



**AGENDA
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, MAY 19, 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

1. Appointment of Dustin Riveland to the Laurel Police Reserves.

Executive Review

2. Resolution - Approve Bid for Riverside Park Campground
3. Ordinance No. O20-02: An Ordinance Amending Title 2 Chapter 2.60 Of The Laurel Municipal Code Relating To The City's Police And Police Commission.

Council Issues

4. Discussion on Draft Noise Ordinance

Other Items

Review of Draft Council Agendas

5. Review Draft Council Agenda for May 26, 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

Item Attachment Documents:

1. Appointment of Dustin Riveland to the Laurel Police Reserves.



Laurel Police Department

215 W. 1st Street Laurel, Mt. 59044 ▪ Phone 406-628-8737 ▪ Fax 406-628-4641

Chief of Police Stanley J Langve

May 5th, 2020

To: Mayor Tom Nelson

From: Chief of Police Stanley J Langve

RE: Reappointment of Dustin Riveland to the Laurel Police Reserves

Greetings,

Dustin Riveland is a former Laurel Police Reserve Officer who resigned in good standing on June 21st of 2019 after 6 years of service. Dustin resigned as the personal demands of a new job did not allow him to complete his obligations to the City.

I have recently spoken to Dustin and he has expressed his desire and ability to return to the Laurel Police Reserves. On May 4th, 2020 I received a completed application from Dustin Riveland. I am writing you to request his appointment to the Laurel Police Department.

Respectfully,

A handwritten signature in blue ink, appearing to be "S. Langve".

Chief of Police
Stanley J Langve

Item Attachment Documents:

2. Resolution - Approve Bid for Riverside Park Campground

RESOLUTION NO. R20-__

**RESOLUTION AWARDING WEAWE CONSULTING THE CONTRACT FOR THE CITY OF
LAUREL'S RIVERSIDE PARK CAMPGROUND PROJECT AND TO AUTHORIZE THE
MAYOR TO SIGN ALL DOCUMENTS RELATING TO THE PROJECT ON
THE CITY'S BEHALF.**

WHEREAS, the City of Laurel planned and publicly advertised the project known as the Riverside Park Campground Project, and the City received responsive bids from qualified contractors; and

WHEREAS, the City's Engineers, KLJ, and City Staff considered the bids received and recommends the City Council award the project and that the contract is in the City's best interest; and

WHEREAS, Weave Consulting submitted a bid of \$245,057.00 and both KLJ and the City Staff have determined the bid is in the best interest of the City. The Bid documents are attached hereto and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Laurel, Montana, finds that the City has followed its procurement policies and state law requiring competitive bidding; and

BE IT FUTHER RESOLVED the City Council hereby awards the contract and project to Weave Consulting for its bid price of \$245,057.00. The Mayor and City Clerk are authorized to sign all necessary documents, agreements or contracts on the City's behalf consistent with this resolution for the Project.

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, Clerk-Treasurer

Approved as to form:

Sam Painter, Civil City Attorney

Notice of Award

Date: _____

Project: Riverside Park Campground

Owner: City of Laurel

Owner's Contract No.:

Contract: Riverside Park Campground

Engineer's Project No.: 1904-00634

Bidder: Weave Consulting

Bidder's Address: P.O. Box 22745

Billings, MT 59104

You are notified that your Bid dated May 13, 2020 for the above Contract has been considered. You are the Successful Bidder and are awarded a Contract for Riverside Park Campground.

The Contract Price of your Contract is Two-Hundred Forty-Five Thousand, Fifty-Seven Dollars (\$245,057.00).

4 copies of the proposed Contract Documents (except Drawings) and one additional agreement accompany this Notice of Award.

(tbd) sets of Drawings will be delivered separately or otherwise made available to you immediately.

You must comply with the following conditions precedent within fifteen [15] days of the date you receive this Notice of Award.

1. Deliver to the Engineer four (4) fully executed counterparts of the Contract Documents and one additional signed agreement.
2. Deliver with the executed Contract Documents the Contract Security [Bonds] as specified in the Instructions to Bidders (Article 20) and General Conditions (Paragraph 5.01).
3. Other conditions precedent: (none)

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Contract Documents.

City of Laurel

Owner

By: _____
Authorized Signature

Title

Copy to Engineer



May 14, 2020

Kurt Markegard
City of Laurel
115 W. 1st Street
Laurel, MT 59044

Re: Riverside Park Campground,
Recommendation of Award

Dear Mr. Markegard:

Six bids were received and opened for the Riverside Park Campground project at 1:00 PM on May 13, 2020. The bids were checked for mathematical accuracy and several discrepancies were found. All discrepancies were resolved using the unit prices as required by the contract documents. Specifically, Weave Consulting did not extend the unit price for "Concrete Removal" to the total price but, used the correct number when adding up the total bid price. The apparent low bidder is Weave Consulting, with a total bid amount of \$245,057.00. We recommend the City of Laurel award the contract to Weave Consulting.

