summary of the review process for the Zone Change Request made by Northwestern Energy for their property legally described as Parcel 1, COS 1239 and Parcel 2, COS 1677. This letter summarizes the process as well as the details contained in the staff report dated September 29, 2021, that accompanies the agenda item.

Northwestern Energy (the applicant) seeks to change the zoning designation of the parcels legally described above to be fully within the Heavy Industrial (HI) zoning district. Approval of the zone change request would add the Heavy Industrial designation to those two parcels as well as amend the Laurel City-County Zoning Jurisdiction map.

### **Summary of review Timeline:**

- May 18, 2021 – Zone Change Application and information on required documents provided to Applicant's engineers for the preparation of an application.
- August 16, 2021 – Zone Change Application received by Planning Department.
- September 15, 2021 – Laurel City-County Planning held a public hearing on the Zone Change Request and subsequently voted to recommend the approval of the zone change request with the notes made by City Staff.
- October 12, 2021 – Zone Change request tabled in front of Laurel City Council
- November 23, 2021 – Zone Change Request to be presented at a public hearing in front of Laurel City Council.

### **Staff Findings:**

1. The application submitted on August 16, 2021, contained all the necessary items to move forward in the review process
2. The applicant is requesting a zone change to Heavy Industrial (HI).
3. The Applicant has stated their goal of installing a power generation station that will generate 175 megawatts from natural gas in order to reinforce the current power system.
4. The Parcels in question are already partially zoned as Heavy Industrial (HI)

5. The surrounding area to the immediate West in zoned Heavy Industrial (HI) and is used for those purposes by CHS Inc. as a petroleum refinery and by the City of Laurel as a Sewer Treatment Facility and Water Treatment Facility.
6. The Current use of Parcel 1 as a public utility service installation is allowable within the Heavy Industrial (HI) zoning classification.
7. The proposed use of Parcel 2 as a public utility service installation is allowable within the Heavy Industrial (HI) zoning classification.

**Recommendations (Made by Planning Board on September 15, 2021):**

The Laurel Yellowstone County City-County Planning Board recommends the approval of the zone change request and grant action on the application not to exceed thirty (30) days for:

- Parcel 1 COS 1239, and
- Parcel 2, COS 1677

Along with this zone change it should be noted that:

1. The Parcels in question shall be fully included with the Laurel Zoning Jurisdiction upon amendment of the Zoning District Map
2. The parcels in question shall have their zoning classifications changed to be fully within the Heavy Industrial (HI) zoning district.
3. The Parcels in questions shall have no use on them which are deemed not allowable within the Heavy Industrial (HI) zoning district.
4. Any future change of zoning for said parcels shall follow the same process as this approval.

This zone change request has created conversations about the jurisdiction and governing body applicable to this request. It is the opinion of the Planning Director that if the request is deemed to require further review and public comment by the Yellowstone County Board of County Commissioners, the documentation and notes applicable to this request should be forwarded to their offices immediately. The public process should continue quickly in order to allow a satisfactory decision to be made. Please contact my office if there are any questions or comments about the details of this letter or the supplementary materials.

Regards,

Nicholas Altonaga, CFM



Planning Director

My name is Carol Blades

My address is 1809 DeNittis Lane

The entire controversy over the NWE methane gas plant proposal at this point boils down to one thing- money. Everyone knows there are numerous other sites where this plant could be built that would not be adjacent to vibrant communities of people. Council members need to ask themselves, am I personally willing to sacrifice 30 plus families, their property values, their homes that have been in place for years? Am I personally willing to destroy the natural sound of the environment, and the beautiful skyline? Am I personally willing to dump tones of methane gas into the air? Am I personally willing to live next to this facility?

Councilwoman Sparks and Councilman Stokes have had the courage to say No to these questions. I suspect using both their intellect and their moral compass, they have demonstrated their commitment to taxpayers and citizens lives, over fattening the City Councils budget.

NWE is attempting to manipulate you. November 9<sup>th</sup> they went so far as to offer \$15,000 to you at the City Council meeting, if you would pass their proposal immediately. There is more to governing than money, much more.

The council asked for public input. Please take time to think thru the facts. The noise level emitted by this plant will not be like us politely talking in this room as NWE rep claimed last week. The Montana Department of Environmental Quality estimated that the noise level would be 65 A-weighted decibels 600 feet north and south of the facility and would cause steady noise audible from Riverside Park.

Council members, stand up for what is right. There is far more to a healthy city than a fat budget.



November 16, 2021

My name is Carah Ronan and I live at 1721 Nicholas Lane.

The abundance of natural resources creates an extremely fertile environment for Montana's largest industry- Agriculture. Montana is the national leader in the production of certified organic wheat, dry peas, lentils and flax and ranks no. 2 in the U.S. for its honey and pollination industry. Altogether, the agriculture industry brings an average of \$5.2 billion to the economy annually. If you ask a Montanan, you may here that our best export is our children. Why is it that we are loosing such a valuable resource, our children the future of Montana and the up and coming generation. In large part it is due to big business being put first and montanas farmers being left behind. There has been a push to change this. Senetor Jon Tester is the U.S. Senates only working farmer and knows that agriculture is the backbone of Montana's Economy. Gov. Greg Gianforte has spoken on one of his signature economic polices, house bill 303, that quote, "Small Business is the backbone of Montana's economy". Note that neither Tester or Gianforte mention big business being the backbone of montana's economy. On October 27, 2021, the Economic Transformation, Stabilization and workforce Development ARPA (American rescue plan act) commission voted unanimously to allocate \$7.5 million in ARPA funds to strengthen and diversify Montana's industry through targeted investments in value added agriculture projects across the state. Locally, Yellowstone Valley Electric Coop returns profits to the ag community. *ID LIKE TO ASK ABOUT CONSIDERATION*

I'd like to take a minute to get back to the bees, so that this group may have information on how the rezoning of this valuable land by building a plant may effect the no. 2 agricultural export here in montana. Bee's are already in trouble and adding a methane power plant would only add to their demise. It has been found that transient exposure to EMF reduces a bee's ability to learn, reduces their memory retention, affects flight and foraging behavior all of which could potentially reduce their ability to pollinate. Pollination is key to all Montana crops. In layman's terms, no bee's, no pollination, no crops. No crops, no money. No money, well I think we all know what it means when there is no money. Why is Laurel wanting to rezone our most valuable resource, our agricultural land for heavy industry? I urge you to ~~vote no on~~ the rezoning. Thank you

*FOR LARC. WITH THIS BEHAVIOR PRESENT HERE TONIGHT A KEY PART OF LARC'S PLAN IS RIVERSIDE PARK*

*CONSIDER THIS WHEN CONSIDERING*

*\*AS A RULE OF THUMB- THE FORAGING AREA AROUND A HIVE EXTENDS FOR 2 MILES, THOUGH BEES HAVE BEEN OBSERVED FORAGING TWICE TO THREE TIMES THIS DISTANCE FROM THE HIVE*

*§ RIVERSIDE MAN  
CONSIDER WHAT IMPACT THE NOISE WOULD HAVE ON EVENTS AT THAT HALL- WHO WOULD WANT TO ATTEND A MEETING THERE*

Thank you for your service to the City of Laurel and the opportunity to offer testimony tonight.

Today I ask you to listen to your local residents tonight and think long and hard about this zoning change. When it is time to vote I would ask you to defer or deny NorthWestern Energy's zoning change request for the methane gas power plant.

I grew up in Laurel. I've been here for most of my life. My family and I moved south of the river in 2011 so our child could play in the dirt with a country upbringing like my own. After personally going door to door to many of the houses along Thiel Road, I was surprised many of my neighbors were unaware that this plant is still going forward. We have generations of family history on this land, too much to convey here in 3 minutes. But this proposed plant would destroy what we have - what we consider a slice of paradise. There is a huge lack of information being shared, and what is shared has been very deceiving. This process has been too convenient for NorthWestern Energy, and at the expense of our community.

Another concern is for the Yellowstone River. Why build so close to the river? 2021 was an outstanding year for boat launches for Riverside Park, which is great for our local community and economy. Please tell me: Who is going to want to camp at Riverside Park with the power plant for a neighbor?

The river is a major corridor for wildlife. We have moose, black bears, mountain lion, deer, beaver, fox, coyotes, birds of all kinds including nesting bald eagles. We have the Sundance Lodge Recreation Area nearby that is owned by the Bureau of Land Management, with the goal "to protect and preserve the remarkable scenic, recreational, geological, fish and wildlife, historic, cultural, and other values along the longest free-flowing river in the lower 48."

Noise and light pollution also must be considered. NorthWestern believes residents will have secondary impacts. I am almost front row to the proposed plant, I am not a secondary impact. There will be direct negative impacts to my property and family. We've been operating a grape vineyard since 2014, and are on the path to start a winery here with the goal of listing our vineyard with the state of Montana's tourism office. Most days, we are fortunate to not smell the wastewater treatment plant or the CHS Refinery - when we do, it's not pleasant. Our proximity to NorthWestern's proposed methane pollution is alarming, and we won't be able to avoid it. It will impact us.

I hope you will consider and prioritize the needs of those of us who already live near the river - some of us have been here for generations. There is a lot at stake for us - and all of us downwind, now and long into the future. Your decision on November 23<sup>rd</sup> will have a profound effect not only on our local area, but our community and this valley.

Thank you again for your time and valuable consideration to defer or deny the zoning change request sought by Northwestern Energy that you will vote on next week.



## **Brittney Moorman**

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**From:** Laurel City Planner  
**Sent:** Friday, November 12, 2021 8:10 AM  
**To:** Bethany Langve  
**Cc:** Brittney Moorman  
**Subject:** FW: Comment for the Public Hearing on NorthWestern's Easement  
**Attachments:** Why is NorthWestern Energy Going in the Wrong Direction.docx; Montana-Grid-Lab-Executive-Summary(5).pdf

Hi Bethany,

Forwarded below is an email containing public comment regarding the NW Energy Easement and NW Energy Zone Change. Please let me know if you have any questions about this.

Regards,  
Nick Altonaga, CFM  
Planning Director

City of Laurel  
PO Box 10  
115 W. 1<sup>st</sup> Street  
Laurel, MT 59044  
(406) 628-4796 ext. 5302  
(406) 628-2241 (fax)



**From:** Jeffrey J. Smith <yswolfhowl@gmail.com>  
**Sent:** Wednesday, November 10, 2021 4:58 PM  
**To:** Laurel City Planner <naltonaga@laurel.mt.gov>  
**Subject:** Comment for the Public Hearing on NorthWestern's Easement

Dear Laurel City Council,

We understand that you have established a public hearing on November 23, 2021, to consider NorthWestern Energy's easement.

350 Montana urges you to reject the NorthWestern's zoning change and the plant itself.



Attached please find our public comment on NorthWestern's methane pipeline and gas peaker plant. Also attached is an executive summary of a study we commissioned earlier this year, "Affordable and Reliable Decarbonization Pathways for Montana."

Let me know that you received these documents and entered them in the public record.

Jeff Smith, co-chair  
350 Montana



P.O. Box 7006  
Missoula, MT 59807  
[www.350montana.org](http://www.350montana.org)

November 10, 2021

Laurel City Council  
c/o Planning Department Office  
115 West 1st Street  
Laurel, MT 59044

Dear City Councilors,

350 Montana would like to offer a few comments on NorthWestern Energy's application for an easement through Riverside Park for a pipeline to carry methane to the power generating plant the company has proposed to build on the north side of the Yellowstone River. We are a statewide affiliate of the international organization, [350.org](http://350.org), and our mission is to reduce the greenhouse gases like methane that are heating our planet.

It's clear that we are in a climate emergency, an all-hands-on-deck moment. It is a moment when every decision to choose a greenhouse gas producing technology instead of a clean energy technology will contribute devastating impacts on the world we leave for our children and grandchildren.

We urge you to vote against this easement for the following reasons.

350 Montana opposes NorthWestern's plan in Laurel because it will accelerate the increasingly damaging megafires we're seeing in Montana, it will accelerate the steep collapse of our cold-water fisheries we are witnessing, and severely impact our number one industry, agriculture. And to top it off, fewer jobs are created and sustained by building the gas plant rather than pivoting to building new clean, renewable energy projects now (wind, solar, battery).

NorthWestern's executives know this. During his under-oath deposition last month in a 350 Montana's lawsuit, NorthWestern Energy's vice-president John Hines admitted that humans are causing global warming and that, for the first time last year, NorthWestern's hydro-dams "performed less than planned because of the drought."

Also:

- He admitted that NorthWestern's share of Colstrip-3 and -4 produces 1.5 million metric tons of CO<sub>2</sub> a year,
- He admitted that the "Big Four" owners of Colstrip's want to shutter the plant by 2025 because of global warming concerns, but NorthWestern wants to keep the plant emitting carbon at that level until at least 2042,
- He admitted that methane is warming our climate, but NorthWestern hasn't bothered to calculate how much methane the Laurel generator will spew, and
- He admitted that his company's current procurement plan doesn't even mention climate change, much less evaluate the climate impacts of its policies.

For the record, methane is more than 80 times more powerful than CO<sub>2</sub> in trapping greenhouse gases. The UN's Climate Panel reported last summer that the world's number one priority should be eliminating methane pollution.

Independent studies have shown that Montana can generate all the electricity it needs using clean, renewable energy. Building a clean energy infrastructure will allow Montana communities to take advantage of some \$60-billion-a-year in new federal funding to transition the grid to clean energy. This transition will provide rural communities a new and stable source of tax revenue, save ratepayers money, bring Montana thousands of new, good-paying jobs, and comply with the Northwest Power Planning Council's 2021 plan (for Oregon, Washington, Idaho, and Montana), a forward-looking plan that concluded the region can meet all of its power needs through 2030 through conservation and energy efficiency.

The cost of natural gas has doubled this year and will continue to rise. At the same time, the costs of solar technologies have declined by over 89 percent in the last 10 years, and wind costs have declined 70 percent. This is the future.

It sure seems NWE, by building this gas plant (and proposing others in Montana), is benefitting only themselves while putting Laurel residents, workers, and all ratepayers at risk. By building the plant they can advance bonuses for their executives, increase stockholder's payouts, and slow the eventual transition to clean renewables.

You and I and our children and grandchildren will bear ALL the burdens and the costs.

Congress is implementing new federal policy that would make the United States' electrical grid 90 percent carbon-free by 2035. That means expensive generators like the Laurel gas plant will



become stranded assets. In other words, NorthWestern's ratepayers will be paying for this plant even after it is idled by less expensive wind and solar.

NorthWestern is rushing this plant not because of supply chain issues but because federal policy will soon close the door on outmoded technologies like this gas peaker plant. The recent infrastructure bill passed by Congress and the impending Build Back Better Act will make more than a half-trillion-dollar investment in mitigating climate change. Gas plants won't make the cut.

The Edison Electric Institute, a trade group that NorthWestern follows, is praising federal funding for the transition, saying it will make "significant investments in the critical energy infrastructure and new carbon-free technologies our industry needs to deliver a 100-percent clean energy future."

NorthWestern is an outlier. Representatives of the world's governments are meeting in Scotland right now to agree to a world-wide plan to keep our planet's temperatures within a livable range. Every new fossil fuel generator like the one NorthWestern wants to build tallies on the wrong side of the score card.

It's time for this company to stop treating our climate as a public relations problem and start investing its ratepayers' money to help solve the biggest existential crisis we have ever faced. As members of the Laurel City Council, you can make a big difference.

Please oppose this easement. Thank you.

We've attached the executive summary of a modeling study we commissioned earlier this year, "Affordable and Reliable Decarbonization Pathways for Montana."

Sincerely,

**The 350 Montana Leadership Team:**

Carla Abrams, Patty Ames, Bill Geer, Dave Harmon, Marta Meengs, Craig Mentee, Jim Parker, Jeff Smith, Brad Stacey, Laxmi Von Hoffman, Beth Taylor Wilson, and John Woodland




## THIS IS THE YEAR MONTANA DECIDES HOW TO REPLACE COAL

Few decisions weigh as heavily on the minds of Montana's consumers and policymakers than decisions about how we will generate electricity. After nearly 40 years of service, Montana's coal plants at the mouth of southeastern coal mines are increasingly costly, polluting, and unreliable. As Montana prepares to retire these mammoth thermal generators, there is little consensus on what comes next.

This decision comes only once in a generation, and the steps we take today will have profound impacts on Montana's economy, people, and environment. These decisions will affect how much Montanans pay for electricity each month, the technology and transportation we use every day, the technology we use to power our homes and vehicles, job growth and employment prospects, and whether we hold onto our burgeoning business as an energy powerhouse. Our decision must also take into account whether Montana is doing its part to meet the world's expectations to reduce greenhouse gases.

### **CLEAN ENERGY PATHWAYS FOR MONTANA**

Montana's electricity generation is controlled by the state's major investor-owned utility, NorthWestern Energy, and regulated by an elected Public Service Commission. Both have been slow to embrace the rapidly falling cost of clean energy resources and the potential to save consumers money through decarbonization. In order to evaluate the benefits and tradeoffs of Montana's energy transition, 350 Montana retained Vibrant Clean Energy, a national leader in power systems modeling.



■ Download the full report  
at [www.350montana.org](http://www.350montana.org)



The new study, “Affordable and Reliable Decarbonization Pathways for Montana,” shows that Montana can retire its Colstrip coal plants, never build another natural gas plant, and still meet people’s energy needs through clean, renewable energy, while reducing consumer electricity bills and boosting the state’s economy. The study shows that:

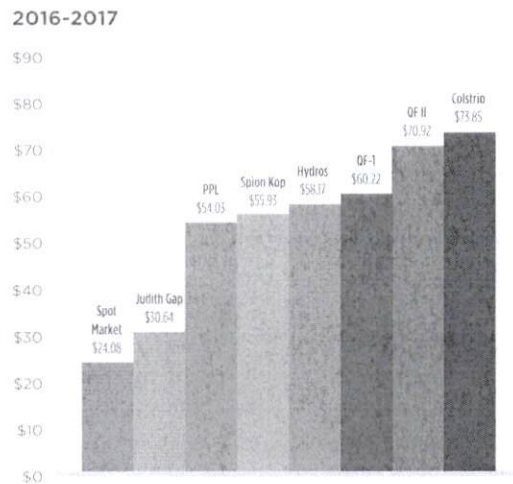
- **Electricity Costs Would Go Down:** If Montana retires its existing coal generation by 2030 and replaces it with low-cost renewable energy while electrifying the rest of its economy, electricity rates would decrease by approximately 40 percent by 2050, and Montana would save \$32.7 billion across its economy compared with keeping the coal plants.
- **Clean Energy Jobs Would Double:** Jobs in the clean energy sector would nearly double, driven mainly by both the distributed (rooftop) solar (DPV) and the utility-solar (UPV) industries, while the energy storage industry and the wind industry make up the next largest contributions.
- **Cleaner and Healthier Communities:** Decarbonizing Montana’s energy sector would reduce greenhouse gas emissions by 180 million metric tons over business-as-usual.
- **Clean Transportation and Buildings Provide Significant Savings:** If electrification of buildings, transportation, and industry are pursued in combination with a clean electricity

grid, the report shows residential customers would reduce household spending on electricity and transportation costs by nearly 50% by 2050.

