



**AGENDA
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, OCTOBER 20, 2020
6:30 PM
COUNCIL CHAMBERS**

Public Input: *Citizens may address the Council regarding any item of City business that is not on tonight's agenda. The duration for an individual speaking under Public Input is limited to three minutes. While all comments are welcome, the Council will not take action on any item not on the agenda. If a citizen would like to speak or comment regarding an item that is on tonight's agenda, 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.*

Be advised, if a discussion item has an upcoming public hearing, we would request members of the public to reserve your comments until the public hearing. At the public hearing, the City Council will establish an official record that will include all of your comments, testimony and written evidence. The City Council will base its decision on the record created during the public hearing. Any comments provided tonight will not be included in the record or considered by the City Council.

General Items

Executive Review

1. Resolution - A Resolution Granting Montana-Dakota Utilities Company A Franchise Agreement With The City Of Laurel

Council Issues

2. Discussion on Bathrooms at Riverside Park.
3. Discussion about the removal of trees in the Entryway Zoning.
4. Discussion on enforceability of Campground Rules.

Other Items

Review of Draft Council Agendas

5. Draft Council Agenda for October 27, 2020.

Attendance at Upcoming Council Meeting

Announcements

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:

Resolution - A Resolution Granting Montana-Dakota Utilities Company A Franchise Agreement
With The City Of Laurel

RESOLUTION NO. R20-_____

**A RESOLUTION GRANTING MONTANA-DAKOTA UTILITIES COMPANY A
FRANCHISE AGREEMENT WITH THE CITY OF LAUREL**

WHEREAS, the City of Laurel possesses self-governing powers including the general powers set forth in Title XI of the Montana Constitution, Title 7 of the Montana Code Annotated and Laurel City Ordinance O04-06 to require Franchises Agreements with applicants prior to them performing activities in, on, under or above a public right-of-way within the City of Laurel; and

WHEREAS, Montana Dakota Utilities Co. has applied for a fifteen (15) year Franchise Agreement pursuant to Laurel City Ordinance O04-06; and

WHEREAS, Montana Dakota Utilities Co.'s application is in compliance with Ordinance O04-06, and it is in the best interests of the City to grant the Franchise Agreement, attached hereto, to Montana Dakota Utilities Co. for a term of fifteen (15) years.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, that Montana-Dakota Utilities, Co., Franchise Agreement, attached hereto, is hereby approved and affirmed under the authority of Laurel City Ordinance O04-06.

BE IT FURTHER RESOLVED, this resolution is approved retroactive to September 6, 2020.

Introduced at a regular meeting of the City Council on _____2020, by
Council Member _____.

PASSED and APPROVED by the City Council of the City of Laurel this __ day of
_____2020.

APPROVED by the Mayor this __day of _____2020.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

APPROVED AS TO FORM:

Sam Painter, Civil City Attorney

FRANCHISE AGREEMENT

AN AGREEMENT BETWEEN THE CITY OF LAUREL, MONTANA, A MUNICIPAL CORPORATION, AND MONTANA-DAKOTA UTILITIES CO., A CORPORATION, ITS SUCCESSORS AND ASSIGNS, GRANTING THE FRANCHISE AND RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE, WITHIN AND UPON, IN AND UNDER THE STREETS, ALLEYS AND PUBLIC GROUNDS OF THE

CITY OF LAUREL

A GAS DISTRIBUTION SYSTEM FOR TRANSMITTING AND DISTRIBUTING VAPORIZED NATURAL GAS PRODUCTS AND/OR MANUFACTURED GAS FOR PUBLIC AND PRIVATE USE.

BE IT AGREED BY

THE CITY OF LAUREL AND MONTANA-DAKOTA UTILITIES CO.

SECTION I. For the convenience, herein, said municipal corporation is designated and referred to as "Municipality" and Montana-Dakota Utilities Co. is designated and referred to as "Grantee." Any reference to either includes their respective successors and assigns.

SECTION II. There is hereby granted to Grantee, subject to the limitations herein stated, the right and franchise to occupy and use the streets, alleys and public grounds of the Municipality as now, or hereafter constituted, for the purpose of constructing, maintaining, and operating, within, upon, in and under the same, a gas distribution system for transmitting and distributing vaporized natural gas products and/or manufactured gas for public and private use.

SECTION III. Grantee shall maintain an efficient distribution system for furnishing vaporized natural gas products and/or manufactured gas for public and private use at such reasonable rates as may be approved by the Public Service Commission of the state wherein said Municipality is located and under such orders, rules or regulations as may be issued by a federal or state agency having jurisdiction thereof.