Enclosed is the Notice of Award (NOA) for the City's approval and a Certified Bid Tabulation. Please sign, date and return four (4) original NOA forms, and we will prepare the contract documents for execution.

If you have any questions or concerns, please contact me at (406) 247-2905 or (406) 670-0617.

Sincerely,

KLJ

A handwritten signature in blue ink that reads "Matthew Smith". The signature is written in a cursive, flowing style.

Matthew Smith, PE
Project Manager

Enclosure(s): Notice of Award
Tabulation of Bids

Project #: 1904-00634
cc: file

TABULATION OF BIDS
Riverside Park Campground - KLJ#1904-00634
CITY OF LAUREL, MONTANA
Wednesday, 13 May, 2020



Base Bid				Engineers Opinion of Cost		Weave Consulting		FirstMark Construction		Askin Contruction		Millennium Construction		Huppert Contruction		Knife River	
Item	Description	Qty	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
101	Mobilization	1	LS	\$24,000.00	\$24,000.00	\$ 14,045.45	\$ 14,045.45	\$ 14,504.50	\$ 14,504.50	\$ 8,450.04	\$ 8,450.04	\$ 3,475.00	\$ 3,475.00	\$ 10,000.00	\$ 10,000.00	\$ 20,412.20	\$ 20,412.20
102	Taxes, Bonds & Insurance	1	LS	\$7,200.00	\$7,200.00	\$ 3,270.00	\$ 3,270.00	\$ 4,050.00	\$ 4,050.00	\$ 7,493.20	\$ 7,493.20	\$ 17,960.00	\$ 17,960.00	\$ 12,000.00	\$ 12,000.00	\$ 12,300.00	\$ 12,300.00
103	Stormwater Management & Erosion Control	1	LS	\$6,500.00	\$6,500.00	\$ 4,565.00	\$ 4,565.00	\$ 4,350.00	\$ 4,350.00	\$ 3,114.35	\$ 3,114.35	\$ 6,500.00	\$ 6,500.00	\$ 13,650.00	\$ 13,650.00	\$ 10,500.00	\$ 10,500.00
104	Concrete Removal	1,858	SY	\$13.00	\$24,154.00	\$ 7.00	\$ 13,006.00	\$ 6.75	\$ 12,541.50	\$ 7.29	\$ 13,544.82	\$ 10.00	\$ 18,580.00	\$ 2.91	\$ 5,406.78	\$ 3.30	\$ 6,131.40
105	Tree Removal - Class I	11	EA	\$1,500.00	\$16,500.00	\$ 412.00	\$ 4,532.00	\$ 420.00	\$ 4,620.00	\$ 400.00	\$ 4,400.00	\$ 450.00	\$ 4,950.00	\$ 613.00	\$ 6,743.00	\$ 543.00	\$ 5,973.00
106	Tree Removal - Class II	1	EA	\$2,500.00	\$2,500.00	\$ 825.00	\$ 825.00	\$ 840.00	\$ 840.00	\$ 1,000.00	\$ 1,000.00	\$ 600.00	\$ 600.00	\$ 1,010.00	\$ 1,010.00	\$ 1,090.00	\$ 1,090.00
107	Tree Removal - Class III	2	EA	\$3,500.00	\$7,000.00	\$ 2,577.00	\$ 5,154.00	\$ 2,630.00	\$ 5,260.00	\$ 2,900.00	\$ 5,800.00	\$ 1,500.00	\$ 3,000.00	\$ 1,820.00	\$ 3,640.00	\$ 2,155.00	\$ 4,310.00
108	Tree Removal - Class VI	1	EA	\$5,000.00	\$5,000.00	\$ 4,640.00	\$ 4,640.00	\$ 4,740.00	\$ 4,740.00	\$ 5,000.00	\$ 5,000.00	\$ 4,000.00	\$ 4,000.00	\$ 3,090.00	\$ 3,090.00	\$ 5,434.00	\$ 5,434.00
109	Gravel Salvage	2,871	SY	\$0.75	\$2,153.25	\$ 0.90	\$ 2,583.90	\$ 2.00	\$ 5,742.00	\$ 1.12	\$ 3,215.52	\$ 4.00	\$ 11,484.00	\$ 0.90	\$ 2,583.90	\$ 1.40	\$ 4,019.40
110	4" Gravel Surfacing	4,182	SY	\$2.50	\$10,455.00	\$ 6.10	\$ 25,510.20	\$ 4.75	\$ 19,864.50	\$ 7.52	\$ 31,448.64	\$ 9.72	\$ 40,649.04	\$ 3.42	\$ 14,302.44	\$ 7.50	\$ 31,365.00