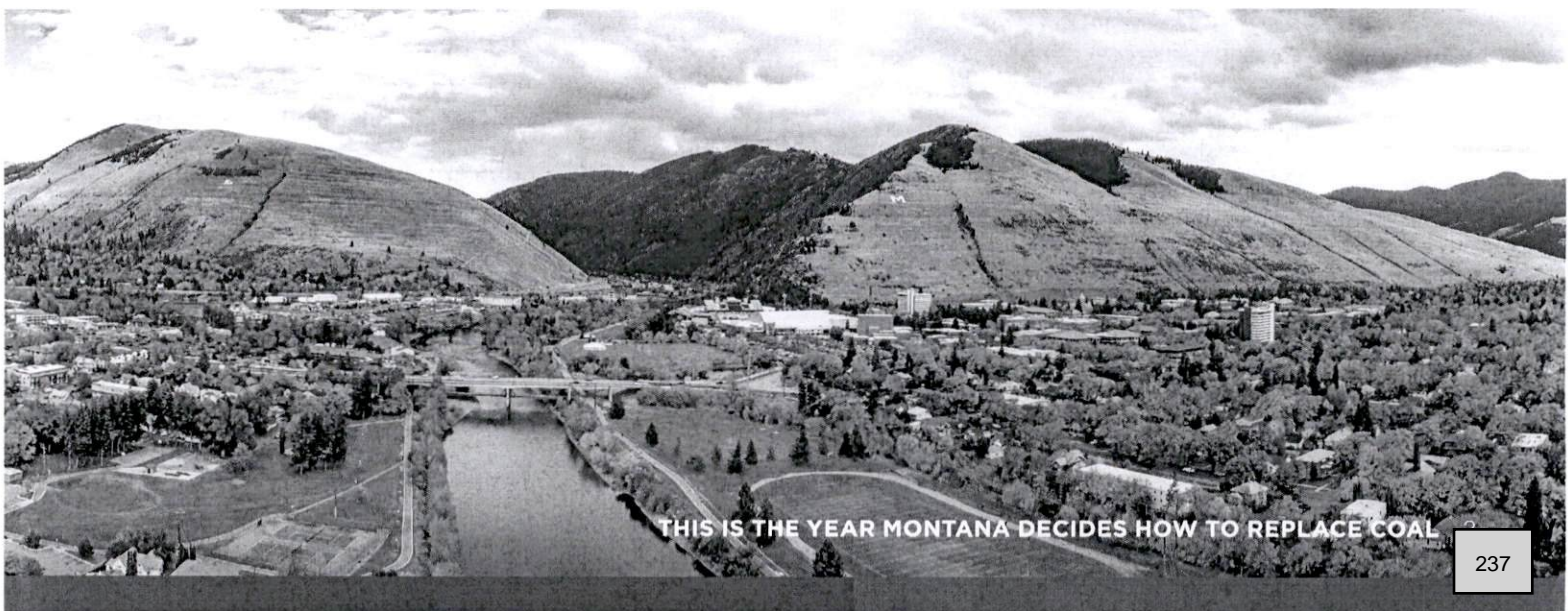
## INCREASINGLY UNECONOMIC COAL

Montana elected officials and regulators are willfully blind to coal’s full costs. Many existing analyses claim that coal is increasingly uncompetitive, such as a recent report from Energy Innovation that suggests that 80% of the nation’s coal fleet is uneconomic when compared to local wind and solar plants. Right now, according to the Montana Consumer Counsel, coal is the most expensive electricity in Montana ratepayers’ monthly bills (Figure 1).

Figure 1. Selected NorthWestern electricity average unit prices



Source: Montana Consumer Counsel, 2017 Residential Electricity Prices of NorthWestern Energy Through June 2017





Meanwhile, Montana runs the risk of losing domestic energy prowess in the transition to clean energy. While Montana's neighbors once relied on the state for its abundant coal resources, those neighbors are increasingly embracing cheap, clean, and reliable renewable energy. Our report suggests Montana can remain a net-energy exporter, providing increased investment and keeping bills low, through a dramatic expansion in in-state renewable energy generation.

More broadly, the United States has committed to building a clean electricity system by 2035. To get there, the United States will need to build 750 gigawatts of solar and wind power and spend some \$60 billion a year for the next 15 years, mostly in rural communities like those in Montana where the wind and solar resources proliferate.<sup>1</sup> Montana is poised for increasing investments in local land leases, construction, manufacturing, local tax revenues, and jobs for operation and maintenance of solar, wind, and battery storage projects.

## IS BUSINESS-AS-USUAL WORKING?

350 Montana asked Vibrant Clean Energy to compare the costs of five clean energy pathways for Montana:

1. **Business-as-Usual:** Assumes current state and federal policy, as well as modest load growth commensurate with historical assumptions.
2. **Keep Coal:** In-state coal generation remains online through 2040.
3. **100% by 2035 (RPS100):** Requires that Montana achieve 100% clean electricity generation by 2035 while the rest of the Western United States maintains business-as-usual operations.
4. **100% by 2035 Exporter (RPS100Export):** Requires that Montana achieve 100% clean electricity generation by 2035 and continues

1 The National Renewable Energy Laboratory says Montana's wind potential ranks in the top five states. According to a report, "Seeds of Opportunity" by the Rocky Mountain Institute, wind and solar are the new cash crops in rural America and will double capacity by 2030. Local manufacturing of wind components is particularly promising because turbines and towers are difficult to transport.

to export more electricity than it uses for in-state demand.

5. **Deep Decarbonization (RPS100Elec):** Requires that Montana achieve 100% clean electricity generation by 2035 while the building, transportation, and industrial sectors electrify.

The results are startling. Because Montana is blessed with world-class hydroelectric generation, plus exceptional wind and solar resources, Montana can meet all its future needs, including peak loads in summer and winter, with clean energy. This transition can expand employment and increase energy exports to fill an almost insatiable regional energy demand via surplus clean energy.

As our region retires fossil fuel plants and replaces them with variable renewable energy (VRE) generation, it will save billions of dollars. If we keep Colstrip going, on the other hand, it will cost Montana ratepayers more than a \$1 billion by 2040. Our report states that "coal generation is the main impediment to achieving lower system costs and retail rates for customers in Montana."<sup>2</sup>

In short, Montana's unending reliance on coal is costing ratepayers in the form of expensive monthly energy bills, dirty air, dwindling economic competitiveness, and disappearing employment prospects. If Montana continues to burn coal or switches to expensive natural gas, Montana ratepayers will pay higher systemwide electricity costs and thus higher monthly bills. Montanans will not capture the employment opportunities of a booming clean energy economy, while neighboring states continue to invest in wind and solar. And the effects of climate change, from disastrous forest fires to punishing droughts, will continue to impact our states farms, rivers, and beautiful public lands, decimating farmer, tourism, and recreation income.

2 Even with massive market manipulations, our "Keep Coal" scenario retires coal in 2040, resulting in an immediate drop in costs from \$2.12 billion in 2040 to \$1.3 billion in 2045 (Report, p.28).



## ACCELERATING MONTANA'S CLEAN ENERGY FUTURE

Montana can achieve a carbon-free electricity system by 2035 and create a thriving clean electricity export market that lowers ratepayer bills.

Montanans can achieve the greatest savings through one scenario, **Deep Decarbonization**, that not only achieves 100% clean electricity by 2035, but that transitions the state's building, transportation, and industrial sectors to efficient, zero-carbon systems by 2050. The **Deep Decarbonization** scenario decreases household electricity spending by 40 percent. Cumulatively, Montana stands to save more than \$30 billion by 2050 across its economy as compared to keeping its coal-fired generators. This pathway also creates the most jobs.

The business-as-usual and keep coal scenarios show limited prospects for creating new jobs, while the three carbon-free scenarios result in increasing employment opportunities as the grid expands to accommodate more wind, solar, and battery storage. The **Deep Decarbonization** scenario, which moves Montana's entire economy to carbon-free technologies, more than doubles jobs in the wind, rooftop solar, utility-scale solar, and storage industries (Figure 2).



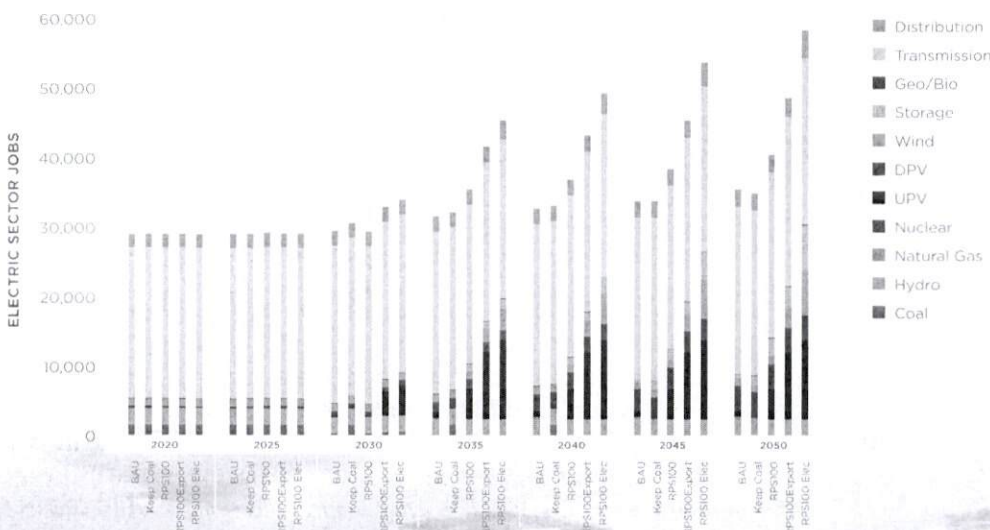
VibrantCleanEnergy.com



GridLab.org



■ Download the full report at [www.350montana.org](http://www.350montana.org)



THIS IS THE YEAR MONTANA DECIDES HOW TO REPLACE COAL

**Brittney Moorman**

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**From:** Calvin Lance <callance14@gmail.com>  
**Sent:** Thursday, November 11, 2021 10:10 AM  
**To:** Brittney Moorman; bobbegeroge1@hotmail.com  
**Subject:** NWE Gas Plant

Dear Council Members,

My name is Calvin Lance and I live at 1422 Lance Lane, south of Laurel.

My brother Stephen, who lives at 1442 Lance Lane and I attended the City Council meeting held on Wednesday November 10th in chambers.

Although we did not stand up and comment, we are compelled to express ourselves now, in the wake of a meeting filled with dissension and protest.

First of all, we are pleased the council could not come to quorum Resolution No. R21-121. That result will allow more of us to be heard and express our concerns.

We have seen a lot of progress over the years living South of Laurel. As far back as a new bridge over Hwy 212, new overpass south of us and most recently the expanse of Cenex Refinery adding a substation to the east of their plant. Progress that, as residents have had nothing to say about it. They just kind of happened.

Over the past few months we have witnessed the excavation for and laying of pipelines under Thiel Road to Riverside Park. No one even had time to object to this "progress". In fact, even though we share a zip code with Laurel residents, South of I-90 we have no



representation. That is one reason why we are standing up against building the methane plant. No one ever asked for our opinion or to voice our concerns. Evidenced by the way NWE has pushed this through all the way to Riverside Park before we stood up and said "Hold Your Horses", lends to certainty, that once they build the plant, what's going to keep them from industrial creep and deciding in a few short years that 18 engines is not enough and build another 18 for the demand. Who's to say? And once again, we will have nothing to say about it.

No one knows better than those of us who spend our time 24/7, south of the proposed location, how the wind turbulence is blowing from the West down the Yellowstone River. We live in a vortex. The wind blows in circles. This might seem insignificant, but what it means is the emission from the stacks will not dissipate and rise into the atmosphere, it is going to stay low and circle around to our homes and in the air we breathe.

I am also concerned about Acid Rain. I realize burning methane is supposed to be 50% cleaner and more efficient. But, that still leaves emissions that will settle in the fields. My neighbors to the east, the Felders, have invested a personal fortune in time and money in a cutting edge vineyard growing weather resistant grapes for wine. It is an attractive operation I see each day when I leave my house. I am concerned for them, because even 50% less emission still means there is 50% more than there was before. Their buyers could lose interest when they see smoke coming from the stacks so close to the product. People are finicky that way.

NWE has invested time and money for this venture. But, relatively speaking, so have the residents south of the river long before NWE did the same. We were here first and have spent lifetimes worth of money and effort to make this place on Lane & McMullen Lanes and Thiel Road our future, sans power plants.

We are residents and farmers. Young and old. Friends and family. Taxpayers. A close knit group who does not want this plant moving in so close we could throw a rock at it. And we will, throw a rock at it.

Sincerely,

Calvin Lance

--

Calvin Lance  
1422 Lance Lane  
Laurel, MT 59044  
406-698-1114, cell

GREGORY CHILDS  
LAUREL MT

(Letter to Editor)

Much has been written about the proposed Power Plant along the Yellowstone River south of Laurel. Indeed the impact for all residences along Thiel Road will be significant.

I wish to address another important repercussion the plant's development will produce and that is; The degradation of air quality and global warming we are all aware of. The pollutants a methane plant can produce is astonishing. A methane leak is twenty times more harmful to our air and warming than even coal burning. That affects far more people than the residences along the river.

Many are aware of the watered-down results of the Glasgow COP-26 two week Climate Summit. Shameful. Hopefully small towns like Laurel can minutely compensate for COP-26's stumble and deny the zoning requests necessary to build this polluting, noisy plant.

Please attend the City Council Chambers (Nov 23 6:30PM) and encourage the Council Members to protect the Residents and do something for our environment.

Greg Childs  
Laurel  
Nov 15 2021



## **Brittney Moorman**

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**From:** Carol Blades <cblades41@gmail.com>  
**Sent:** Monday, November 15, 2021 10:02 AM  
**To:** Ward 3B; Ward 1A  
**Cc:** Brittney Moorman  
**Subject:** True service to The PEOPLE

Dear Councilman Stokes and Councilwoman Sparks:

It appears to me that NWE has targeted the Laurel City Council as a highly vulnerable governing group to their manipulation. You two, at this point, appear to be the only two members that are not so easily exploited. It is a fact, if not common sense, that there are numerous sites where this plant could be placed that would not impact so profoundly a long standing middle class community of 30 families, the home owners, directly on the South side of the Yellowstone River. NWE has somehow convinced multiple members of the council to believe that the fate of Montana citizens and the rare possibility of an energy crisis lies in their hands. That is absurd and profoundly naive for council members to believe. NWE did their homework when they targeted this council to do their bidding. Gullible would be a defining description for most of them.

There is only one other possible reason for the these Councilman to support this bidding of NWE and that is greed, they want the tax dollars so badly they have created a 'sacrifice zone,' all 30 families so heavily impacted in order to fatten their budget.

Thank you for voting no on the easement and please continue to hold your ground, voting no on the annexation. In the long run you will be proven very wise and to be true servants to the people.

Carol Blades  
Laurel, Mt.

"We cannot tell the precise moment when friendship is formed. As in filling a vessel drop by drop, there is at last a drop which makes it run over; so in a series of kindnesses there is at last one which makes the heart run over."

## **Brittney Moorman**

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**From:** joan marrin <joanmarrin@gmail.com>  
**Sent:** Tuesday, November 16, 2021 6:18 PM  
**To:** Brittney Moorman  
**Subject:** I am sending my message to the Laurel City Council members

Hello Britteny,

I would like to ask you to email my message to each of the eight City Council members, and also read it directly into the record. Here is my message:

I am a resident in the city of Billings, and I want to express my thoughts regarding the proposed methane gas plant. I have spoken with a number of friends and neighbors about this issue, and it is of grave concern to us. The idea of putting one more pipeline under the Yellowstone River is unthinkable, since this source of our freshwater is already vulnerable to other oil or gas leaks.

Please think beyond the immediate desire to raise revenue. Think about the long run and how this plant will not be a permanent source of revenue. The proposed gas plant can be quite harmful to the health of the citizens. It is hard to trust the motives of Northwestern Energy since they have not reached out to communicate with the residents. Trying to rush a vote of approval right before the Thanksgiving holiday strikes me as an underhanded way to push through a plan that does not have popular support. I am grateful that Heidi Sparks and Scott Stokes stood strong for the people of Laurel in not approving the proposed gas plant.

Sincerely,  
Joan Marrin Smith, Billings, MT

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## **2.12.060 Vacancy of office—Cause.**

An office becomes vacant on the happening of any of the following events before the expiration of the term of the incumbent:

- A. The death of the incumbent;
- B. A determination pursuant to Title 53, Chapter 21, Part 1, that he is mentally ill;
- C. His resignation;
- D. His removal from office;
- E. His absence from the city continuously for ten days without the consent of the council;
- F. His open neglect or refusal to discharge his duties;
- G. His ceasing to be a resident of the city, or in the case of an alderman, his ceasing to be a resident of his ward;
- H. His ceasing to discharge the duty of his office for a period of three consecutive months, except when prevented by illness or when absent from the city by permission of the governing body;
- I. His conviction of a felony or of any offense involving moral turpitude or a violation of his official duties;
- J. His refusal or neglect to file his official bond within the time prescribed;
- K. The decision of a competent tribunal declaring void his election or appointment.

(Prior code § 2.04.050)



**File Attachments for Item:**

12. Budget/Finance Committee Minutes of November 9, 2021.

**Minutes of City of Laurel  
Budget/Finance Committee  
Tuesday, November 09, 2021  
Emelie Eaton, Committee Chair**

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

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

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

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

Hallie Cross 1750 Ave E Billings MT 59102 – Wanted to speak to the Committee regarding the possibility of doing something with the \$10,000 available in the Animal Control budget. She stated there are a lot of stray cats in Laurel, and currently, there is nowhere for these animals to go. She stated the Animal Control officer doesn't carry a CHIP reader to determine if a cat or dog has a microchip. Cats and dogs can get out of their collars making tags useless. She stated the money could be used in conjunction with donations to spay, neuter and microchip up to 4-500 cats by December. Circle Two has offered to send out three vets with two vet technicians to assist with the process. There are foster and permanent homes lined up for these animals. There will be no euthanasia or taking of pets. She wants to help those pets who have been dumped and are reproducing. She stated distemper is a big issue with these animals, and one vaccine for distemper costs \$110. Clinics like the one she's proposing could provide this type of vaccine. Hallie stated conversations had taken place with the Chief of Police, and he stated the budget had been spoken for but there is about \$10,000 available due to the Animal Control Officer not being hired until November. She stated the Shepard and Bozeman shelters are full, and Yellowstone Valley Animal Shelters only helps Billings city limits. Whitney Solie 1101 Sunhaven Ave and Torria Tillet 54 5<sup>th</sup> Ave were also in attendance to support this effort.

**General Items –**

1. Review and approve the October 26, 2021, Budget and Finance Committee meeting minutes. Richard Klose moved to approve the minutes of the October 26, 2021, Budget and Finance Committee meeting. Bruce McGee seconded the motion, all in favor, motion passed 3-0.

2. Review and approve purchase requisition from the Water and Sewer Departments for keyless entry locking systems. The Clerk/Treasurer presented the Committee with the purchase requisition. The Committee had no questions or comments regarding the new installation. Bruce McGee made a motion to approve the purchase requisition from the Water and Sewer Departments for keyless entry locking systems. Richard Klose seconded the motion, all in favor, motion passed 3-0.
3. Review and approve the October 2021 Utility Billing Adjustments. The Committee reviewed the October 2021 Utility Billing Adjustments and had no questions or comments. Emelie Eaton made a motion to approve the October 2021 Utility Billing Adjustments. Richard Klose seconded the motion, all in favor, motion passed 3-0.
4. Review and recommend approval to Council, Claims entered through 11/05/2021. The claims and check register had previously been reviewed by the Committee. The Committee asked who had purchased coffee from Heidi's Coffee Cabin. The Clerk/Treasurer looked at the Claims report and stated she had purchased the coffee for her staff. The Committee asked her to sign her name next to the purchase and she did. There were no additional questions or comments regarding the claims. Bruce McGee made a motion to approve the claims entered through 11/05/2021. Richard Klose seconded the motion, all in favor, motion passed 3-0.
5. Review and approve Payroll Register for the pay period ending 10/31/2021 totaling \$226,647.29. Emelie Eaton made a motion to approve the payroll register for the pay period ending 10/31/2021 totaling \$226,647.29. Richard Klose seconded the motion, all in favor, motion passed 3-0.