SECTION IV. This franchise shall not be exclusive and shall not be construed to prevent the Municipality from granting to any other party the right to use the streets, alleys, and public grounds of the Municipality for like purposes.

SECTION V. The Municipality reserves any right it may have, under its police power, or otherwise, to control or regulate the use of said streets, alleys, and public grounds by Grantee.

SECTION VI. Grantee shall indemnify and save and hold the Municipality harmless from any loss or damage due to the construction, installation, and maintenance of its distribution system, and its use of the streets, alleys, and public grounds of the Municipality.

SECTION VII. Grantee shall repair all damages to any Municipal property, street, alley or public grounds caused as a result of Grantee's construction, installation or maintenance of its gas distribution system.

SECTION VIII. Grantee shall perform and pay for any construction required for the operation of its system. Any construction shall conform to the Standards for Public Works Improvements and the Rules and Regulations Governing Utility Services and Streets for the Municipality to the extent the Municipality's standards, rules and regulations do not conflict with any applicable federal or state laws as well as any Montana Public Service commission regulations. All work is subject to the approval and review of the Municipality's Public Works Director.

SECTION IX. Grantee shall have the right to assign this franchise to any party, or corporation, but all obligations of Grantee hereunder shall be binding upon its successors and assigns.

SECTION X. Municipality reserves the right to revoke this Agreement pursuant to a violation of Laurel Municipal Ordinance No. O04-06, and enforce penalties provided therein.

SECTION XI. This Franchise Agreement shall continue and remain in full force and effect for a period of fifteen (15) years from the date upon which this Agreement is adopted by the Municipality.

MUNICIPALITY:

Adopted the _____ day of _____, 20____.

CITY OF LAUREL

Mayor

ATTEST:

City Clerk

GRANTEE:

Montana-Dakota Utilities Co.

By: _____
Eric P. Martuscelli
Vice President – Field Operations

Title

ACCEPTANCE OF FRANCHISE

Montana-Dakota Utilities Co., a corporation, hereby accepts the terms and conditions of that certain Franchise Agreement approved by the governing body of the City of Laurel, Yellowstone County, Montana, the same being an agreement granting to Montana-Dakota Utilities Co., its successors and assigns, a franchise to construct, maintain and operate, within and upon, in and under the streets, alleys and public grounds of said City of Laurel, Yellowstone County, Montana, a gas distribution system for transmitting and distributing vaporized natural gas products and/or manufactured gas for public and private use, and defining the extent and conditions of such rights and privileges, which agreement was duly and finally passed, adopted and approved by the governing body of the City of Laurel on the _____ day of _____, 20____.

Dated this _____ day of _____, 20____.

Montana-Dakota Utilities Co.

By _____
Eric P. Martuscelli
Vice President – Field Operations

I, the undersigned, the duly elected, qualified and acting Auditor of the City of Laurel, State of Montana, do hereby certify that I received the within Acceptance of Franchise on this _____ day of _____, 20____, and on said date duly filed the same in my office.

City Clerk

(SEAL)

File Attachments for Item:

5. Draft Council Agenda for October 27, 2020.



**AGENDA
CITY OF LAUREL
CITY COUNCIL MEETING
TUESDAY, OCTOBER 27, 2020
6:30 PM
COUNCIL CHAMBERS**

NEXT RES. NO.
R18-XX

NEXT ORD. NO.
O18-XX

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 October 13, 2020.

Correspondence

Council Disclosure of Ex Parte Communications

Ceremonial Calendar

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.*

2. Claims entered through 10/23/2020.
3. Approval of Payroll register for PPE 9/18/2020 totaling \$913.64.
4. Approval of Payroll Register for PPE 9/20/2020 totaling \$184,819.75.
5. Approval of Payroll Register for PPE 10/4/2020 totaling \$193,399.51.
6. Approval of Payroll Register for Union 316 Retro Pay totaling \$7,626.14.

Public Hearing

Reports of Boards and Commissions

Audience Participation (Three-Minute Limit)

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

Scheduled Matters

7. Resolution - A Resolution Granting Montana-Dakota Utilities Company A Franchise Agreement With The City Of Laurel

Items Removed From the Consent Agenda

Community Announcements (One-Minute Limit)

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

Council Discussion

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

Mayor Updates

Unscheduled Matters

Adjournment

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