111	8" Gravel Surfacing	7,024	SY	\$6.00	\$42,144.00	\$ 7.55	\$ 53,031.20	\$ 12.25	\$ 86,044.00	\$ 7.75	\$ 54,436.00	\$ 13.32	\$ 93,559.68	\$ 11.55	\$ 81,127.20	\$ 12.00	\$ 84,288.00
112	Vault Toilet	1	EA	\$50,000.00	\$50,000.00	\$ 57,400.00	\$ 57,400.00	\$ 57,000.00	\$ 57,000.00	\$ 52,797.38	\$ 52,797.38	\$ 54,410.00	\$ 54,410.00	\$ 59,500.00	\$ 59,500.00	\$ 60,000.00	\$ 60,000.00
113	Chain Barrier	150	LF	\$75.00	\$11,250.00	\$ 24.50	\$ 3,675.00	\$ 24.00	\$ 3,600.00	\$ 23.15	\$ 3,472.50	\$ 25.47	\$ 3,820.50	\$ 56.67	\$ 8,500.50	\$ 25.00	\$ 3,750.00
114	Drop Box	1	EA	\$500.00	\$500.00	\$ 370.00	\$ 370.00	\$ 360.00	\$ 360.00	\$ 345.00	\$ 345.00	\$ 345.00	\$ 345.00	\$ 600.00	\$ 600.00	\$ 375.00	\$ 375.00
115	Relocate Sign	1	EA	\$500.00	\$500.00	\$ 937.00	\$ 937.00	\$ 165.00	\$ 165.00	\$ 160.00	\$ 160.00	\$ 200.00	\$ 200.00	\$ 600.00	\$ 600.00	\$ 174.00	\$ 174.00
116	New Signs	9	EA	\$600.00	\$5,400.00	\$ 420.00	\$ 3,780.00	\$ 335.00	\$ 3,015.00	\$ 320.00	\$ 2,880.00	\$ 368.00	\$ 3,312.00	\$ 650.00	\$ 5,850.00	\$ 350.00	\$ 3,150.00
117	Bollards	34	EA	\$200.00	\$6,800.00	\$ 157.00	\$ 5,338.00	\$ 140.00	\$ 4,760.00	\$ 135.00	\$ 4,590.00	\$ 155.25	\$ 5,278.50	\$ 200.00	\$ 6,800.00	\$ 150.00	\$ 5,100.00
118	Spot Marker Post	35	EA	\$100.00	\$3,500.00	\$ 113.00	\$ 3,955.00	\$ 120.00	\$ 4,200.00	\$ 115.00	\$ 4,025.00	\$ 126.50	\$ 4,427.50	\$ 205.00	\$ 7,175.00	\$ 125.00	\$ 4,375.00
119	Seeding	9,785	SY	\$0.50	\$4,892.50	\$ 2.05	\$ 20,059.25	\$ 2.10	\$ 20,548.50	\$ 4.00	\$ 39,140.00	\$ 0.30	\$ 2,935.50	\$ 5.12	\$ 50,099.20	\$ 4.40	\$ 43,054.00
120	Populus deltoides - "Siouxland Poplar" Tree - 2.25"	8	EA	\$800.00	\$6,400.00	\$ 567.00	\$ 4,536.00	\$ 575.00	\$ 4,600.00	\$ 999.00	\$ 7,992.00	\$ 731.25	\$ 5,850.00	\$ 605.00	\$ 4,840.00	\$ 1,085.00	\$ 8,680.00
121	Gleditsia triacanthos - "Harve Northern Acclaim Honeylocust" Tree - 1.25"	3	EA	\$800.00	\$2,400.00	\$ 309.00	\$ 927.00	\$ 365.00	\$ 1,095.00	\$ 899.00	\$ 2,697.00	\$ 1,522.50	\$ 4,567.50	\$ 330.00	\$ 990.00	\$ 977.00	\$ 2,931.00
122	Acer negundo - "Sensation Sensation Maple" Tree - 1.75"	3	EA	\$800.00	\$2,400.00	\$ 309.00	\$ 927.00	\$ 420.00	\$ 1,260.00	\$ 949.00	\$ 2,847.00	\$ 1,049.69	\$ 3,149.07	\$ 440.00	\$ 1,320.00	\$ 1,032.00	\$ 3,096.00
123	Tilia cordata - "Greenspire Littleleaf Linden" Tree - 2"	6	EA	\$800.00	\$4,800.00	\$ 465.00	\$ 2,790.00	\$ 470.00	\$ 2,820.00	\$ 999.00	\$ 5,994.00	\$ 1,443.75	\$ 8,662.50	\$ 495.00	\$ 2,970.00	\$ 1,086.00	\$ 6,516.00
124	Fire Ring Foundations	25	EA	\$400.00	\$10,000.00	\$ 272.00	\$ 6,800.00	\$ 300.00	\$ 7,500.00	\$ 794.73	\$ 19,868.25	\$ 682.31	\$ 17,057.75	\$ 500.00	\$ 12,500.00	\$ 274.00	\$ 6,850.00
125	Tent Site Concrete Markers	12	EA	\$ 400.00	\$ 4,800.00	\$ 200.00	\$ 2,400.00	\$ 310.00	\$ 3,720.00	\$ 293.00	\$ 3,516.00	\$ 293.00	\$ 3,516.00	\$ 600.00	\$ 7,200.00	\$ 1,050.00	\$ 12,600.00
Total of Base Bid				\$261,248.75		\$ 245,057.00		\$ 277,200.00		\$ 288,226.70		\$ 322,289.54		\$ 322,498.02		\$ 346,474.00	