#### **New Business –**

6. Discussion regarding HB-2 – The Clerk/Treasurer presented the Committee with sections of HB2 that pertained to the \$1,000,000 appropriated to the City of Laurel. She stated per section 4 of the bill, the money was restricted to the Laurel Water System. The Committee asked if they could pay off the intake water loan with the \$1,000,000, and the Clerk/Treasurer stated she did not see why that couldn't be done as the intake loan directly relates to the water system. She stated she would first check with the City Auditors before anything was done with the money.
7. CARES Funds Update – The Clerk/Treasurer stated she inadvertently omitted the CARES funds documents from the packet and asked if she could include the information in the November 23, 2021 packet. The Committee agreed this would be okay since one of the Committee members was not in attendance.
8. JC Hall/Fireman's Park lighting discussion – This topic had been figured out prior to the meeting and no discussion was required during the meeting.

#### **Old Business –**



9. The Committee had previously requested current CD rates. The Clerk/Treasurer provided a list of current CD rates to the Committee. The Committee reviewed the rates and asked the Clerk/Treasurer to bring the rates to the next meeting as one of the Committee members was absent from the meeting.

**Other Items –**

10. Review Comp/OT reports for the pay period ending 10/17/2021. The Committee asked if the Police department's shoot was local. One of the Committee members stated it was a local shoot. The Committee had no additional comments or questions.
11. Clerk/Treasurer Update – The Clerk/Treasurer stated she had no updates at this time. She did state that since there was no current Mayor, Emelie would be needed to sign all checks for the City. It would not be proper for Emelie to sign the checks and do the claims review because that would not be proper segregation of duties. The Clerk/Treasurer asked for someone to replace Emelie on the December 14<sup>th</sup> claims review schedule. Bruce McGee stated he would review claims on December 14<sup>th</sup>. Richard Klose stated he would review claims on December 28<sup>th</sup>.
12. Mayor Update – There was no update currently.

**Announcements –**

13. The next Budget and Finance Committee meeting will be held on November 23, 2021, at 5:30 pm.
14. 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:**

13. Public Works Committee Minutes of October 18, 2021.

**MINUTES  
CITY OF LAUREL  
PUBLIC WORKS COMMITTEE  
MONDAY, OCTOBER 18, 2021**

Attendance  
Bill Mountsier  
Dan Koch  
Marvin Carter  
Richard Herr  
Irv Wilke

Staff  
Kurt Markegard  
Matt Smith, KLJ Engineering

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

**General Items**

1. Approval of Minutes from September 20, 2021.

It was moved by Bill and seconded Richard to approve the minutes. All members voted to approve the minutes.

**New Business**

2. Emergency Call Out Report

Kurt informed the committee of the callouts on the attached report.

3. KLJ Report

Kurt and Matt Smith went over the attached KLJ report. Matt Smith informed the committee of the various projects that they are working on but mainly focused on the draft Storm Water Report for the south side of Laurel. Matt explained that the survey of the south side showed where the storm water is currently going and what can be done with mitigating some of the issues with the storm water. Matt explained possible solutions and the need to look at beyond the south side and how the storm water will be discharged to the river. Matt stated that a meeting with the State DOT and the CHS Refinery should take place to discuss possible options of building a storm drain system and outfall to the river.

**Old Business**

**Other Items**

Dan asked about the parking lot stripping at the stadium and Kurt informed the committee that painting the crosswalks was just getting completed and hopefully we would have the time to look at the stadium soon.

**Announcements**

4. Next Meeting will be Monday, November 15, 2021



Emergency Call Out for October 18, 2021, Public Works Committee Meeting

9-22-2021 Emergency locate 616 Cottonwood

10-10-2021 Backup power issue sewer plant

10-12-2021 Power Outage Sewer Plant

10-12-2021 Emergency Locate Power Outage Sewer Plant



## **2022 Pavement Maintenance Project (4<sup>th</sup> Street Reconstruction)**

**(KLJ #2104-00862)**

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

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

*Current Status:*

- Project approved by City
- Traffic Analysis Ongoing
- Topo survey complete

## **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:*

- Signed Contracts to Contractor
- Construction expected to start in Mid October.

## **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 being completed

## **5<sup>th</sup> Ave. Water Re-Route (KLJ #2104-00118)**

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



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

*Current Status:*

- Substantial Completion on October 1<sup>st</sup>, 2021
- Final Completion schedule for October 15<sup>th</sup>, 2021

***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:*

- Draft Report Complete

***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 1<sup>st</sup>
- Project Award July 13<sup>th</sup>
- Anticipated equipment delivery January 15<sup>th</sup>
- Project completion, February 15<sup>th</sup>

***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





### **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:*

- Substantial Completion as of October 1<sup>st</sup>, 2021

### **Sanitary Sewer H<sub>2</sub>S Remediation (KLJ #1804-00122)**

Reason for Project: Buildup of H<sub>2</sub>S within the WW collection system has led to deterioration of manholes and other system components.

Project Scope: Complete design and construction administration to address H<sub>2</sub>S 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

### **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:*

- Project Construction expected to start November 15<sup>th</sup>, 2021

### **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.



**City of Laurel Project Status Update**  
October 15, 2021



*Current Status:*

- Drafts of the all sections of the manual 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:*

- Zoning Regulations Update. To be scheduled
- Subdivision Regulations Update. In house project
- Annexation of Golf Course. Pending application
- West Interchange Plan. Local match not budgeted

***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



*City of Laurel Project Status Update*  
*October 15, 2021*



- 
- a. Booster station rehabilitation or replacement (task order forthcoming)
  - b. Water storage tank Preliminary Engineering Report
  3. 7<sup>th</sup> Street reconstruction
  4. Waterline extension out to Golf Course Road
  5. Updates to Zoning regulations
  6. Updates to Subdivision Regulations
  7. West Interchange Neighborhood Plan

Other Potential Future Projects

1. West Side TIFF



**File Attachments for Item:**

14. Tree Board Minutes of October 21, 2021.

Minutes  
City of Laurel  
Tree Board  
10/21/21 9:30 AM

Council Conference Room

Attending: LuAnne Engh, Paul Kober, Walt Widdis

1. Public Input
  - a. No public attending
  
2. General Items
  - a. Sept minutes approved –
  - b. Thomson Park trees – Patrick removed 10 ash trees and one Pine for \$4800
  - c. With \$3200 left in the tree account, Matt approved spending \$1,000 on trees to be planted in Thomson.
  - d. Three Imperial Locust trees were purchased from Billings Nursery. They will plant and give us a warranty. Cost was \$1050. These should be planted before the ground hardens.
  - e. Remaining \$2,000 could be used for more trees, trimming or removals.
  - f. Arbor Day Student artwork. All the schools have been contacted and will have their artwork done next month.
  - g. Balance for Arbor Day in the city account - \$528.05
  
3. New Business – none
4. Old Business
  - a. South Pond trees –
    - Charlie Fischer Memorial Tree (Sienna Maple) is struggling
    - Three Willow trees are gone but the signs are still there – maybe they could be replanted at another location on the pond and move the plaques.
    - One Hackberry is drowning, 2 others are ok, the Imperial maples (3) are excellent and the Honey locusts (4) are surviving on dry ground.
    - Baptist school Amur Maple lost 1/3 but is still going strong.
  - b. Thomson Trees-
    - 4 Brandon Elms are all doing fine – one is in serious need of staking
    - 2 Red Maples – planted by the city –small but doing well
    - 30 Green Ash – 60+ years old – all trimmed and look good

- c. Downtown trees – We have 13 locations that should be replaced. If the trees are gone the stumps are still in the ground.
- d. We should notify the landowners it's their responsibility to replace them.

5. Other Items

- a. Volunteer hours - Please keep your hours to be returned in December
- b. South Pond – asphalt walkway is finished. Paul said the Lions would like to see the drip system improved so that more trees could be planted around the pond.  
Benches are also an item – Rotary would like to add their benches.  
A retaining wall to hold back the east ledge will be necessary eventually.

Next meeting –November 21st– 9:30

LuAnne Engh, Chairman



**File Attachments for Item:**

15. Park Board Minutes of November 4, 2021.

November 4, 2021

Laurel Park Board Meeting

Started 5:30 PM by Scot Stokes with Jon Rutt, Evan Bruce, Phyllis Bromgard, Richard Herr, Matt Wheeler, Paul Kober and Irv Wilke.

Public Comment:

Kasey Feldman on McMullen Lane spoke against the Northwestern Energy Pipeline and Power Plant Project.

Justin Richards explained a proposal to place more secure fencing around the Little League fields in Thompson Park

Approved minutes from October 7, 2021 meeting, Irv motioned and Evan 2<sup>nd</sup>. Motion passed

Guests John Chatwood from Shooting Sports BB Gun Program

New Business:

A Temporary Calendar for events at Riverside Hall will be kept by Matt for now. Lions Park and Thompson Park had some playground equipment removed due to vandalism.

Old Business:

Jaycee hall Update – Electrician done.

Lions Park Update – Railing on dock finishing up next week.

Pipeline Update – Williston basin is finishing up and the Park should look good.

Info on Website - None

Riverside Park Update – We drove to Riverside Park and inspected the Riverside Hall. Scot motioned and Irv 2<sup>nd</sup> to allow Shooting Sports BB Gun Program to use the hall and the storage room for their program. No water on in Riverside Hall till the new pipeline is in.

Other Items:

Light on the flag in Fireman’s Park is operational.

We agreed to meet on December 2nd for the next meeting.

Meeting adjourned at 6:14

Jon Rutt

**File Attachments for Item:**

16. Public Works Committee Minutes of November 15, 2021.



**MINUTES  
CITY OF LAUREL  
PUBLIC WORKS COMMITTEE  
MONDAY, NOVEMBER 15, 2021**

The Public Works Committee meeting was called to order at 6:00pm on Monday, November 15, 2021 by Committee Chair, Heidi Sparks.

**Members Present:** Heidi Sparks- Chair, Richard Herr, Dan Koch, Marv Carter

**Others Present:** Kurt Markegard- Public Works Director

**Public Input:**

JD Farley- owns a compost business and is interested in partnering with the City of Laurel as a vendor. JD had previously emailed Kurt Markegard and was following up on the email. Public Works Director Kurt Markegard stated the city currently burns all piles and would need to go thru a budget amendment to bring on a new vendor this budget season. Kurt will follow up with JD if interested

Steve Crum- present at Public Works meeting to speak in opposition of the NEW proposed power plant. He is concerned about the noise levels, pollution, and how close this will be to town.

**General Items**

1. Approval of Minutes from October 18, 2021- Marv Carter made a motion to approve the minutes of October 18, 2021. Motion was seconded by Dan Koch. Motion carried to approve the minutes of October 18, 2021.

**New Business**

2. Emergency Call Out Report- Report attached
  - Elm lift station- Kurt stated all pumps went offline and couldn't get them to come back on
    - Found out this was due to electrical damage from H<sub>2</sub>S
    - Week of the 25<sup>th</sup> the break went out and couldn't be reset
    - Kurt stated the city is looking at options long term and may need to "de-electry"- the new system requires specialized parts whereas the previous system any electrician could be called to fix issues
3. KLJ Report- Report attached
  - S 4<sup>th</sup> Reconstruction- community meeting scheduled for Nov 18<sup>th</sup> (announcement included in packet)

**Old Business**

**Other Items**

Richard Herr mentioned CHS turnaround is scheduled for 2023 and estimating 6000 workers for 40+ days

Kurt mentioned the city installed all new signs in downtown Laurel, new code enforcement officer started roughly 2 weeks ago

**Announcements**

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

Meeting adjourned at 6:52pm.

Emergency Call Out for November 15, 2021, Public Works Committee Meeting

10-18-2021 Water turn on 709 6<sup>th</sup> Ave

10-18-2021 Elm lift Station offline

10-25-2021 Elm Lift Station





### **2022 Pavement Maintenance Project (4<sup>th</sup> Street Reconstruction)**

**(KLJ #2104-00862)**

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

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

*Current Status:*

- Project is in Design

### **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:*

- Project Complete

### **Water System PER (KLJ #2104-00147)**

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

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

*Current Status:*

- Waiting on information from City

### **5<sup>th</sup> Ave. Water Re-Route (KLJ #2104-00118)**

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

Project Scope: Abandonment of a 12" waterline that connects 11<sup>th</sup> St. to 12<sup>th</sup> St north of 5<sup>th</sup> Ave. in Laurel. A new 12" waterline will connect at the intersection of 5<sup>th</sup> Ave. and 11<sup>th</sup> St, route east to 4<sup>th</sup> Ave.



and then north to 12<sup>th</sup> St. where it will turn back west and connect at the original connection point along 12<sup>th</sup> St.

*Current Status:*

- Project is Complete
- Contractor is waiting on Change Order Request response from City

***Southside Stormwater Study (KLJ #2004-01470)***

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

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

*Current Status:*

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

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

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

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

*Current Status:*

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

***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 11/30/21
- Advertise 1/6/22
- Bid Opening 1/26/22



### **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:*

- Project Complete and Retainage has been Released

### **Sanitary Sewer H<sub>2</sub>S Remediation (KLJ #1804-00122)**

Reason for Project: Buildup of H<sub>2</sub>S within the WW collection system has led to deterioration of manholes and other system components.

Project Scope: Complete design and construction administration to address H<sub>2</sub>S build-up in the system.

*Current Status:*

- Survey completed
- Design underway
- DEQ Submittal Approved
- MDT Submittal Approved
- Advertise 2/17/22
- Bid Opening 3/9/22

### **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:*

- Project Construction starting November 15<sup>th</sup>, 2021

### **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.





## City of Laurel Project Status Update November 15, 2021



### *Current Status:*

- Drafts of the all sections of the manual 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:*

- Zoning Regulations Update. To be scheduled
- Subdivision Regulations Update. In house project
- Annexation of Golf Course. Pending application
- West Interchange Plan. Local match not budgeted

### **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.*
- *A meeting with City Department Heads needs to be scheduled in late November.*

### **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



*City of Laurel Project Status Update*  
*November 15, 2021*



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

Other Potential Future Projects

1. West Side TIFF

The City of Laurel will hold an Information meeting regarding the South 4<sup>th</sup> Street Infrastructure Improvement Project at 6:30 PM on Thursday, November 18<sup>th</sup>, 2021. The meeting will be held at the Senior Center whose address is 720 S. 4<sup>th</sup> Street, Laurel MT 59044. This project will consist of removal and replacement of the water and wastewater lines within S. 4<sup>th</sup> Street and complete reconstruction of the roadway between US Highway 212 to S. 8<sup>th</sup> Ave. Anyone wishing to participate is welcome to attend and provide comments and questions about this upcoming street project.

---

Bethany Langve  
City Clerk/Treasurer

Address: City Hall  
115 West 1st Street  
Laurel, MT 59044  
Phone: (406) 628-4796

Advertisement Dates:

Laurel Outlook: 11/11/21, and 11/18/21



**File Attachments for Item:**

17.

Created with a trial version of Syncfusion Essential DocIO.

Appointment of Jacob Vannoy 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

November 18, 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  
Jacob Vannoy

Mr. Vannoy 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:**

18.

Created with a trial version of Syncfusion Essential DocIO.

Resolution No. R21-122: Resolution Of Intent To Annex Contiguous City-Owned Properties Into The City Of Laurel, Yellowstone County.



**RESOLUTION NO. R21-122**

**RESOLUTION OF INTENT TO ANNEX CONTIGUOUS CITY OWNED PROPERTIES  
INTO THE CITY OF LAUREL, YELLOWSTONE COUNTY.**

WHEREAS, Montana Law, specifically §7-2-4401 through §7-2-4421 provides the City the authority to annex contiguous City owned property; and

WHEREAS, §7-2-4403 requires the City’s Mayor to file with the City Clerk a description of the land, a certification of ownership of the land, and a statement that the City desires to annex the property; and

WHEREAS, §7-2-4404 requires the City Council to adopt a Resolution of Intent prior to annexation of contiguous City owned property for inclusion within the boundaries of the City of Laurel; and

WHEREAS, after the Resolution of Intent is approved, §7-2-4405 requires the City Clerk to publish, at least once a week for 2 successive weeks, a notice that the Resolution of Intent has been duly and regularly passed and that for a period of 20 days after the first publication of such notice, the City Clerk will accept comments or expressions of approval or disapproval, in writing, of the proposed alterations of the boundaries of the City to include the City owned property. The notice shall state the time and place set for the public hearing on the proposed annexation; and

WHEREAS, §7-2-4406 requires a public hearing on the question of annexation and at such hearing the City Council shall hear all persons and all things relative to the proposed annexation prior to making a decision to annex such property; and

WHEREAS, if the City Council determines that annexation is in the best interest of the City and its inhabitants to annex the property, it shall adopt a resolution of annexation of the land which shall become effective 30 days after the annexation resolution’s passage and approval; and

WHEREAS, the City Council has determined it is in the best interest of the City of Laurel for the properties described in the attachment to this resolution of intent be annexed into the City since they are owned by the City and are currently connected to and utilizing City Services; and,

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

The City Council hereby adopts the Resolution of Intent providing notice to the owners and citizens of Laurel that the City Council intends to annex the City owned properties described in the attached list; and

Upon adoption of this Resolution of Intent, the City Clerk shall publish the required notice to the public as provided herein.

Introduced at a regular meeting of the City Council on November 23, 2021, by Council Member \_\_\_\_\_.

PASSED and APPROVED by the City Council of the City of Laurel this 23<sup>rd</sup> day of November 2021.

APPROVED by the Mayor this 23<sup>rd</sup> day of November 2021.

CITY OF LAUREL

\_\_\_\_\_  
Emelie Eaton, Mayor

ATTEST:

---

Bethany Langve, Clerk-Treasurer

Approved as to form:

---

Sam S. Painter, Civil City Attorney

City Property Located Outside City Limits

Address	Legal Description	TAXID	Geocode	Subdivision	COS	Tract and/or Parcel	Description
1501 SEWER PLANT RD	S15, T02 S, R24 E, ACRES 9.5, PORTION IN E2E2SW ADJ TO & S OF COS 1998 (SEWAGE *	D02720	3082115307200000	UNPLATTED	-	-	Sewer Plant
1501 SEWER PLANT RD	S15, T02 S, R24 E, C.O.S. 1998, PARCEL 1	D02721	03-0821-15-3-07-21-0000	-	1998	Parcel 1	Sewer Plant
US HIGHWAY 212 S	S15, T02 S, R24 E, WATER PLANT IN SWSW4	D02722	3082115307010000	UNPLATTED	-	-	Water Plant
1152 YARD OFFICE RD	S10, T02 S, R24 E, C.O.S. 1048, PARCEL 1	D02645	3082110116010000	-	1048	Tract 1	Utility Lot
US HIGHWAY 10W	S17, T02 S, R24 E, C.O.S. 1055, PARCEL 1, LESS 1.71 AC FOR HWY (17)	D02804	3082117207200000	-	1055	Tract 1	West Pond
W BEARTOOTH DR	S04, T02 S, R24 E, IN N2SW4 LAUREL RESERVOIR	D02545	3082104324200000	UNPLATTED	-	-	Reservoir
W BEARTOOTH DR	S04, T02 S, R24 E, C.O.S. 496, PARCEL 1, AMND	D02541	3082104324210000	-	496 1st AMD	Tract 1	Reservoir
PARK W 12TH ST	LAURMAC SUBD AMEND, S09, T02 S, R24 E, BLOCK 14, Lot 1 - 6, AMND (13)	B01523	3082109238010000	LAURMAC SUB AMD	-	BLOCK 14, LOT 4	Park
LAUREL AIRPORT RD	S04, T02 S, R24 E, C.O.S. 3162, PARCEL A, TRS A-B, C1, D-E COS 3162 (11)	D02525	3082104101010000	-	3162	-	Cemetery
FIRST AVE	S04, T02 S, R24 E, C.O.S. 3287, PARCEL A1, AMD	D02523D	03-0821-04-2-01-35-0000	-	3287	Parcel A1	Cemetery
1820 LAUREL AIRPORT RD	S04, T02 S, R24 E, C.O.S. 1148, PARCEL 1, IN LOT 3	D02524	03-0821-04-2-19-01-0000	-	1148	Parcel 1	Cemetery
W 7TH ST	S08, T02 S, R24 E, C.O.S. 3397, PARCEL 2, **MULTI-DISTRICT** TR 2 COS 3397 SD 7 - .619 AC SD 07L - 1.282 AC	D02583B	03-0821-08-1-05-21-6000	-	3397	Tract 2	Stormwater Pond
30' Road ROW deeded to the city along Yellowstone River East of Water Plant towards BBWA headgate.	Documents filed at County approximately 80 years ago. Currently not platted/shown correctly on Yellowstone County GIS.						ROW



**File Attachments for Item:**

19. Resolution No. R21-123: A Resolution Of The City Council To Adopt Criteria For Awarding And/Or Approving Grants For The Laurel Urban Renewal Agency (LURA) Board And City Council.

**RESOLUTION NO. R21-123**

**A RESOLUTION OF THE CITY COUNCIL TO ADOPT CRITERIA FOR AWARDING AND/OR APPROVING GRANTS FOR THE LAUREL URBAN RENEWAL AGENCY (LURA) BOARD AND CITY COUNCIL.**

WHEREAS, the City Council previously created the Laurel Urban Renewal Agency (LURA), pursuant to Ordinance No. 08-09 as codified at Title 18, Chapters 18.02 and 18.04 of the Laurel Municipal Code, to provide input and recommendations regarding the most effective uses of resources gained from the Tax Increment Finance (TIF) District; and

WHEREAS, the City Council appointed a LURA Board of Commissioners, pursuant to Resolution No. R08-123, who are responsible for providing guidance and recommendations to the City Council pursuant to grant programs that were previously created by resolution;

WHEREAS, the City Council has determined that it is appropriate to adopt mandatory criteria for the LURA Board and City Council to utilize when reviewing and analyzing grant applications under the previously created LURA grant programs.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Laurel, Montana, that the LURA Board and City Council shall apply the following criteria when reviewing and awarding LURA Grants to applicants under the previously approved grant programs:

1. Does the application benefit the public as a whole or just an individual business/property owner?
2. Does the application directly fund public projects or programs?
3. Does the application help to retire public debt?
4. Does the application establish a loan fund to provide financing?
5. Does the application stabilize or renovate publicly owned historic buildings?
6. Does the application construct and/or connect public infrastructure?
7. Does the project improve streetscape and/or public green spaces?
8. Does the project mitigate unsafe decay?
9. Does the project improve accessibility to publicly owned infrastructure?
10. Is the application intended to fund a study, plan or to promote something for the Public benefit?

Introduced at a regular meeting of the City Council on November 23, 2021, by Council Member \_\_\_\_\_.

PASSED and APPROVED by the City Council of the City of Laurel this 23<sup>rd</sup> day of November 2021.

APPROVED by the Mayor this 23<sup>rd</sup> day of November 2021.

CITY OF LAUREL

\_\_\_\_\_  
Emelie, Eaton, Mayor

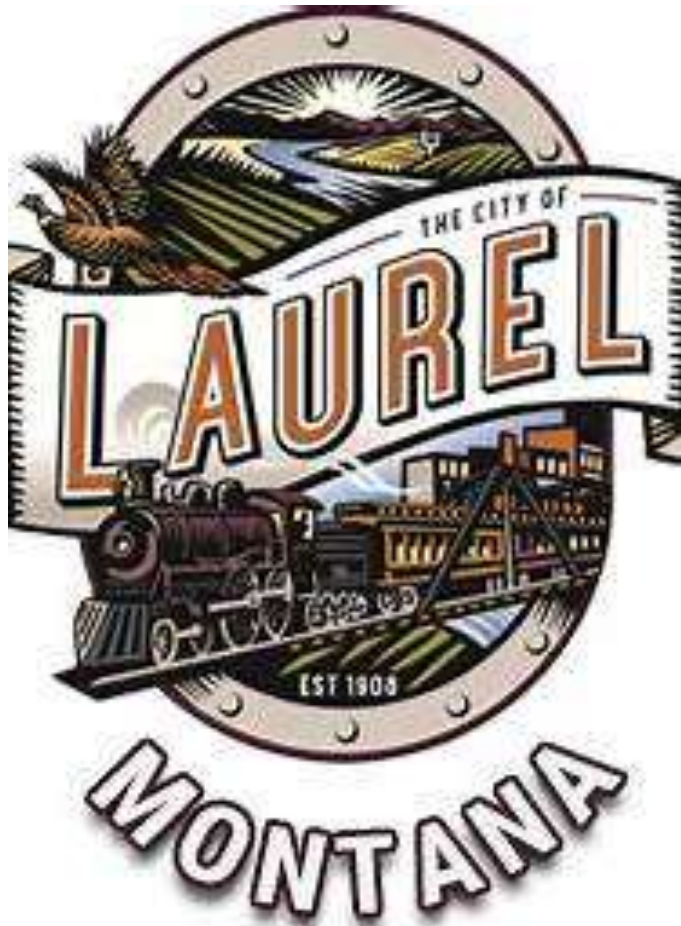
ATTEST:

\_\_\_\_\_  
Bethany Langve, Clerk-Treasurer

Approved as to form:

\_\_\_\_\_  
Sam S. Painter, Civil City Attorney





# Urban Renewal and Tax Increment Financing

CDS of Montana

October 5, 2021

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## Workshop Overview

Purposes of Urban Renewal

Fundamentals of Tax Increment Financing

Laurel URD Summary

District Management

Eligible Projects and Activities

Urban Renewal Experiences Across the State  
and Cautionary Tales

Questions and Discussion

# Statutory Authority for Urban Renewal



“...the prevention and elimination of [blighted] areas is a matter of state policy and state concern in order that the state and its municipalities shall not continue to be endangered by areas which...consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization, and other forms of public protection, services, and facilities.” (§7-15-4202 MCA)



## Types of URDs



### Urban Renewal (URD)

Available only within incorporated cities and towns in areas that exhibit at least three conditions of blight

Provides for investments in public improvements in support of commercial, industrial and residential revitalization



### Targeted Economic Development (TEDD)

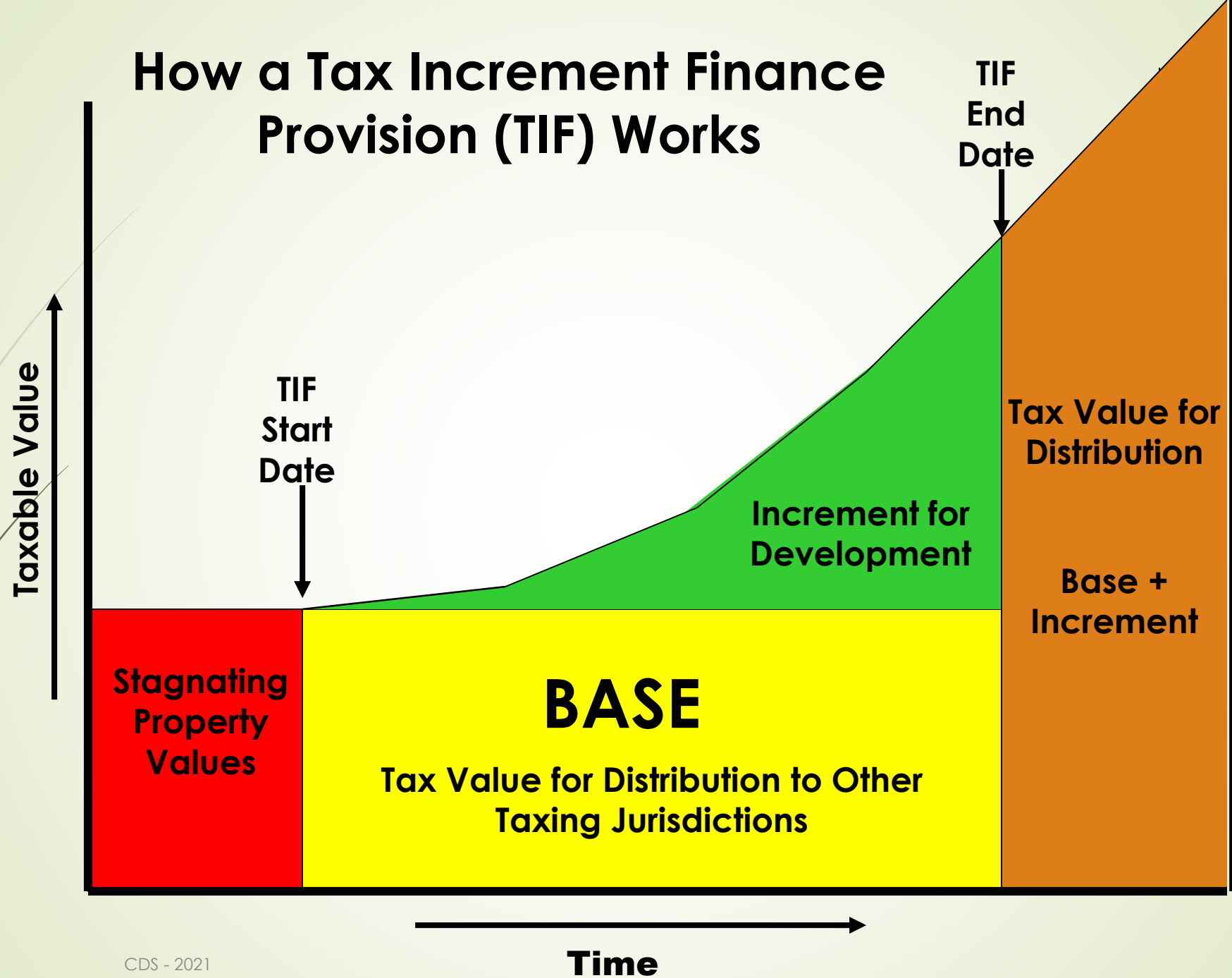
Available to cities, towns and counties in areas that exhibit public infrastructure deficiencies

Supports value-added economic development, usually industrial with limited commercial uses through investments in public infrastructure

# Urban Renewal and Tax Increment Financing

- The plan for a URD may include a provision to use Tax Increment Financing (TIF).
- TIF is a state authorized, locally driven funding mechanism that allows cities and counties to direct property tax dollars that accrue from new investment within a URD or TEDD, to development activities *within* that district.
- TIF is not a special taxing district; it does not add any new taxes. Rather, it affects the way that incremental increases in property taxes are distributed once collected.
- Projects and programs that are funded by TIF dollars **must** serve a public purpose.

# How a Tax Increment Finance Provision (TIF) Works





## The Calculation

- Assume: \$10,000,000 dollars of net New Appraised Value
- Assume: Class 4 commercial property valued at a tax rate of 1.89% (2021)
- Taxable Value = \$189,000
- Assume: 600 *net* mills (total mills minus the six-mill university levy and any voted mills after TIF effective date )
- Tax Increment = \$113,400



## 8 Potential Funding Strategies

- TIF dollars can be used to:
  - Directly fund public projects and programs
  - Retire debt
  - Leverage other funding sources, both public and private.
- Funds may be used to establish a revolving loan fund to provide financing.
  - Interest rates can be set based on project feasibility.
  - The revolving fund may continue in perpetuity, even after the TIF provision has “sunsetting”, but funds must be used in accordance with the adopted urban renewal plan.

# Laurel URD Summary



Laurel Urban Renewal District created in 2007



City created an urban renewal agency in 2008



Created a Facade Improvement Grant program in 2010



Created Technical Assistance Grant program in 2010



Large Grant Requests Program in 2015



General Small Grant Program in 2019

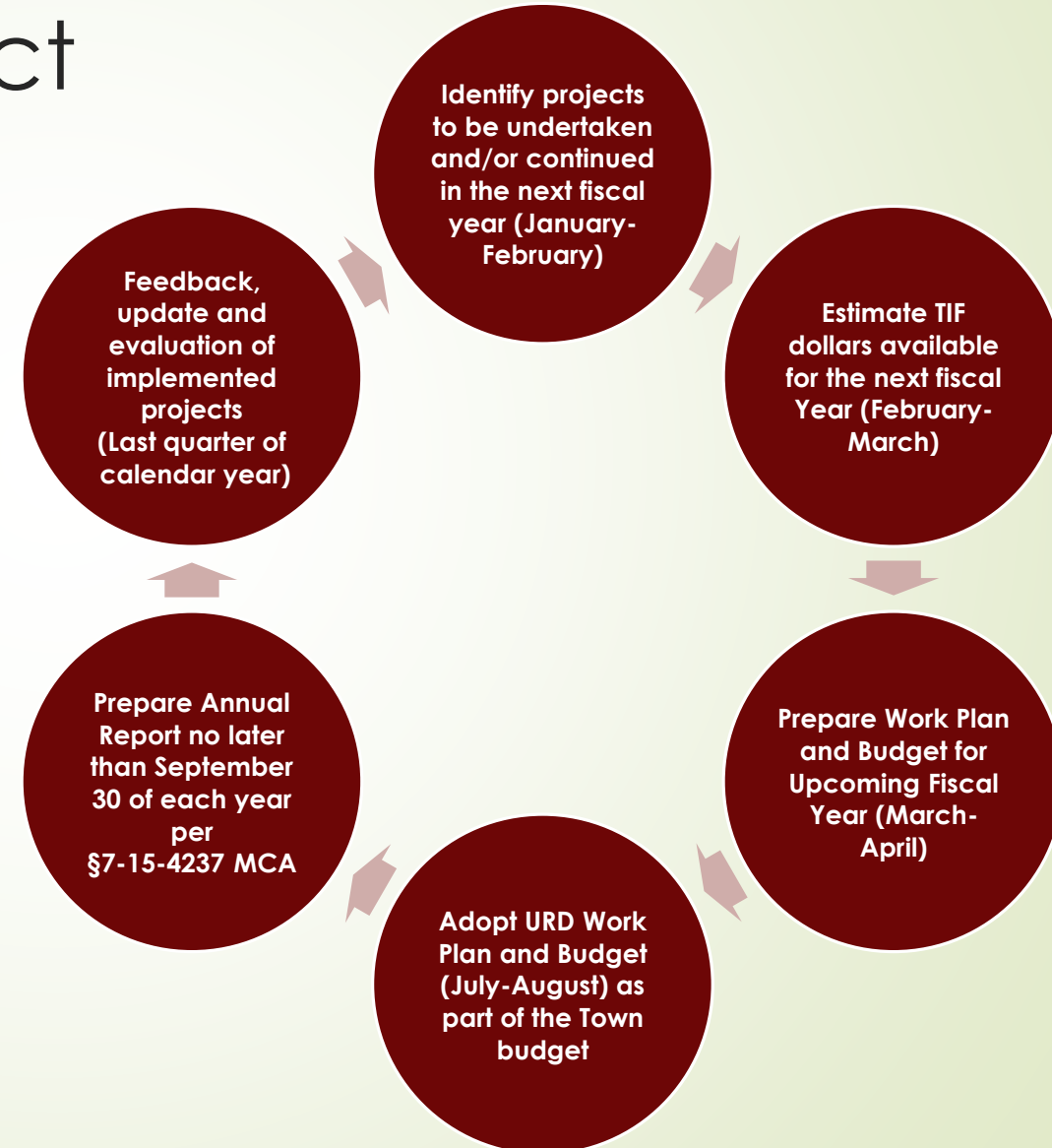


Issued a 25-year TIF bond in 2020



# Management of an Urban Renewal District

- Ongoing process of project identification, analysis and implementation
- Work plan and budget due when required by local government
- Annual report due by Sept. 30



# Allowable Uses of TIF Funds

Stabilize and/or renovate publicly owned historic buildings

Construct and connect public infrastructure

Mitigate unsafe decay

Improve streetscapes and public green spaces

Improve accessibility to publicly owned infrastructure

Study, plan and promote



# Project Evaluation Criteria

- Public purpose
- Urban Renewal Plan conformance
- Beneficiaries – community or district vs. business?
- Leverage – percent of total project cost
- Partnerships brought to the project
- Measurable objectives
- Property tax growth
- Opportunity cost
- Ongoing maintenance requirements

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# Urban Renewal Plan Conformance – Identified Conditions that Contribute to Blight

Flooding

Storm Drain  
System  
Inadequacies

Lack of Green  
Space

Need for Street  
Improvements

Need for  
Intersection  
Improvements

Lack of  
streetlights,  
sidewalks, curbs  
and gutters

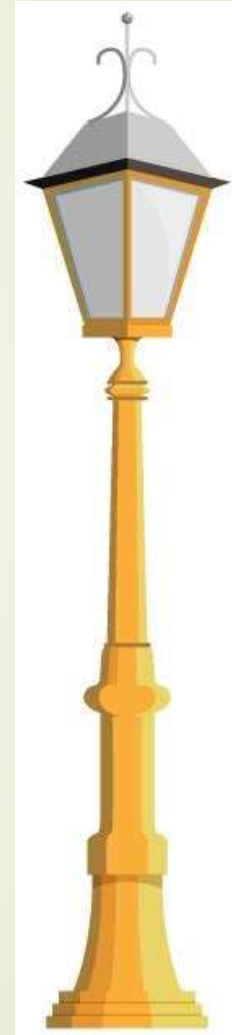
# Urban Renewal Sample Projects

## Capital improvements

- Water main replacement
- Sewage system expansion pro-rata share
- Repaving/rebuilding streets
- Broadband installations

## Branding/Beautification

- Unified street fixtures/colors
- Intersection identification
- Signs and Wayfinding
- Utility box graphics/anti-graffiti





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## Sample Projects

### Economic development

- Public parking lot construction
- Revolving loan fund
- Historic Façade Improvements

### Safety

- HAWK (High Intensity Activated Cross Walk) light
- Traffic Signals
- Fire hydrant connections
- ADA in publicly owned buildings



## Neighborhoods

- Sidewalks
- Streetlights
- Connectivity
- Leveraging LMI grant applications

## Decay

- Acquisition
- Removal
- Resale

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Sample  
Projects

# Cautionary Tales

Questionable  
public benefit

“Build it and  
they will come”

Lack of buy-in

Dependency  
on centrally  
assessed  
taxpayers

Change in  
taxable status

Single use  
districts



# 18 Questions and Discussion



**File Attachments for Item:**

21. Resolution No. R21-109: A Resolution Approving Zone Changes For Property Owned By Northwestern Corporation D/B/A Northwestern Energy Located Near Lindy Lane Within The City Of Laurel's Zoning Jurisdiction.