This represents a true tabulation of bids opened and read on May 13, 2020.

Matt Smith
Project Engineer
Date: May 13, 2020

* Indicates a mathematical correction made following the bid opening.

Item Attachment Documents:

3. Ordinance No. O20-02: An Ordinance Amending Title 2 Chapter 2.60 Of The Laurel Municipal Code Relating To The City's Police And Police Commission.

ORDINANCE NO O20-02

AN ORDINANCE AMENDING TITLE 2 CHAPTER 2.60 OF THE LAUREL MUNICIPAL CODE RELATING TO THE CITY'S POLICE AND POLICE COMMISSION.

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

WHEREAS, the City's Chief of Police and Captain prepared the amendments below to the Laurel Municipal Code to remain consistent and in accordance with the State of Montana's Laws adopted by the legislature and contained in the Montana Code Annotated (2019).

WHEREAS, the City's Chief of Police and Captain prepared, reviewed, and is recommending the following amendments for adoption into the existing Title 2 as noted herein.

Chapter 2.60 POLICE DEPARTMENT

Sections:

2.60.010 Mayoral authority.

2.60.015 Police arrest authority.

2.60.020 Composition and nomination of same.

2.60.030 Chief of police– Duties.

~~2.60.040 Assistant chief of police.~~

~~2.60.050 Police duties.~~

~~2.60.060 Special policemen.~~

2.60.~~070-040~~ Reserve ~~and auxiliary police forces~~Officers Authorized.

2.60.045 Termination of Reserve Officers.

2.60.~~080-050~~ Reserve and auxiliaryAuxiliary Officers Authorized ~~police forces– Police chief authority.~~

2.60.~~090-060~~ Reserve and auxiliaryAuxiliary Officers ~~police forces–~~ Powers and duties.

2.60.~~100-070~~ Police commission– ~~Appointment– Terms and conditions of office.~~

~~2.60.110 Police commission—Rules and regulations.~~

~~2.60.120 Mayor to refer appointments.~~

~~2.60.130 Applicants—Examination required.~~

~~2.60.140 Presentation of charges—Police commission jurisdiction.~~

~~2.60.150 Police commission—Trial procedure.~~

~~2.60.170 Police commission decision—Enforcement—Appeal.~~

~~2.60.180 Suspension—Discharge—Power and authority.~~

~~2.60.190 Temporary police duty—Mayoral authority.~~

2.60.~~200-080~~ Police commission— Officers.

2.60.~~210-090~~ Police officers' retirement system.

2.60.010 Mayoral authority.

The mayor ~~shall have~~has charge of and supervision over the police department. The mayor shall appoint all the members and officers of the department. Subject to the provisions of this part, the mayor may suspend or remove any member or officer of the force. The mayor shall make rules, not inconsistent with the provisions of this part, the other laws of the state, or the ordinances of the city council, for the government, direction, ~~He shall enforce the observance of all ordinances that regulate the management,~~ and discipline of the police force.

(Prior code § 2.20.010)

2.60.015 Police arrest authority

All police officers of the city of Laurel shall have the power to make arrests of persons committing crimes or charged with crimes:

1. Within the limits of the city; and
2. Within five miles thereof; ~~and.~~
- ~~3. Along the line of water supply of the city.~~

(Ord. 00-3, 2000)

2.60.020 Composition and nomination of same.

The mayor shall nominate, and with the consent of council, appoint one chief of police, ~~one assistant chief of police,~~ and such subordinate officers of the police force as may be required.