**RESOLUTION NO. R21-109**

**A RESOLUTION APPROVING ZONE CHANGES FOR PROPERTY OWNED BY NORTHWESTERN CORPORATION D/B/A NORTHWESTERN ENERGY LOCATED NEAR LINDY LANE WITHIN THE CITY OF LAUREL'S ZONING JURISDICTION.**

WHEREAS, zone changes has been requested in the current zoning designation by Northwest Corporation d/b/a NorthWestern Energy, the owner of the herein described property ("Property") that is located within the City of Laurel's zoning jurisdiction; and

WHEREAS, the Property consists of two parcels both currently having partial zoning designations of Heavy Industrial ("HI") and Agricultural Open ("AP") which the owner seeks to have changed to a designation of Heavy Industrial ("HI") zoning for both parcels of the Property; and

WHEREAS, it is in the best interests of the residents of the City of Laurel to adopt this resolution thereby approving the proposed zone changes to provide for an expanded, uniform, and orderly growth and economic development within the City's zoning jurisdiction; and

WHEREAS, a duly noticed public hearing was held by the City's Zoning Commission on September 15, 2021. The Zoning Commission reviewed and considered the application pursuant to the criteria contained in the LMC. At the conclusion of the hearing, the Zoning Commission decided to recommend the approval of the requested zone changes to the City Council subject to the conditions contained in the Staff Report which is hereby attached hereto and incorporated herein as part of this resolution; and

WHEREAS, the City Council held a duly noticed public hearing on October 12, 2021. The City Council gathered testimony and public comment during the hearing from both proponents and opponents. Based on the evidence presented at the Public Hearings, the recommendation of the Zoning Commission, and documents submitted by Staff, the City Council has determined the requested zone changes are in the City's best interest as detailed in the Zoning Commission and City Council Records which are incorporated herein as part of this resolution; and

WHEREAS, the City Council hereby adopts the findings contained in the Zoning Commission Record as well as all items in the Council Record.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, that the zone changes requested by the owner are hereby approved for the Property described as follows:

Parcel 1, COS 1239, S15, T02S, R24E  
Parcel 2, COS 1677, S15, T02S, R24E

BE IT FURTHER RESOLVED, the Property zoning designations are hereby changed to Heavy Industrial (“HI”) for both Parcels described above subject to the following conditions:

1. The above Parcels shall be fully included in the City’s Zoning Jurisdiction.
2. The above Parcels shall be classified as Heavy Industrial (“HI”) to be fully within the Heavy Industrial zoning district.
3. The above Parcels shall have no uses deemed not allowable within the Heavy Industrial (“HI”) District.
4. Any future changes to zoning for the Parcels shall follow the same process and procedure required to obtain the zone changes approved herein.

Introduced at a regular meeting of the City Council on October 12, 2021, by Council Member \_\_\_\_\_.

PASSED and APPROVED by the City Council of the City of Laurel this 12<sup>th</sup> day of October 2021.

APPROVED by the Mayor this 12<sup>th</sup> day of October 2021.

CITY OF LAUREL

\_\_\_\_\_  
Thomas C. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Bethany Langve, Clerk-Treasurer

Approved as to form:

\_\_\_\_\_  
Sam S. Painter, Civil City Attorney





## LAUREL CITY-COUNTY PLANNING DEPARTMENT

### STAFF REPORT

TO: Laurel City-County Planning Board  
FROM: Nicholas Altonaga, Planning Director  
RE: Zone Change Request – Northwestern Energy  
DATE: September 29, 2021

#### DESCRIPTION OF REQUEST

A Zone Change application has been submitted by Sanderson-Stewart on behalf of their client, Northwestern Energy Corporation on August 16, 2021 for their two properties described as:

- Parcel 2, COS 1677, S15, T02S, R24E
- Parcel 1, COS 1239, S15, T02S, R24E

Parcel 1, COS 1239 currently has two zoning designations, half the parcel is Heavy Industrial (HI), and half is Agricultural Open (AO). Parcel 2, COS 1677 currently has two zoning designations, approximately a quarter of the parcel is zoned Heavy Industrial (HI), a quarter of the parcel is zoned Agricultural Open (AO), and half of the parcel lacks a zoning classification.

The Applicant seeks to amend the official Laurel Zoning Map to expand the zoning jurisdiction to include the entirety of the parcels and provide Heavy Industrial (HI) zoning to the entirety of the two parcels. Approval of this Zone Change request would amend the Laurel Zoning district to fully encompass the parcels in question, as well as apply Heavy Industrial (HI) zoning to the entirety of Parcel 2, COS 1677 and Parcel 1, COS 1239.

Owner: Northwestern Corporation  
Legal Description: S15, T02 S, R24 E, C.O.S. 1677, PARCEL 2  
Legal Description: S15, T2S, R24E, C.O.S. 1239, PARCEL 1 (CENTRALLY ASSESSED)  
Address: Lindy lane (Approximate)  
Parcel Size: 44.179 Acres (total)  
Existing Land Use: Power Generation (Parcel 1), Agricultural (Parcel 2)  
Existing Zoning: Heavy Industrial (HI), Agricultural Open (AO), unzoned  
Proposed Land Use: Heavy Industrial (HI)

## BACKGROUND AND PROCEDURAL HISTORY

- February 23, 2021 – Contractors for Northwestern Energy begin conversations with the Planning Department regarding amending the zoning of parcels.
- March 23, 2021 – City Staff provide data and details on the quality of water within the City water system as well as other utility data.
- May 17, 2021 – Sanderson Stewart staff contact City Planning Dept inquiring on the process for re-zoning the parcels in question.
- May 18, 2021 – City Staff provide all information on the Zone Change process to Sanderson Stewart and explain the process.
- August 16, 2021 – Zone Change Application packet submitted to the City Planning Department.
- September 15, 2021 – Public Hearing took place at the Laurel City-County Planning Board for review as per the criteria in the Laurel Municipal Code. The Planning Board voted to approve the Zone Change request with the conditions stated within this staff report.
- October 12, 2021 – Public Hearing scheduled in front of the Laurel City-Council.
- Subsequent governing Body Action to follow as necessary.

## STAFF FINDINGS

1. August 16, 2021 - The Applicant submitted a physical and digital copy of the Zone Change application
2. The Application contains all necessary items to move forward in review process.
3. The applicant is requesting a zone change for the above identified parcels to Heavy Industrial (HI).
4. The applicant has stated their goal of installing a power generation station that will generate 175-megawatts from natural gas in order to reinforce current power system capacity.
5. The parcels in question are already partially zoned as Heavy Industrial (HI).
6. The surrounding area to the immediate west is zoned Heavy Industrial (HI) and is used for those purposes by CHS Inc. as a petroleum refinery and by the City of Laurel as a Sewer Treatment Facility.
7. The current use of Parcel 1 as a public utility service installation is allowable within the Heavy Industrial (HI) zoning classification.
8. The proposed use of Parcel 2 as a public utility service installation is allowable within the Heavy Industrial (HI) zoning classification.

## PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

17.72.060 - Zoning commission action.

- A. The zoning commission shall review and take action upon each application in accordance with the provisions of this chapter, and after a public hearing at which the application shall

be presented to the zoning commission by the planning director together with his findings and conclusions on the matter. A report of the commission's recommendation and the planning director's findings and conclusions shall be submitted to the city council.

- B. The zoning commission shall make a recommendation to the city council to:
  - 1. Deny the application for amendment to the official map;
  - 2. Grant action on the application for a period not to exceed thirty days;
  - 3. Delay action on the application for a period not to exceed thirty days;
  - 4. Give reasons for the recommendation.
- C. The zoning commission shall adopt such rules and regulations for the conduct of public hearings and meetings, which shall be published and available to the public, as well as conflict of interest rules, to ensure that no member is entitled to vote on a matter in which he has an interest directly or indirectly.

## RECOMMENDATIONS

The Planning Director recommends that the Planning Board and Zoning Commission approve the zone change request and grant action on the application not to exceed thirty days for:

- Parcel 2, COS 1677, S15, T02S, R24E
- Parcel 1, COS 1239, S15, T02S, R24E

The Zone Change approval specifically notes that:

- 1. The parcels in question shall be fully included within the Laurel Zoning Jurisdiction.
- 2. The parcels in question shall have their zoning classification changed to fully be within the Heavy Industrial (HI) zoning district.
- 3. The parcels in question shall have no use on them which are not deemed allowable within the Heavy Industrial (HI) zoning district.
- 4. Any future change of zoning for said parcels shall follow the same process as this approval.

## ATTACHMENTS

- 1. Zone Change Request Letter and Justification
- 2. Zone Change Application Form
- 3. Aerial Parcel Maps for effected properties
- 4. Aerial Parcel Map with concept drawing of proposed use
- 5. Site Concept Plan for proposed use
- 6. Declaration of Covenants and Conditions
- 7. LMC 17.20 – Commercial-Industrial Use Regulations
- 8. LMC 17.72 – Amendments



July 23, 2021

Mr. Nick Altonaga, CFM  
Planning Director  
City of Laurel  
PO Box 10  
Laurel, MT 59044

**Reference: Zone Map Amendment Application  
NorthWestern Energy Laurel Generating Station**

Dear Mr. Altonaga:

On behalf of NorthWestern Energy Corporation, please accept our application for a Zone Change Request for the following two properties:

- Parcel 2, COS 1677, S15, T02S, R24E
- Parcel 1, COS 1239, S15, T2S, R24E

The properties are currently zoned Heavy Industrial (HI) and Agricultural Open Space (A1). The requested zoning is **Heavy Industrial (HI)** for both properties. Please note that the Laurel Zoning Jurisdiction splits Parcel 2, and with this application we are requesting that the City of Laurel adjust the jurisdiction line so that it encompasses all of Parcel 2.

NorthWestern Energy has identified a need for a new energy generation station. Planned retirements of electric assets in the Pacific Northwest region exceed 3,600 MW and the Northwest Power and Conservation Council forecasts regional capacity shortfalls as early as 2021. NorthWestern's continued reliance on the market to purchase energy to fill the gap during peak customer demand will significantly increase price and reliability risk for NorthWestern's customers because of the reduced energy supply availability.

In order to close the gap between our electricity generation and our customers' demands, the Laurel Generating Station will be developed to generate 175-magawatt from natural gas.

Mr. Nick Altonaga  
July 23, 2021  
Page 2

The location offers access to adequate, uncongested electric transmission and adequate natural gas supply. This land use will be consistent with the adjacent heavy industrial uses represented by the CHS Refinery and Laurel Water Treatment.

In support of this application, the following documents are included:

1. Application Form
2. Area Exhibit
3. Existing Zoning Exhibit
4. Proposed Zoning Exhibit
5. Site Plan of Generating Station
6. Adjacent Property Owner List and Mailing Labels
7. Property Covenants
8. Application Fee

Should you require any additional information, please do not hesitate to contact me. I can be reached at (406) 922-4313 or [lwaterton@sandersonstewart.com](mailto:lwaterton@sandersonstewart.com).

Sincerely,



Lauren Waterton, AICP  
Associate/Senior Planner

Enc.

cc: Roy Ishkanian, NorthWestern Energy

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

# City Of Laurel

P.O. Box 10  
Laurel, Montana 59044



Office of the City Planner

## Zone Change Request

The Undersigned as owner or agent of the following described property requests a Zone Change as outlined in the City of Laurel Zoning Ordinance.

Current Zoning District (if zoned): A-1 (Agricultural Open Space)

Proposed Zoning District: H-1 (Heavy Industrial)

Legal Description of the Property: S15, T02 S, R24 E, C.O.S. 1677, PARCEL 2

S15, T2S, R24E, C.O.S. 1239, PARCEL 1

Address or General Location: Lindy Lane

### Owner(s)/Applicant(s):

Name: NorthWestern Energy Corporation

Address: Attn: Roy Ishkanian, PO Box 80330, Billings, MT 59108

Phone: 406-655-6415

Email: roy.ishkanian@northwestern.com

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_



Agent(s)/Representative(s):

Name: Sanderson Stewart, Attn: Lauren Waterton

Address: 1300 N. Transtech Way, Billings, MT 59102

Phone: 406-922-4313

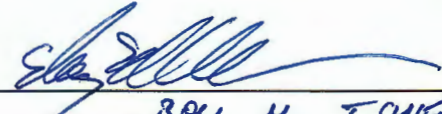
Email: lwaterton@sandersonstewart.com

Purpose/Reason for Zone change:

In order to meet the needs of customer's energy needs, NorthWestern Energy  
will construct an energy generating station using natural gas supply.

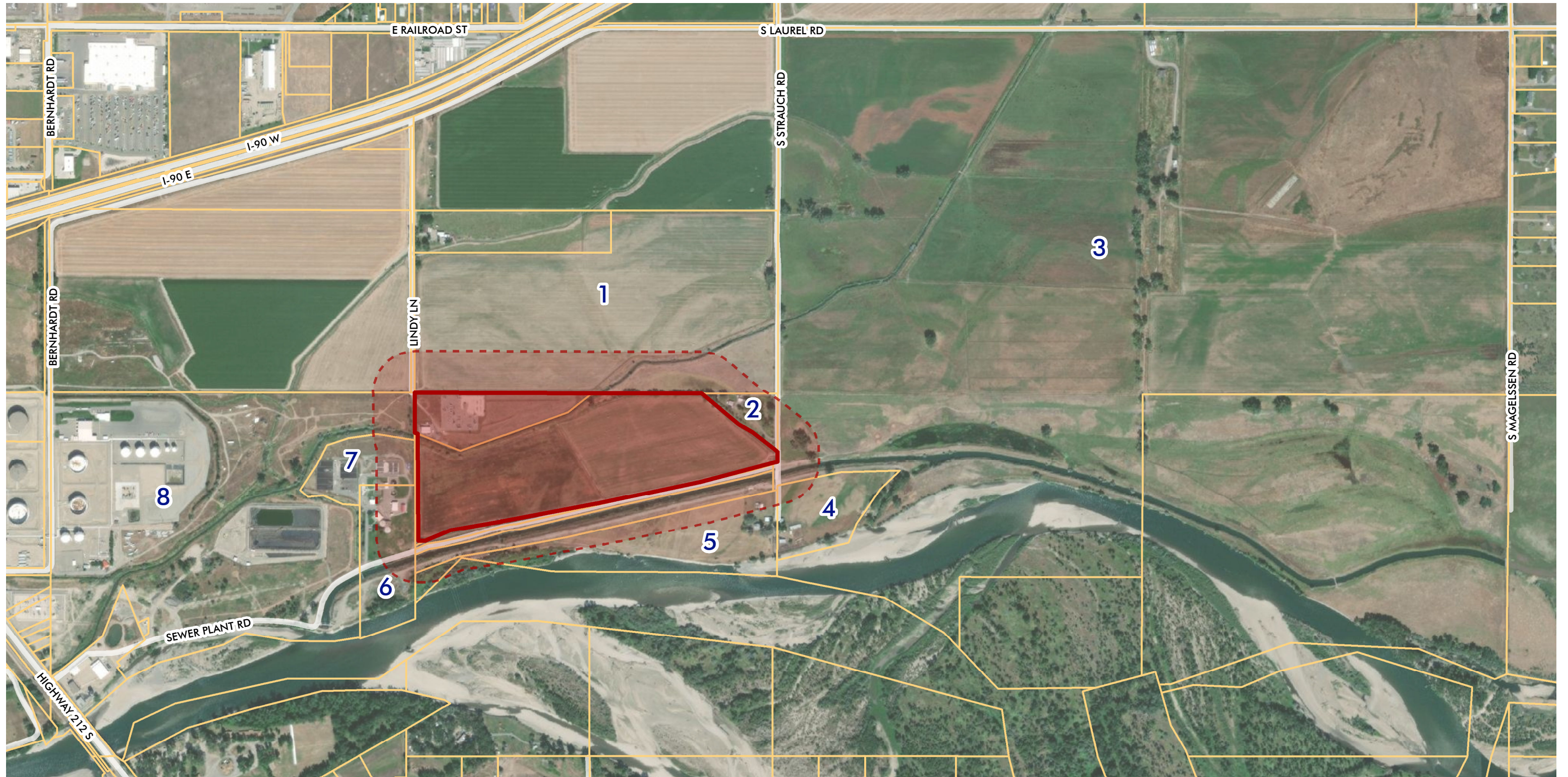
The land use is consistent with adjacent heavy industrial uses (CHS Refinery, Laurel  
Water Treatment Plant)

I understand that the application fee accompanying this application is non-refundable, that it pays the cost of processing, and that the fee does not constitute a payment for a zoning change approval. I further certify that all the information presented on this application and its supporting documentation is true and correct.

Owner/Applicant Signature:   
Date: 7/26/21 *ROY M. ISM*

Agent and/or Representative Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

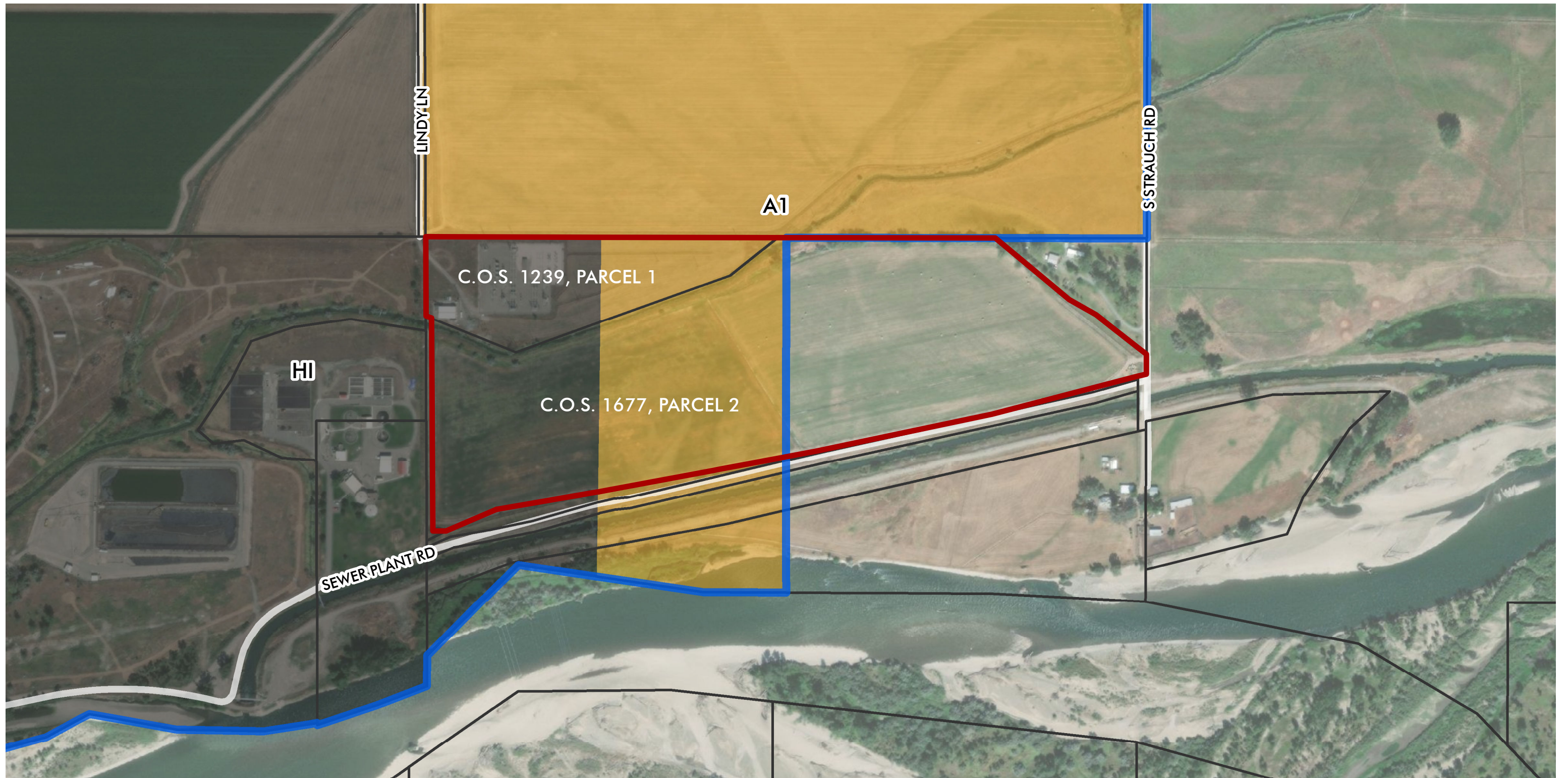




- Zone Change Parcels
- 300 ft Buffer
- Parcels







Zoning Districts

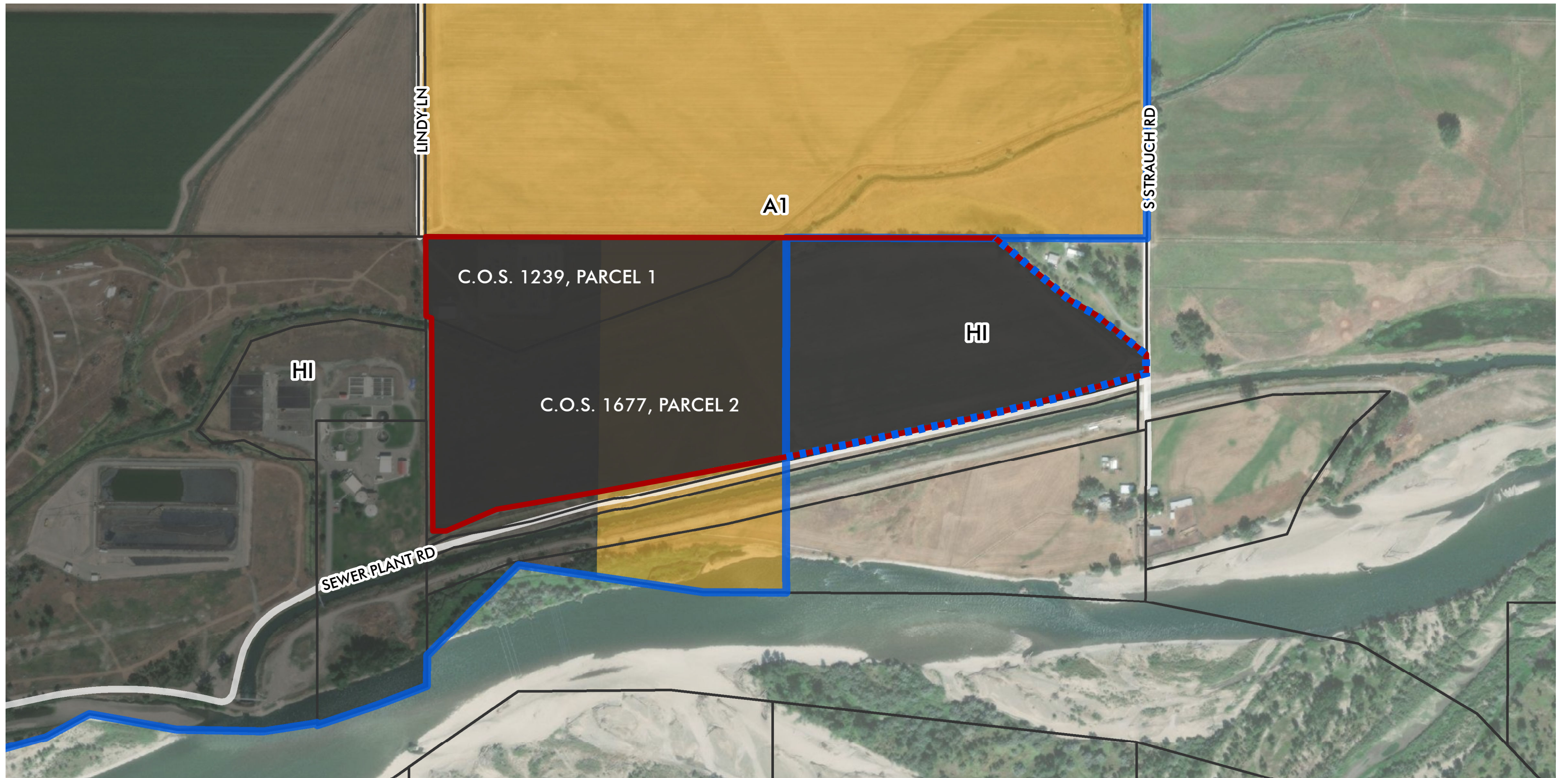
- A1 (Ag Open Space)
- HI (Heavy Industrial)

Zone Change Parcels

- Zoning Jurisdiction Boundary
- Parcels







**Current Zoning Districts**

- A1 (Ag Open Space)
- HI (Heavy Industrial)

**Zone Change Parcels**

- Proposed Zoning Jurisdiction
- Proposed Zoning (HI)

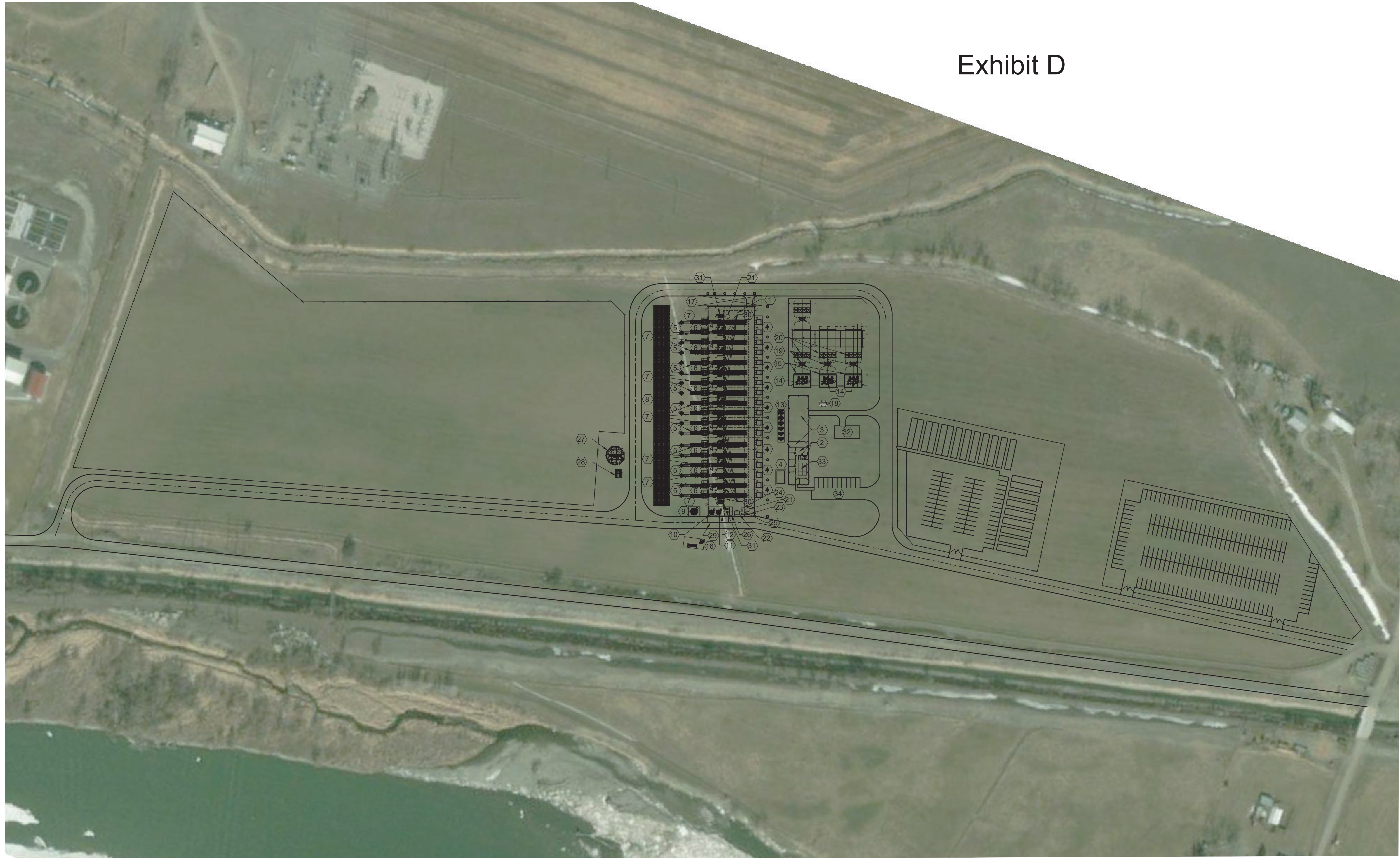
**Current Zoning Jurisdiction Boundary**

- Parcels

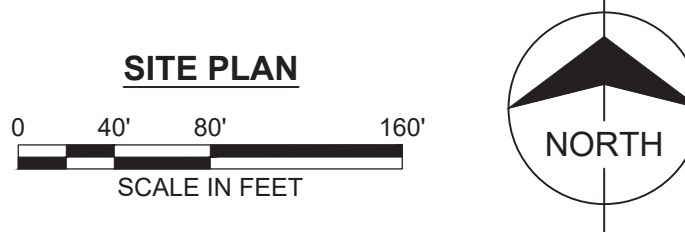




# Exhibit D



SITE KEY	
1	ENGINE HALL
2	CONTROL RM, TOILET RM AND JANITORS CLOSET
3	ELECTRICAL & BATTERY ROOM
4	HVAC UNITS
5	SILENCERS - STACKS
6	SELECTIVE CATALYTIC REDUCER
7	CHARGE AIR FILTERS
8	RADIATORS
9	AMMONIA TANK W/ CONTAINMENT
10	NEW LUBE OIL TANK
11	USED LUBE OIL TANK
12	TANK CONTAINMENT
13	STATION TRANSFORMER
14	GSU TRANSFORMER
15	DEADEND STRUCUTRE
16	FUEL GAS COALESCER & DEWPOINT HEATER
17	HEAVY HAUL ROAD
18	AUX GENERATOR
19	CIRCUIT BREAKER
20	DISCONNECT SWITCH
21	STARTING AIR RECEIVER
22	STARTING AIR COMPRESSOR
23	INSTRUMENT AIR RECEIVER
24	INSTRUMENT AIR COMPRESSOR
25	INSTRUMENT AIR DRYER
26	CHEMICAL TOTE STORAGE AREA
27	FIRE WATER TANK
28	FIRE PUMPHOUSE
29	UNLOADING STATION
30	FUEL GAS PRESSURE REGULATOR
31	MAINTENANCE WATER TANK
32	WAREHOUSE
33	ADMINISTRATION AREA
34	10 PARKING SPACES



**PRELIMINARY - NOT FOR CONSTRUCTION**

no.	date	by	ckd	description	no.	date	by	ckd	description
A	04/28/21	WRL		CLIENT REQUEST					

<p>9400 WARD PARKWAY KANSAS CITY, MO 64114 816-605-7822</p>		<p>Delivering a Bright Future</p>		<p>LOCKWOOD GENERATING STATION 18 x 9MW GAS RECIP ENGINE PLANT OVERALL SITE PLAN</p>	
designed	detailed	project	contract	drawing	rev.
	W. LESNIAK			GA351	A
		sheet	of	sheet	
		file	123147	NWE-18X9MW-GA351-CLIENT	314





CHS Inc. Laurel Refinery

City of Laurel Public Works Department Sewage Facility

NorthWestern Energy Auto Substation

Proposed site for Laurel Generating Station





Return recorded document to:

CHS Inc.  
P.O. Box 909  
Laurel, MT 59044  
ST 1098221

**DECLARATION OF COVENANTS AND CONDITIONS**

This **DECLARATION OF COVENANTS AND CONDITIONS** (this "Declaration") is made effective as of the 11th day of May, 2021, by **CHS INC.**, a Minnesota cooperative corporation, whose post office address is P.O. Box 64089, Saint Paul, Minnesota 55164-0089 (hereinafter "CHS"); and **NORTHWESTERN CORPORATION**, a Delaware corporation, d/b/a **NORTHWESTERN ENERGY** with an address of 11 East Park Street, Butte, MT 59701-1711 (hereinafter "NorthWestern").

**WITNESSETH**

WHEREAS, CHS is the owner of those certain tracts or parcels of land situated in Yellowstone County, Montana, identified collectively as the "Benefitted Parcels" on the attached Exhibit A, and as legally described on the attached Exhibit B; and

WHEREAS, NorthWestern is the owner of that certain tract or parcel of land situated in Yellowstone County, Montana, identified as the "Burdened Parcel" (and together with the Benefitted Parcels, the "Parcels") on the attached Exhibit A, and as legally described on the attached Exhibit C.

NOW, THEREFORE, in consideration of the agreements, easements, covenants, conditions and restrictions contained in this Declaration, CHS and NorthWestern do hereby establish and declare that the Parcels shall be owned, held, and conveyed, subject to the agreements, easements, covenants, conditions and restrictions set forth in this Declaration. Upon recordation of this Declaration, any conveyance, transfer, sale, hypothecation, assignment, lease or sublease made by NorthWestern or CHS, or by any owner of any portion of the Parcels shall be and is deemed to incorporate by reference the provisions of this Declaration, as the same may from time to time be amended, and each owner, by acceptance of the conveyance of any portion of the Parcels, and each occupant by its use and occupancy of any portion of the Parcels shall be bound by the provisions of this Declaration.

1. Plant Construction and Operation.

(a) The Burdened Parcel may be used for the construction and operation of a nominal 175 MW gas-fired, electric-generating plant (the "Plant") consisting of eighteen, 9.7 MW class Caterpillar G20CM34 natural gas reciprocating internal combustion engines (RICE)

and associated balance of Plant equipment in full compliance with all applicable laws and regulations.

(b) Prior to making any submission to the Montana Department of Environmental Quality (the "MDEQ") pursuant to Title 17, Chapter 8, Subchapters 7, 8 or 12 of the Administrative Rules of Montana relating to the construction, operation or maintenance of the Plant (including any revision, modification or supplement thereto, each, an "MDEQ Submission"), NorthWestern shall provide to CHS a copy of the MDEQ Submission and CHS shall determine whether the operation of the Plant pursuant to the provisions in the MDEQ Submission will adversely affect the Benefitted Parcels or CHS's activities conducted or to be conducted upon the Benefitted Parcels. CHS shall have 10 business days following the receipt of the MDEQ Submission to either provide written consent or objection thereto. If CHS objects, the parties shall work collectively to discuss changes to the MDEQ Submission that would address CHS's objection and result in CHS's consent. NorthWestern shall not submit the MDEQ Submission to the MDEQ without the prior written consent of CHS, which consent shall not be unreasonably withheld or delayed. If CHS shall fail to respond to NorthWestern within such 10-business day period, then CHS shall be deemed to have consented to the MDEQ Submission.

(c) Any development or construction on the Burdened Parcel that deviates from the layout of the Plant set forth on Exhibit D shall require the prior written consent of CHS.

(d) Following the construction and commissioning of the Plant and in accord with the Montana Air Quality Permit issued to construct the Plant, NorthWestern shall submit an application to MDEQ for a Title V Operating Permit in accordance with the terms and procedures set forth in Section 1(b), and NorthWestern shall operate the Plant in compliance with any Title V Operating Permit issued by MDEQ.

(e) Following the construction and commissioning of the Plant, the Plant shall be supplied with natural gas through the repurposed Byron Pipeline. Any proposed change to the natural gas supply to the Plant from any source other than the repurposed Byron Pipeline shall require the prior written approval of CHS.

2. Public Grant. Nothing contained herein shall be used or construed as a grant of any rights to any public or governmental authority or agency.

3. Notices. Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be mailed to the applicable party by certified or registered mail, postage prepaid, or nationally recognized overnight courier, and shall be considered given upon receipt, addressed as follows:

CHS Inc.  
5500 Cenex Drive  
Inner Grove Heights, MN 55077  
Attn: General Counsel;

CHS Inc. Laurel Refinery  
P.O. Box 909  
Laurel, MT 59044  
Attn: VP Refining; and EH&S Manager

NorthWestern Corporation  
d/b/a NorthWestern Energy  
11 East Park Street  
Butte, MT 59701-1711  
Attn: General Counsel; and  
Vice-President Supply

Addresses may be changed by giving notice of such change to the other party in the manner provided herein. Unless and until such written notice is received, the last address given shall be deemed to continue in effect for all purposes.

4. Successors, Duration. The agreements and restrictions contained herein and the rights granted hereby shall run with the title to the respective Parcels and shall bind and inure to the benefit of the parties hereto and their respective heirs, successors, and assigns. Unless otherwise canceled or terminated, this Declaration and all of the easements, rights and obligations hereof shall be perpetual unless prohibited by applicable law, in which case this Declaration shall remain in effect for the maximum amount of time allowed by law but in no event fewer than one hundred (100) years.

5. Amendment. This Declaration may only be amended, modified or supplemented by a writing signed by each party hereto; provided that CHS may unilaterally amend Exhibits A and B hereto solely to remove any tract or parcel of land from the Benefitted Parcels hereunder, and shall thereafter deliver to NorthWestern such amended Exhibits A and B, which amended Exhibits A and B may be unilaterally recorded by CHS. NorthWestern shall, if requested by CHS, execute and deliver an instrument in recordable form effecting an amendment to Exhibits A and B solely to remove any tract or parcel of land from the Benefitted Parcels.

6. Headings. The headings of the paragraphs contained herein are intended for reference purposes only and shall not be used to interpret the agreements contained herein or the rights granted hereby.

7. Counterparts. This Declaration may be executed in one or more counterparts, including by facsimile or other electronic means, all parties need not be signatories to the same documents, and all counterpart signed documents shall be deemed to be an original and one and the same instrument.

[Signature pages follow.]



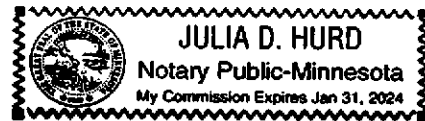


STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF DAKOTA )

This instrument was acknowledged before me this 6<sup>th</sup> day of May, 2021, by Helene Dreyling, as Assistant Secretary of CHS Inc., a Minnesota cooperative corporation, for and on behalf of said Minnesota cooperative corporation.

WITNESS MY HAND and notarial seal subscribed and affixed in said County and State, the day and year in this certificate above written.

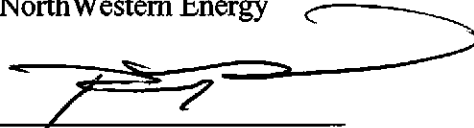
By: *Julia D. Hurd*  
Notary Public



My Commission Expires: 1/31/2024

7<sup>th</sup> IN WITNESS WHEREOF, NorthWestern has executed this Declaration this  
day of May, 2021.