(Prior code § 2.20.020)

2.60.030 Duties Chief of police—~~Duties.~~

~~It is the duty of~~ (1) The chief of police:

A. ~~To Shall~~ execute and return all process issued by the city judge, or directed to him/her by any legal authority, and ~~to attend upon~~ must be present and assist the city court regularly;

B. ~~To Shall~~ arrest all persons guilty of a breach of the peace or for the violation of any ~~municipal city~~ ordinance, and bring them before the city judge for trial;

C. ~~To have~~ Must have charge and control of all ~~policemen~~ police officers, subject to ~~such~~ rules ~~as that~~ may be prescribed by resolution or ordinance, and ~~to~~ report to the council all delinquencies or neglect of duty or official misconduct of ~~policemen~~ police officers for action of the council; and

D. Shall perform other duties that the council may prescribe.

~~D.(2)~~ The chief of police has the same powers as a constable in the discharge of his/her duties, but he/she must not serve a process in any civil action or proceeding except when the city is a party;.

~~E.(3) Quotas for investigative stops, citations, or arrests may not be established and may not be used in evaluating police officers. To perform such other duties as the council may prescribe.~~

(Prior code § 2.20.030)

~~2.60.040 Assistant chief of police.~~

~~The assistant chief of police shall be under the direct supervision and control of the chief of police and shall, in the absence or disability of the chief of police, perform the duties of that officer.~~

~~(Prior code § 2.20.040)~~

~~2.60.050 Police duties.~~

~~The police officers of the city shall carry out the orders of their superior officers and observe the rules and regulations prescribed for the discipline of the police force. Within the limits prescribed by law, they shall do all things necessary for the prevention and detection of crime in the city.~~

~~(Prior code § 2.20.050)~~

~~2.60.060 Special policemen.~~

~~Whenever the mayor considers it necessary to increase the police force, he may employ suitable persons as special policemen.~~

~~(Prior code § 2.20.060)~~

~~2.60.070-040 Reserve and auxiliary police forces~~Officers Authorized.

~~A local government may authorize reserve officers. A person who meets minimum standards for appointment as a peace officer may be appointed as a reserve officer. The chief of police shall recommend and the council shall approve membership in the reserve police force and the auxiliary police force. The number of persons enrolled in the reserve police force and auxiliary police force shall be set by the council.~~

~~(Prior code § 2.20.120)~~

2.60.045 – Termination Of Reserve Officers.

Reserve officers serve at the pleasure of the chief of police and may be terminated at any time by the chief of police by written notification without any cause.

(Prior code §)

~~2.60.080-050 Reserve and auxiliary~~Auxiliary police forcesOfficers Authorized—Police chief authority.

~~A local government may authorize auxiliary officers only on the orders and at the direction of the chief law enforcement administrator of the local government. The chief of police shall be responsible for the training and conduct of the reserve police force and auxiliary police force, and shall prepare rules and regulations governing the conduct and use of such reserve police force and auxiliary police force, subject to the approval of the mayor.~~

~~(Prior code § 2.20.130)~~

~~2.60.090-060 Reserve and auxiliary~~Auxiliary Officerspolice forces— Powers and duties.

The ~~reserve police force and auxiliary police force~~Auxiliary Officers, under the direction of the chief of police and the mayor, shall aid the regular police department in any manner the police chief and mayor deem advisable in protection of the inhabitants and property of the city. The ~~reserve police force and auxiliary policemen~~Auxiliary Officers, when on duty, shall have all the powers and be subject to the discipline of a regular police officer of the city pursuant to state law.

(Prior code § 2.20.140)

2.60.~~100-070~~ Police commission—~~Appointment—Terms and conditions of office.~~

~~These code sections are supplementary to the provisions of Title 7, Chapter 32, Part 41, MCA, and §7-32-4151 through §7-32-4164 as they relate to the authority, procedures, and rules of the Police Commission. The mayor shall nominate, with the consent of the council, three residents of the city, who shall have the qualifications required by law to hold a city board to be known by the name of "police commission," and who shall hold office for three years. One member of such board must be appointed annually at the first meeting of the council in May of each year.~~

(Prior code § 2.20.150)

2.60.~~110~~ Police commission—~~Rules and regulations.~~

~~The police commission shall make rules and regulations necessary to implement and administer the commission, not inconsistent with this code, and shall have such other and further powers as is provided by ordinance or statute.~~

(Prior code § 2.20.160)

2.60.~~120~~ Mayor to refer appointments.