**NORTHWESTERN CORPORATION,**  
a Delaware corporation  
d/b/a NorthWestern Energy

By: 

Name: Brian B. Bird

Title: President & CEO

**ACKNOWLEDGEMENT**

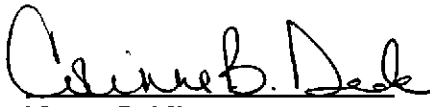
STATE OF South Dakota )

) SS

COUNTY OF Minnehaha )

This instrument was acknowledged before me this 7<sup>th</sup> day of May, 2021, by Brian B. Bird, as President & CEO of NorthWestern Corporation, a Delaware corporation, d/b/a NorthWestern Energy, for and on behalf of said Delaware corporation.

WITNESS MY HAND and notarial seal subscribed and affixed in said County and State, the day and year in this certificate above written.

By:   
Notary Public

My Commission Expires: March 16, 2027

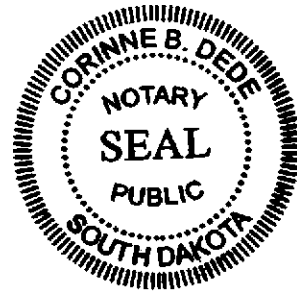


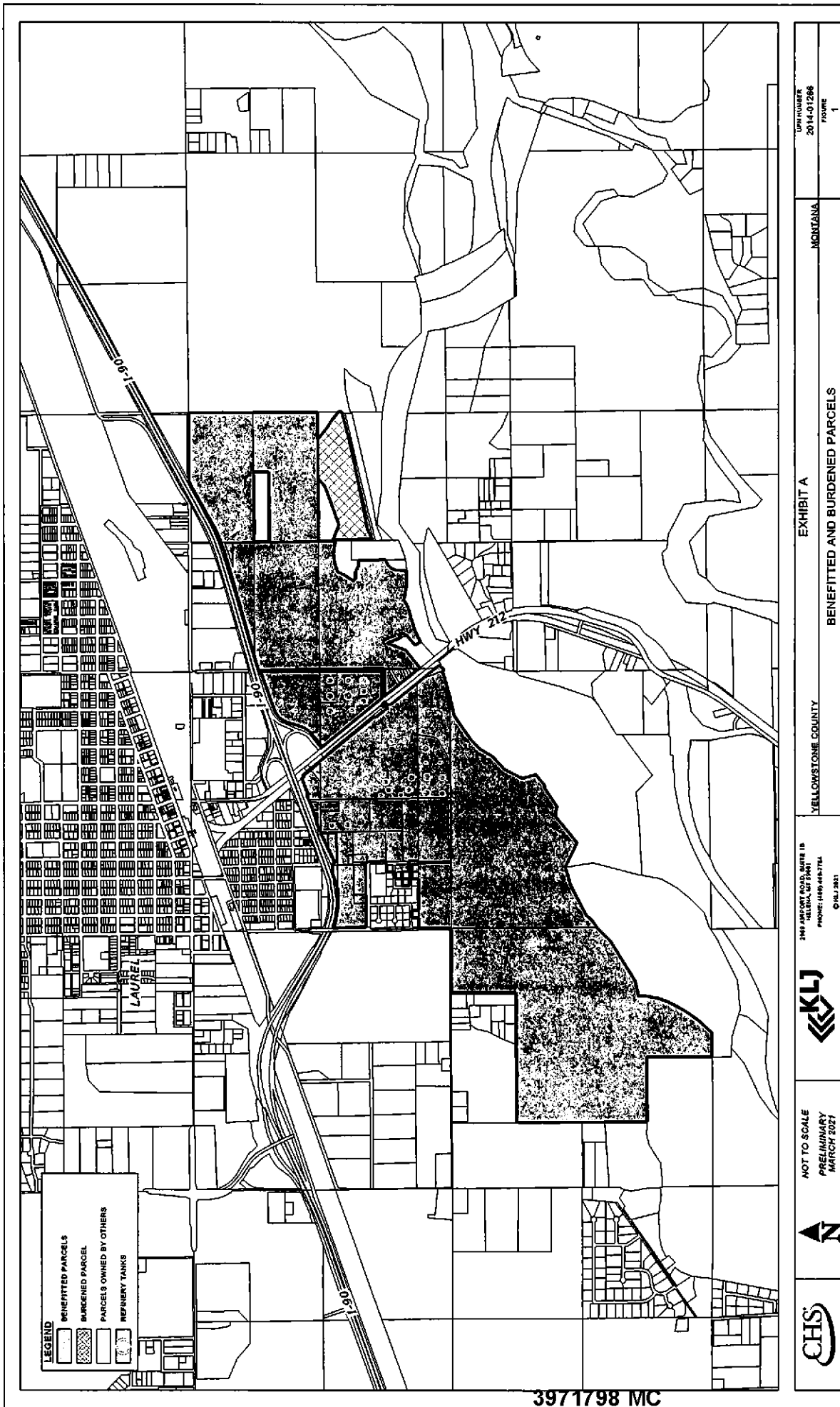


EXHIBIT A

Site Plan Showing the Parcels

See attached.

# EXHIBIT A



**LEGEND**  
 BENEFITTED PARCELS  
 BURDENED PARCEL  
 PARCELS OWNED BY OTHERS  
 REFINERY TANKS



NOT TO SCALE  
 PRELIMINARY  
 MARCH 2021



214 AIRCRAFT ROAD, SUITE 105  
 HELIX, MT 59614  
 PHONE: (409) 448-2744  
 © K&L 2021

YELLOWSTONE COUNTY

EXHIBIT A  
 BENEFITTED AND BURDENED PARCELS

MONTANA

UNIT NUMBER  
 2014-01266  
 FIGURE  
 1

3971798 MC

EXHIBIT B

Legal description of the Benefitted Parcels

See attached.



EXHIBIT B

Parcel ID	Property ID	Owner	County	Legal Description	Property Address	Property C/SZ	Owner Address	Owner City	Owner State	Owner ZipCo
03082116305160000	252077	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1254, PARCEL 9 BLK 2, AMD	403 BADGER SQ	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082115201610000	252000	GHS INC	Yellowstone	S15, T02 S, R24 E, S2NW (LESS HWY) 78.91 AC	607 BERNHARDT RD	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116309010000	252053	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1254, PARCEL 4 BLK 3, AMD	504 BADGER SQ	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116309040000	252089	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1254, PARCEL 1 BLK 3, AMD	402 BADGER SQ	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116407050000	227374	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1254, PARCEL 36, 2ND AMD	US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116309050000	252090	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1254, PARCEL 2 BLK 3, AMD	410 BADGER SQ	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116407060000	227373	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 244, PARCEL 3A, AMND	1111 US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116301010000	227371	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 244, PARCEL 1, AMND	1043 US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116207010000	229499	GHS INC	Yellowstone	RUSSELL SUBD, S16, T02 S, R24 E, BLOCK 2, Lot 1 - 3, & FRAC LT 4 & 5 OF HWY	535 BADGER SQ	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116305250000	252088	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1254, PARCEL 19 BLK 2, AMD	YELLOWSTONE AVE S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116301020000	252039	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 952, PARCEL 1/A	US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116301030000	252038	GHS INC	Yellowstone	RUSSELL SUBD, S16, T02 S, R24 E, BLOCK 1, Lot 1 - 12	US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116405050000	252027	GHS INC	Yellowstone	S15, T02 S, R24 E, N2WNESE4	US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116301010000	251998	GHS INC	Yellowstone	S15, T02 S, R24 E, N2WNESE4	CHS US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116301010000	252017	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 969, 3.59 ACRES	YELLOWSTONE AVE S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116312010000	252036	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 984, PARCEL 1, & TR 2	YELLOWSTONE AVE S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
0308211631750000	252045	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1604, PARCEL 1, AMND	YELLOWSTONE AVE S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116401010000	252034	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 952, PARCEL 2	US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116409010000	252029	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 3225, PARCEL A, FRAC SE4(LESS .04 AC HWY) & TR A COS 3225 .102.217	803 US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082120201010000	252170	GHS INC	Yellowstone	S20, T02 S, R24 E, SENW NESW E2NE SWNE & LOTS 1 TO 3 293.78 ACRES	1843 STRECK LN	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116301010000	252032	GHS INC	Yellowstone	S16, T02 S, R24 E, S2WSW4	5 8TH AVE	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116317050000	252050	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1222, PARCEL A2, AMND	605 S 9TH ST	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116404200000	252080	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 804	1903 NUTTING RD	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116407080000	227372	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 244, PARCEL 2	US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082115101010000	251994	GHS INC	Yellowstone	S15, T02 S, R24 E, N2NE S16 OF HWY	CHS US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116102020000	252014	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 993, PARCEL 1	830 YELLOWSTONE AVE S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116310100000	252035	GHS INC	Yellowstone	S16, T02 S, R24 E, N2SENESE4 & FRAC NEMESW4 LESS HWY	US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116407020000	227378	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 244, PARCEL 6	US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082115201150000	251999	GHS INC	Yellowstone	S15, T02 S, R24 E, C.O.S. 1147, PARCEL 1, AMND	CHS US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116101020000	263125	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 188	CHS US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116209610000	229502	GHS INC	Yellowstone	RUSSELL SUBD, S16, T02 S, R24 E, BLOCK 3, FRAC OF BLK 3 RUSSEL SUBS OF L-90 .450 AC (98)	5 6TH ST	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116301010000	252041	GHS INC	Yellowstone	S16, T02 S, R24 E, N2WNESEW4	1017 YELLOWSTONE AVE S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116317100000	252059	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1222, PARCEL A1, AMD TR 1	5 9TH ST	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116310100000	252040	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 430	801 YELLOWSTONE AVE S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116102010000	251997	GHS INC	Yellowstone	S15, T02 S, R24 E, S2NE E1C 1424X905.09' ALONG N LINE	CHS US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116301010000	252018	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 939, 1.01 ACRES	CHS US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116313010000	252041	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1856, PARCEL A, SW4	951 YELLOWSTONE AVE	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116313150000	252042	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1856, PARCEL B, SW4	893 YELLOWSTONE AVE S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116407090000	227376	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 244, PARCEL 5	1127 US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116407040000	227375	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 244, PARCEL 4, & 3C 2ND AMD, 11035 SQ. FT. (05)	1123 US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082121201010000	252172	GHS INC	Yellowstone	S21, T02 S, R24 E, LOTS 1 TO 3 N2WNW 185.2 AC	1908 NUTTING RD	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116305240000	252087	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1254, PARCEL 18 BLK 2, AMD	527 BADGER SQ	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116309010000	252038	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 2087, PARCEL 1, SESW	YELLOWSTONE AVE S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116309030000	252095	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1254, PARCEL 6 BLK 3, AMD	1204 YELLOWSTONE AVE S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082115307020000	229520	GHS INC	Yellowstone	SHEETS SUBD, S16, T02 S, R24 E, BLOCK 3, Lot 1 - 3, (LESS HWY) LT 9-16 (LESS HWY)	YELLOWSTONE AVE S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082115307010000	252006	GHS INC	Yellowstone	S15, T02 S, R24 E, N1WSW, FRAC LTS 3 & 4 (LESS 2.5 AC CITY OF LAUREL & COS 1998) 94.51 AC	637 BERNHARDT RD	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
0308211630520000	252089	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 952, PARCEL 1	5 8TH AVE	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116404010000	252031	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1254, PARCEL 2 BLK 2, AMD	1118 BOBCAT DR	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116407010000	227379	GHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 244, PARCEL 7	1205 US HIGHWAY 310	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909

EXHIBIT C

Legal description of the Burdened Parcel

See attached.

## **Exhibit C**

That part of the Southeast quarter of Section 15, Township 2 South, Range 24 East, of the Principal Montana Meridian, described as Tract 2, of Certificate of Survey No. 1677 on file in the office of the Clerk and Recorder of Yellowstone County, Montana, under Document No. 1056543.

16398463\_v3



EXHIBIT D

Plant Layout

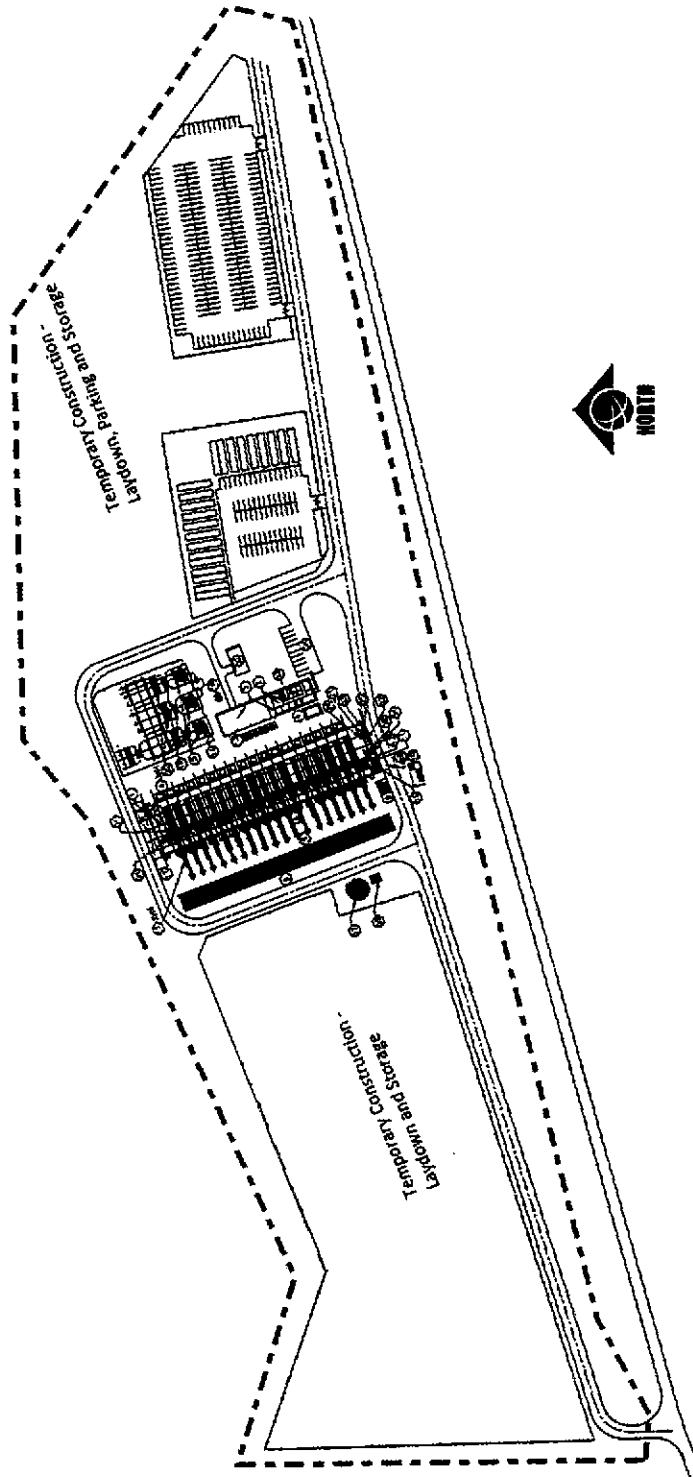
See attached.

16384356\_v8

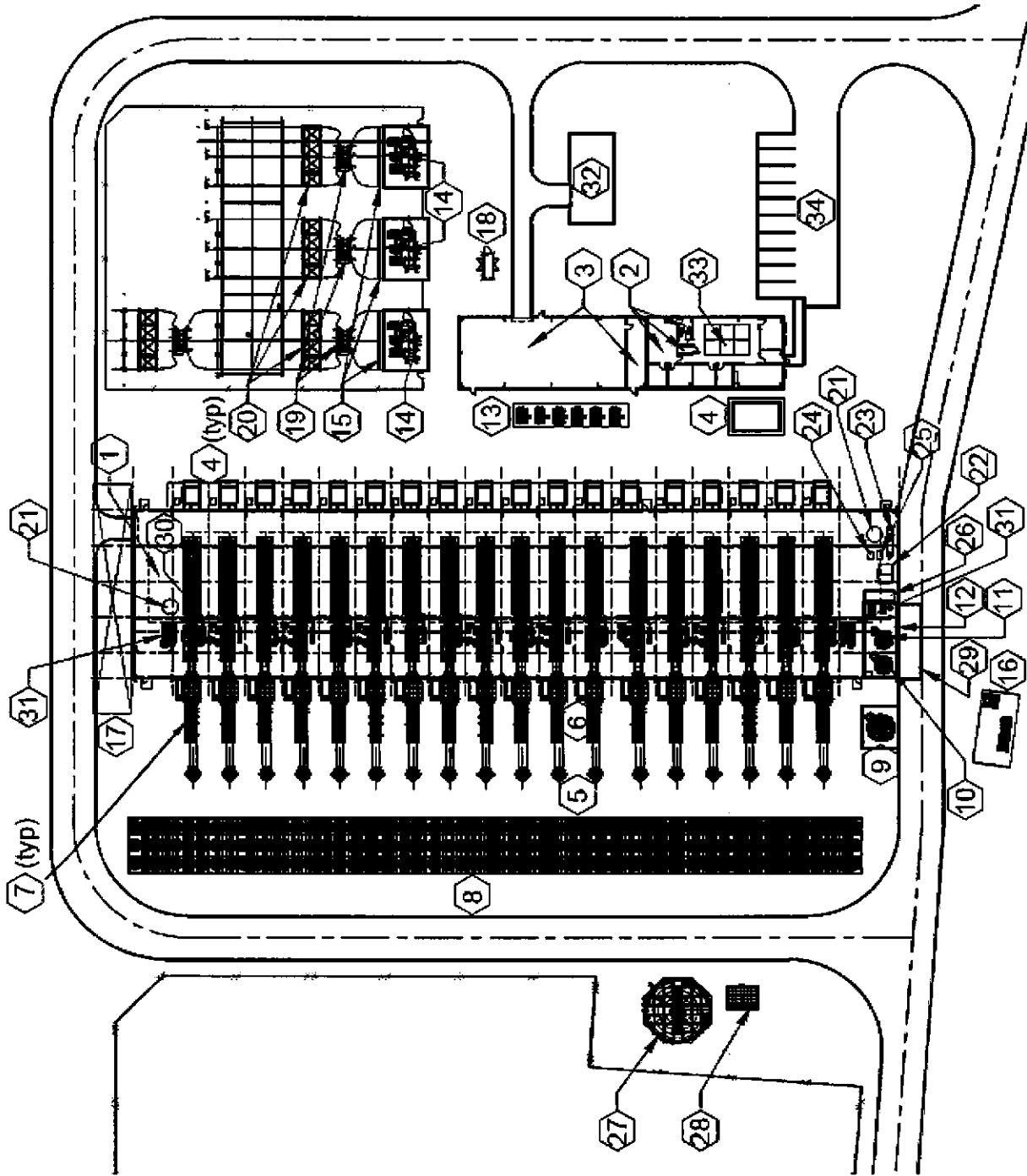
**Exhibit D – Page 1 of 2**

**Note: Plant layout and property boundary are shown in approximate locations. Plant layout will be added to the property survey at a later date and an updated drawing will be provided.**

--- Approximate Property Boundary



SITE KEY	
1	ENGINE HALL
2	CONTROL RM, TOILET RM AND JANITORS CLOSET
3	ELECTRICAL & BATTERY ROOM
4	HVAC UNITS
5	SILENCERS - STACKS
6	SELECTIVE CATALYTIC REDUCER
7	CHARGE AIR FILTERS
8	RADIATORS
9	AMMONIA TANK W/ CONTAINMENT
10	NEW LUBE OIL TANK
11	USED LUBE OIL TANK
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13	STATION TRANSFORMER
14	GSU TRANSFORMER
15	DEADEND STRUCTURE
16	FUEL GAS COALESCER & DEMPPOINT HEATER
17	HEAVY HAUL ROAD
18	AUX GENERATOR
19	CIRCUIT BREAKER
20	DISCONNECT SWITCH
21	STARTING AIR RECEIVER
22	STARTING AIR COMPRESSOR
23	INSTUMENT AIR RECEIVER
24	INSTUMENT AIR COMPRESSOR
25	INSTUMENT AIR DRYER
26	CHEMICAL TOTE STORAGE AREA
27	FIRE WATER TANK
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29	UNLOADING STATION
30	FUEL GAS PRESSURE REGULATOR
31	MAINTENANCE WATER TANK
32	WAREHOUSE
33	ADMINISTRATION AREA
34	10 PARKING SPACES





17.20.010 - List of uses.



Table 17.20.010 designates the special review (SR) and allowed (A) uses as governed by commercial — industrial use regulations.

	AG	RP	NC	CBD	CC	HC	LI	HI	P
Accessory buildings or uses incidental and customary to a permitted residential use and located on the same parcel as the permitted residential use	A	A	A	A	A	A	A	A	A
Airports	A								A
Alcoholic beverages manufacturing and bottling (except below):							A	A	
1,500 to 5,000 31-gallon barrels per year				SR	SR	SR	A	A	
Less than 1,500 gallon barrels per year				A	A	A	A	A	
Ambulance service			A	A	A	A	A	A	
Antique store				A	A	A	A		
Appliance - (household) sales and service			A	A	A	A	A		
Assembly halls and stadium					SR	SR	SR		SR
Assembly of machines and appliances from previously prepared parts					SR	SR	SR		SR
Auction house, excluding livestock				SR	SR	A	A	A	
Auction, livestock	SR								
Automobile sales (new and used)				A	A	A	A		
Automobile - commercial parking enterprise				A	A	A	A	A	
Automobile and truck repair garage				A	A	A	A	A	
Automobile service station			A	A	A	A	A	A	
Automobile wrecking yard								SR	
Bakery products manufacturing					SR	A	A	A	
Bakery shops and confectioneries			A	A	A	A	A		
Banks, savings and loan, commercial credit unions			A	A	A	A	A		
Barber and beauty shops			A	A	A	A	A		
Bed and breakfast inns	A		A		A	A			
Bicycle sales and repair			A	A	A	A	A		
Blueprinting and photostating			A	A	A	A	A		
Boarding and lodging houses	A		A		A	A			
Boat building and repair						A	A	A	
Boat sales new and used					A	A	A	A	
Boiler works (manufacturing servicing)								A	
Boiler works (repair and servicing)							A	A	
Book and stationery store			A	A	A	A	A		
Bottling works							A	A	
Bowling alleys				A	A	A	A		
Brick, tile or terra cotta manufacture								A	
Bus passenger terminal buildings local and cross country				A	A	A	A		
Bus repair and storage terminals						A	A	A	
Camera supply stores			A	A	A	A	A		
Camps, public					SR	A			A
Car washing and waxing					A	A	A		
Car wash - coin operated			A	A	A	A	A		
Cement, lime and plastic manufacture								A	
Ceramics shop		SR	A	A	A	A	A		
Chemical and allied products manufacture								A	
Child care facilities	A		A		A	A			
Churches and other places of worship including parish houses and Sunday school building	A	SR	A	A	A	A	A	A	
Clinic, animal	A		A	A	A	A	A		
Clinics, medical and dental		SR	A	A	A	A	A		
Clothing and apparel stores			A	A	A	A	A		
Coal or coke yard								A	
Cold storage					A	A	A		
Colleges or universities			A	A	A	A			A
Commercial recreation areas			SR	A	A				A

17.20.010 - List of uses.



Table 17.20.010 designates the special review (SR) and allowed (A) uses as governed by commercial — industrial use regulations.

	AG	RP	NC	CBD	CC	HC	LI	HI	P
Commercial food products, storage and packaging						SR	A	A	
Communication towers (commercial)	A	A	A	A	A	A	A	A	SR
Concrete mixing plants and manufacturing of concrete products							A	A	
Construction contractors:									
Office			A	A	A	A	A	A	
Open storage of construction materials or equipment						SR	A	A	
Community residential facilities:									
Adult foster family care home	A		A		A	A			
Community group home	A		A		A	A			
Halfway house	A		A		A	A			
Youth foster home	A		A		A	A			
Youth group home	A		A		A	A			
Nursing, homes, convalescent homes, orphanages, and charitable institutions	A		A		A	A			
Crematorium						SR	A	A	SR
Creameries, dairy products manufacturing							A	A	
Creosote manufacturing or treatment plants								A	
Department stores				A	A	A	A		
Drug stores			A	A	A	A	A		
Dry kiln								A	
Dwellings: single-family Manufactured home	A	A	A	A	A				
Class A, Class B, Class C									
two family			A	A	A				
multiple family			A	A	A				
row housing			SR	SR	SR				
Eating and drinking establishments:									
Cocktail lounge, restaurants, bars and taverns				SR	SR	SR	SR		
Restaurants (without the sale of alcoholic beverages)				A	A	A	A		
Drive-in restaurants					SR	SR	SR		
Extractive industries - excavations of sand and gravel		SR					SR		
Farm implements, sales and service						A	A	A	
Fat rendering or production of fats and oils								SR	
Feedlots – livestock	A							SR	
Feed and seed processing and cleaning for retail purposes									
Feed and seed - farm and garden retail sales					A	A	A		
Fertilizer manufacturing								SR	
Fertilizer wholesale sales						SR	SR	A	
Fertilizer - retail sales					A	A	A		
Florist, wholesale sales	SR				A	A	A		
Florist, retail sales			A	A	A	A	A		
Flour mills							SR	SR	
Food products manufacturing, storage and processing						SR	SR	A	
Food stores (retail only)				A	A	A	A		
Food stores (retail only) - 3000 sq. ft.			A	A	A	A	A		
Foundry								A	
Frozen food lockers					A	A	A		
Fuel oil, gasoline and petroleum products bulk storage or sale						A	A	A	
Furnace repair and cleaning					A	A	A	A	
Furniture and home furnishings, retail sales			A	A	A	A	A		
Furriers, retail sales and storage			A	A	A	A	A		
Gambling establishments				A	A	A	A		
Garbage, offal and animal reduction or processing							SR		
Garbage and waste incineration								SR	
Gas storage								SR	

17.20.010 - List of uses.



Table 17.20.010 designates the special review (SR) and allowed (A) uses as governed by commercial — industrial use regulations.

	AG	RP	NC	CBD	CC	HC	LI	HI	P
Gases or liquified petroleum gases in approved portable metal containers for storage or sale						A	A	A	
Grain elevators	A					SR	SR	A	
Greenhouses	A				A	A	A	A	
Hardware, appliance and electrical supplies, retail sales				A	A	A	A		
Hatcheries	A						SR	SR	
Heliports				SR		SR	SR	SR	SR
Hobby and toy stores			A	A	A	A	A		
Hospitals (for the care of human patients)			A	A	A	A		A	
Hospital, animal		A		SR	SR	A	A	A	
Hotels				A	A	A			
Industrial chemical manufacture except highly corrosive, flammable or toxic materials								SR	
Irrigation equipment sales and service					A	A	A	A	
Jails and penal institutes									A
Janitor service				A	A	A	A		
Jewelry and watch sales			A	A	A	A	A		
Kennels – commercial	A				SR	A	A		
Laboratories for research and testing						SR	A	A	
Landfills - reclamation or sanitary									A
Laundries, steam and dry-cleaning plants							A	A	
Laundries, steam pressing, dry-cleaning and dyeing establishments in conjunction with a retail service counter under 2500 sq. ft. in size			A	A	A	A	A		
Laundries, pick up stations			A	A	A	A	A		
Laundries, self-service coin operated			A	A	A	A	A		
Libraries, museums, and art galleries			A	A	A	A	A		A
Lock and gunsmiths			A	A	A	A	A		
Lodges, clubs, fraternal and social organizations provided that any such club establishment shall not be conducted primarily for gain				A	A	A			
Lumber yards, building materials, storage and sales						A	A	A	
Machine shops						SR	A	A	
Manufacturing - light manufacturing not otherwise mentioned in which no excessive fumes, odors, smoke, noise or dust is created						SR	A	A	
Heavy manufacturing not otherwise mentioned or blending or mixing plants						SR	SR		
Meat processing - excluding slaughter plants						SR	A		
Meat processing, packing and slaughter								SR	
Medical marijuana cultivation facility or cultivation facility							A	A	
Medical marijuana dispensary or dispensary							A		
Metal fabrication						SR	SR	A	
Motorcycle sales and repair				A	A	A	A		
Mortuary			A	A	A	A	A		
Motels and motor courts				A	A	A			
Music stores			A	A	A	A	A		
Office building, professional government and private office buildings in which no activity is carried on catering to retail trade and no stock of goods is maintained for sale	SR	SR	A	A	A	A	A	A	SR
Office equipment, supplies and service			A	A	A	A	A		
Optician and optical supplies and sales			A	A	A	A	A		
Oxygen manufacturing and/or storage								A	
Paint and body shops				A	A	A	A	A	
Paint and retail sales			A	A	A	A	A		
Parking, public		SR	A	A	A	A	A	A	A



17.20.010 - List of uses.



Table 17.20.010 designates the special review (SR) and allowed (A) uses as governed by commercial — industrial use regulations.

	AG	RP	NC	CBD	CC	HC	LI	HI	P
Parks, playgrounds, playfields and golf courses, community center buildings - operated by public agency, neighborhood or homeowner's association	A	SR							A
Pawn shops				A	A	A	A		
Pet shops			A	A	A	A	A		
Photographic studios		SR	A	A	A	A	A		
Planing or saw mills								A	
Post-secondary school	A	A	A	A	A	A			A
Prefabricated building materials assembly and manufactures						SR	A	A	
Preschool	A	SR	SR	SR					
Printing, publishing, reproduction and lithography				A	A	A	A	A	
Processing of previously slaughtered meats, including cutting, wrapping, and freezing by freezer and locker provisioners					A	A	A	A	
Public utilities service installations	SR	SR	SR	A	A	A	A	A	SR
Public utilities storage yard						A	A	A	SR
Radio and TV broadcasting stations				A	A	A	A	A	
Radio and TV tower						A	A	A	SR
Railroad yard							A	A	
Real estate office			A	A	A	A	A		
Rental service store and yard					A	A	A		
Repair and servicing of industrial equipment and machinery						A	A	A	
School, commercial			A	A	A	A			A
Scrap yards - storage and processing								A	
Secondhand stores and/or antique store				A	A	A	A		
Sheet metal shops and processing							A	A	
Shoe repair				A	A	A	A	A	
Sign manufacturing, painting and maintenance						A	A	A	
Sign									
Billboards	SR					SR	SR	SR	
On premises	A	SR	A	A	A	A	A	A	
Off premises	SR			SR	SR	SR	SR	SR	
Slaughterhouse	SR							SR	
Sporting goods sales				A	A	A	A		
Storage, compartmentalized storage for commercial rent							SR	SR	
Storage and warehouse and yards							SR	A	
Stone cutting, monuments manufacturing and sales							SR	A	
Sugar and sugar beet refining								SR	
Swimming pools or beaches, public									A
Taxi stands				A	A	A	A		
Theaters, cinema, opera houses				A	A	A			
Drive-in theaters						SR			
Tire recapping and retreading						A	A	A	
Trailer and recreational vehicle sales area					A	A	A		
Travel trailer park (transient)						SR			
Truck terminals, repair shops, hauling and storage yards						A	A	A	
Water and sewage treatment plant	A								A
Wholesale and jobbing establishments						SR	A	A	
Woodworking shops, millwork						SR	A	A	
Zoo, arboretum	SR								A

(Ord. No. O09-01, 3-17-09; Ord. No. O09-07, 7-7-09; Ord. No. O11-01, 2-15-2011; Ord. No. O-14-03, 8-5-2014)



**17.20.020 - Zoning classified in districts.**

Zoning for commercial — industrial use is classified in and subject to the requirements of Table 17.20.020.  
(Prior code § 17.32.020)

Zoning Requirements	A	RP*	NC*	CBD*	CC*	HC	LI	HI	P
Lot area requirements in square feet, except as noted, 20 acres	20 acres	NA	NA	NA	NA	NA	NA	NA	NA
Minimum yard requirements:									
Front <sup>(a)</sup>	NA	20	20	NA	20	20	20	20	20
Side <sup>(b)</sup>		0	0		0	0	0	0	0
Side adjacent to street		10	10		10	10	10	10	10
Rear <sup>(b)</sup>		0	0		0	0	0	0	0
Maximum height for all buildings <sup>(c)</sup>	NA	25	25	NA	25	45	70	NA	NA
Maximum lot coverage in percent	NA	50	50	NA	50	75	75	75	50
Minimum district size (expressed in acres)	20 acres	2.07	2.07	2.07	2.07	2.07	2.07	2.07	NA
(NA means not applicable)									
*The lot area, yard and lot coverage requirements for 1 and 2 single family dwellings in commercial zoning districts shall be the same as those in the RLMF residential zoning district.									
(a) Arterial setbacks									
(b) Side and rear yards									
(c) Except as provided in the airport zone									

(Ord. No. O-14-03,8-5-2014)

## Chapter 17.72 - AMENDMENTS

### Sections:

#### 17.72.010 - Purpose of provisions.

Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the city council may amend, supplement, or change the regulations in this title, or the zoning boundaries or classification of property on the zoning map, as set forth in this chapter.

(Prior code § 17.84.010)

#### 17.72.020 - Amendment procedure.

Amendments to the text of the title and/or changes in the zoning boundaries or classification of properties shown on the zoning map may be initiated by the city council on their own motion, or upon recommendation of the planning board but no amendment shall become effective unless it shall have been submitted to the zoning commission for review and recommendation. Before enacting an amendment to this title, the city council shall give public notice and hold a public hearing thereon.

(Ord. 96-5 (part), 1996; prior code § 17.84.020 (part))

#### 17.72.025 - Amendment by private property owner.

Amendments to the zoning boundaries or classification of property shown on the zoning map may be initiated by property owners of the land proposed to be rezoned, by the filing with the zoning commission secretary of a zoning change application, which application shall be provided by the zoning commission secretary, and accompanied by all other materials and data required in the application.

(Ord. 01-4 (part), 2001; Ord 96-5 (part), 1996; prior code § 17.84.020 (part))

#### 17.72.030 - Preapplication conference required.

Persons or parties interested in submitting an application for a zoning change shall consult with the planning director and the building inspector, at a joint meeting, if possible, concerning a proposed zoning change, its relation to and effect upon the comprehensive plan, any applicable specific plans or any plans being prepared by the planning department, and whether the proposed change is in conformance with public necessity, convenience, general welfare and good zoning practice.

(Prior code § 17.84.030)

#### 17.72.040 - Application requirements.

- A. Unless initiated by the city council or planning board, all applications for official map amendments must be submitted by the owner of such property, the contract purchaser, or the authorized agent of the owner. An application for an amendment affecting the same property shall not be submitted more often than once every twelve months. The zoning change application shall contain the following information:
1. Name of applicant;
  2. Mailing address;
  3. Telephone number;



4. Accurate legal description of location;
  5. Nature of zoning change requested;
  6. Description of present land uses;
  7. Description of adjacent land uses;
  8. Statement of intended land use;
  9. Statement concerning any expected effect upon the adjacent neighborhood;
  10. Date of preapplication conference;
  11. Names and addresses of adjacent property owners, within three hundred feet;
  12. Signature of applicant;
  13. Payment of all applicable fees.
- B. An application for amendment to the official map shall be made on or before five p.m. of the first day of the month preceding the date of the public hearing before the zoning commission. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following day before five p.m.
- C. An application for a zone change may not be withdrawn or amended after the legal advertising, as required by this section, has appeared for final public hearing before the city council. An applicant may be allowed to withdraw at the time of the zoning commission hearing by a majority vote of the members present without requiring council approval of the withdrawal and without prejudice with respect to the twelve month waiting period providing, however, that no application be allowed to be withdrawn more than once within the twelve month period after application shall have first been submitted.

(Prior code § 17.84.040)

#### 17.72.050 - Planning department evaluation responsibility.

The planning director, upon receiving an application for rezoning of an area or a particular place of property shall do the following:

- A. Consult with other departments of the city or county to fully evaluate the impact of any zoning change upon public facilities and services including, but not limited to schools, drainage, traffic and related facilities;
- B. Study each application with reference to its appropriateness and effect on existing and proposed land use, and references to the comprehensive plan;
- C. In the case of a protest petition filed in the matter of any application for rezoning determine the validity of such petition;
- D. Advertise twice in a newspaper of general circulation in the jurisdictional area of the Laurel-Yellowstone city-county planning board at least fifteen days in advance of the time and place of the public hearing;
- E. Notify, by mail, the applicant or his authorized agent five days prior to the date of the public hearing of the time and place of such hearing;
- F. Notify, by mail, all property owners within three hundred feet of the exterior boundaries of the property subject to the rezoning; of the time, date, place of the public hearing and the existing and proposed classification. Further, he may notify property owners within a radius of more than three hundred feet if he determines that the proposed use of the property would have substantial environmental impact on surrounding land uses;
- G. The planning director shall report his findings and conclusions in writing to the zoning commission, which report shall be a matter of public record.

(Ord. 01-4 (part), 2001; prior code § 17.84.050)

17.72.060 - Zoning commission action.

- A. The zoning commission shall review and take action upon each application in accordance with the provisions of this chapter, and after a public hearing at which the application shall be presented to the zoning commission by the planning director together with his findings and conclusions on the matter. A report of the commission's recommendation and the planning director's findings and conclusions shall be submitted to the city council.
- B. The zoning commission shall make a recommendation to the city council to:
  - 1. Deny the application for amendment to the official map;
  - 2. Grant action on the application for a period not to exceed thirty days;
  - 3. Delay action on the application for a period not to exceed thirty days;
  - 4. Give reasons for the recommendation.
- C. The zoning commission shall adopt such rules and regulations for the conduct of public hearings and meetings, which shall be published and available to the public, as well as conflict of interest rules, to ensure that no member is entitled to vote on a matter in which he has an interest directly or indirectly.

(Prior code § 17.84.060)

17.72.070 - Public hearing—Notice required.

- A. Before taking action on an application for an amendment to the official map, and after presentation of the zoning commission's recommendation, the city council shall hold a public hearing on the application.
- B. The recommendations of the zoning commission shall be published twice in a newspaper of general circulation in the jurisdictional area of the Laurel-Yellowstone city-county planning board, and not less than fifteen days after the first publication of such notice, a final hearing shall be held at the next regular meeting of the city council.
- C. When such proposed amendment has been denied by the city council neither it nor one involving the same tract(s) shall be offered for adoption within one year after such denial.
- D. In case, however, of a valid protest petition against such change signed by the owners of twenty per centum or more either of the lot included in such proposed change, or of those immediately adjacent in the rear of extending one hundred fifty feet therefrom or of those adjacent on either side thereof within the same block, or of those directly opposite thereof extending one hundred fifty feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the city council.

(Ord. 01-4 (part), 2001; prior code § 17.84.070)