~~The mayor shall not make any appointment to the police force until an application for such position on the police force has been filed with the mayor, and by him referred to the police commission, and such applicant has successfully passed the examination required to be held by the police commission and a certificate from the police commission filed with the mayor that the applicant has qualified for such appointment.~~

(Prior code § 2.20.170)

2.60.~~130~~ Applicants—~~Examination required.~~

~~A. All applicants for positions on the police force, whose application shall have been referred to the police commission, shall be required successfully to undergo an examination before the police commission, and to receive a certificate from the commission that the applicant is qualified for the appointment for the probationary period on the police force.~~

~~B. The police commission shall examine all applicants as to their age, legal, mental, moral and physical qualifications, and their ability to fill office as a member of the police force. It shall also be the duty of the police commission subject to the approval of the mayor, to make such rules and regulations regarding such examinations not inconsistent with this code or the laws of the state of Montana.~~

~~C. Any applicant who shall make any false statement to the police commission as to his age or other qualifications required, at his examination before the police commission, shall be subject to suspension or dismissal from the police force, after trial.~~

~~(Prior code § 2.20.180)~~

~~2.60.140 Presentation of charges—Police commission jurisdiction.~~

~~A. The police commission shall have the jurisdiction, and it shall hear, try and decide all charges brought by any person or persons against any member or officer of the police department, including any charge that such member or officer is incompetent, or by age or disease, or otherwise, has become incapacitated to discharge the duties of his office, or has been guilty of neglect of duty, or of misconduct in his office, or of conduct unbecoming a police officer or has been found guilty of any crime, or whose conduct has been such as to bring reproach upon the police force.~~

~~B. Any charge brought against any member of the police force must be in writing in the form required by the police commission and a copy thereof must be served upon the accused officer or member at least fifteen days before the time fixed for hearing such charge.~~

~~(Prior code § 2.20.190)~~

~~2.60.150 Police commission—Trial procedure.~~

~~A. The police commission shall hear, try and determine the charge according to the rules of evidence applicable to courts of record in the state of Montana. The accused shall have the right to be present at the trial in person and by counsel, and to be heard, and to give and furnish evidence in his defense. All trials shall be open to the public.~~

~~B. The chairman, or acting chairman, of the police commission, shall have the power to issue subpoenas, attested in its name, to compel the attendance of witnesses at the hearing and any person duly served with a subpoena is bound to attend in obedience thereto, and the police commission shall have the same authority to enforce obedience to the subpoena, and to punish the disobedience thereof, as is possessed by a judge of the district court in like cases, provided however, that punishment for disobedience is subject to review by the district court of Yellowstone County.~~

~~C. The police commission shall, after the conclusion of the hearing or trial, decide whether the charge was proven or not proven, and shall have the power, by a decision of a majority of the~~

~~commission, to discipline, suspend, remove or discharge any officer who shall have been found guilty of the charge filed against him.~~

~~(Prior code § 2.20.200)~~

~~2.60.170 Police commission decision—Enforcement—Appeal.~~

~~A. When a charge against a member of the police force is found proven by the board, the mayor must make an order enforcing the decision of the board, and such decision or order shall be subject to review by the district court of Yellowstone County on all questions of fact and all questions of law.~~

~~B. The district court of Yellowstone County shall have jurisdiction to review all questions of fact and all questions of law in a suit brought by any officer or member of the police force within a period of sixty days after the decision of the police commission or order of the mayor has been filed with the city clerk treasurer.~~

~~(Ord. 02-9, 2002; Ord. 97-2 § 4 (part), 1997; prior code § 2.20.220)~~

~~2.60.180 Suspension—Discharge—Power and authority.~~

~~A. The mayor or chief of police, subject to the approval of the mayor, shall have the power to suspend a policeman or any officer for a period of not exceeding ten days in any one month, such suspension to be with or without pay as the order of suspension may determine. Any officer suspended, with or without pay, is entitled to appeal such suspension to the police commission and the commission shall hear, try and decide all charges brought by any person or persons against any member or officer of the department.~~

~~B. No officer or member of the police force shall be discharged without a hearing or trial before the police commission.~~

~~(Prior code § 2.20.230)~~

~~2.60.190 Temporary police duty—Mayoral authority.~~

~~The mayor shall have the power and authority at any time when he deems it expedient to employ not to exceed two persons at one time for a period not to exceed thirty days to do police duty who are not members of the police department.~~

~~(Prior code § 2.20.240)~~

2.60.~~200-080~~ Police commission– Officers.

A. At the first regular meeting of the police commission in the month of May of each year, following new appointments by the city council, the members of the police commission shall select a chairman to serve a term of one year.

B. The police commission may employ a secretary or may designate one of its own members to act as such. The secretary shall keep the minutes of the commission's proceedings, shall be custodian of all papers pertaining to the business of the police commission, shall keep a record of all examinations held, and shall perform such other duties as the commission shall prescribe.

C. The city attorney shall be the legal adviser to the police commission, and commission and shall approve all action of the commission as to form.

~~(Prior code § 2.20.250) A. At the first regular meeting of the police commission in the month of May of each year, following new appointments by the city council, the members of the police commission shall select a chairman to serve a term of one year.~~

~~B. The police commission may employ a secretary or may designate one of its own members to act as such. The secretary shall keep the minutes of the commission's proceedings, shall be custodian of all papers pertaining to the business of the police commission, shall keep a record of all examinations held, and shall perform such other duties as the commission shall prescribe.~~

~~C. The city attorney shall be the legal adviser to the police commission, and shall approve all action of the commission as to form.~~

(Prior code § 2.20.250)

2.60.~~210-090~~ Police officers' retirement system.

The police department ~~of the city of Laurel, Montana,~~ shall be under, subject to and within the provisions of the municipal police officers' retirement system (statewide plan) laws of the ~~state~~ State of Montana, as set forth in Title 19, ~~Chapters 2 and 9,~~ M.C.A. and all amendments thereto. The ~~said~~ police department retirement system shall be managed, conducted, governed and controlled ~~as in said~~ pursuant to state law and this section ~~provided.~~

(Ord. 98-3 § 1, 1998)

This Ordinance shall become effective thirty (30) days after final passage by the City Council and approved by the Mayor.

Introduced and passed on first reading at a regular meeting of the City Council on May 12, 2020, by Council Member _____.

PASSED and ADOPTED by the Laurel City Council on second reading this ____ day of _____, 2020, upon motion of Council Member _____.

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

Item Attachment Documents:

4. Discussion on Draft Noise Ordinance

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

City Of Laurel

P.O. Box 10
Laurel, Montana 59044



Office of Code Enforcement

May 14, 2020

Regarding Noise Ordinance Draft

Mayor Nelson and City Council,

The draft that I have completed is intended for conversation purposes at this time. The draft has not gone through legal review nor have we finalized some sections

There are some considerations that staff feels should be taken into consideration when discussing moving forward with possible adoption of a Noise Ordinance.

1. With the passing of the Noise Ordinance professional decibel readers would have to be purchased to meet the American National Standards Institute (ANSI) standards with the ability to show the levels for the duration put in the ordinance. The readers that I have found that would allow for recordable readings and print out (needed as evidence should it go to court) of such readings have been in the range of over \$5, 000 each. This includes the reader, calibration equipment, case, and software. These units meet the standards and read up to 140 dB(A). The number of meters to be purchased would need to be decided upon for budgeting.
2. Anyone using these devices would need to have proper training on the proper use, reading and calibration of the equipment in order for it to be a document of submissible evidence in a court of law. Do not have a cost on this training currently to present an estimate to the council.
3. Baseline dB(A) readings would need to be established in different areas of the City so that the ambient noise levels are taken into consideration when enforcing this code. The city would need to establish the best course of action on how to accomplish this project.

The duration time was changed from what was suggested to allow for the reading to show if there is a violation while not requiring the enforcement officer to stay at location for the 20-minute time duration that was suggested.

Commercial and Industrial zones were added as there are areas within the city where the separate zoning areas merge.

Per suggestion three separate time zones were listed in table, however staff suggests that only two time zones be used in order to maintain simplicity when enforcing the code.

Respectfully,

Karen Courtney, CCEO, CPSI, CBI, CFI1
Code Enforcement Officer/Safety Officer

ORDINANCE NO. 020-_____

ORDINANCE CREATING CHAPTER 9.26 – NOISE

WHEREAS, changes have been recommended to the Laurel City Code relating to noise; and

WHEREAS, it is in the best interests of the residents of the City of Laurel to pass such an ordinance;

IT IS HEREBY ORDAINED by the City Council of the City of Laurel, Montana that the LAUREL MUNICIPAL CODE is hereby amended as is set forth below.

Title 9 – PUBLIC PEACE, MORALS AND WELFARE shall be amended as follows:

Chapter 9.26 – Noise.

9.26.010 - Definitions.

As used in this chapter, unless the context otherwise requires, the following words and phrases shall have the meanings ascribed to them in this section:

Ambient noise is the noise which exists at a point of measurement in the absence of the sound emitted by the source being measured, being the total effect of all other sounds coming from near and far.

Average permissible noise limits mean the highest average noise level measured using the average equivalent A-weighted sound pressure level (LASeq) metric.

dB(A) means sound levels in decibels measured on an "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute in their applicable standards.

Decibel. Sound pressure level in decibels is a logarithmic unit used to express the magnitude of sound pressure with respect to a reference sound pressure. It is defined as twenty (20) times the logarithm to the base ten (10) of the ratio of the sound pressure to the reference sound pressure. By international standards, the reference sound pressure is 2×10^{-5} newtons/meter squared. By example, a doubling of sound pressure, at any magnitude, will result in a six (6) decibel increase in sound pressure level; a ten-fold increase will result in a 20-decibel increase in sound pressure level.

Emergency Backup Generator means electrical generating equipment used for a short term secondary power supply.

Emergency work is unanticipated work, maintenance, or construction required to restore property to a safe condition following a public calamity, meteorological event, accident, or any other event which interrupts essential services or utilities, endangers persons or property, or adversely affects infrastructure.

Maximum permissible noise limit means the highest allowable noise level measured using the maximum A-weighted sound pressure level (LASmax) metric.

Residential area includes all residential zones within the city.

Commercial includes all commercial zones within the city.

Industrial includes all industrial zones within the city.

9.26.020 - Prohibitions generally.

It is unlawful for any person willfully to make or continue to make, or cause to be made or continued, any loud, unnecessary, or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area. The

standards which shall be considered in determining whether a violation of the provisions of this section exists shall include the following:

- A. The volume of noise;
- B. The intensity of the noise;
- C. Whether the nature of the noise is usual or unusual;
- D. Whether the noise is produced by a commercial or noncommercial activity;
- E. The volume and intensity of the background noise, if any;
- F. The proximity of the noise to residential sleeping facilities;
- G. The nature and zoning of the area within which the noise emanates;
- H. The density of the inhabitation of the area within which the noise emanates;
- I. The time of the day or night the noise occurs;
- J. The duration of the noise;
- K. Whether the noise is recurrent, intermittent, or constant; and
- L. The public benefit derived from the source of the noise.

9.26.030 - Noise limitations.

- A. The permissible noise exposure limits from non-exempt noise sources in residential, commercial, and industrial districts are as provided in Table 1 below.
- B. At boundaries between zones, the lower of the dB(A) level shall be applicable.

Table 1—Limitations

Maximum Permissible Noise Limits			
Zone	Day 7:00 a.m.—7:00 p.m.	Evening 7:00 p.m.—10:00 p.m.	Night 10:00 p.m.—7:00 a.m.
Residential	120 dB(A)	95 dB(A)	75 dB(A)
Commercial	125 dB(A)	100 dB(A)	80 dB(A)
Industrial	140 dB(A)	115 dB(A)	95 dB(A)
Average Permissible Noise Limits			
Zone	Day 7:00 a.m.—7:00 p.m.	Evening 7:00 p.m.—10:00 p.m.	Night 10:00 p.m.—7:00 a.m.
Residential	110 dB(A)	85 dB(A)	65 dB(A)
Commercial	115 dB(A)	90 dB(A)	70 dB(A)

Industrial	130 dB(A)	105 dB(A)	85 dB(A)
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- C. Noise measured by trained and qualified city officials on a complainant's property in excess of the limits established for the zones and times in Table I above constitutes prima facie evidence that such noise is a public nuisance, except in circumstances as provided in sections 9.26.040 and 9.26.050, or if a waiver has been granted under section 9.26.070.

9.26.040. - Hours of authorized outdoor events.

Unless granted a waiver from the times listed below pursuant to section 9.26.070, non-emergency outdoor events exempted from noise level regulations pursuant to section 9.26.050 shall conclude in accordance with the locations and times listed below:

Central Business District (CBD) and Highway Commercial (HC):

Ten (10) O'clock p.m. Sunday Through Thursday.

Eleven (11) O'clock p.m. Friday and Saturday.

Outside the Central Business District and Highway Commercial (HC):

Nine (9) O'clock p.m. Sunday through Thursday.

Ten (10) O'clock p.m. Friday and Saturday.

9.26.050. - Exemptions.

The following uses and activities shall be exempt from noise level regulations:

- A. Noise from safety signals and warning devices;
- B. Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency;
- C. Noise resulting from emergency work;
- D. Noise resulting from emergency backup generators.;
- E. Noise caused by home or building repair, construction, or grounds maintenance between the hours of 7:00 a.m. and 8:00 p.m.;
- F. Activities on school grounds and public parks which are conducted in accordance with a memorandum of understanding in the manner in which such spaces are generally used including but not limited to school athletic and school entertainment events. Provided however, the use of public address system loudspeakers, such as may be included in stadiums and similar venues, shall not be used other than for the official events those systems are designed for and for brief, occasional equipment checks as necessary. Athletic team practices and similar informal events that do not include a gathering of the public are specifically excluded from this exemption;
- G. Public park events. Athletic, musical and other events permitted in writing by the city and such permit provides a waiver;
- H. Non-event noise from public parks, schools, and recreational facilities during normal hours of operation.
- I. Special events for which a waiver has been granted;

- J. Noise from construction or maintenance activities performed by the city, or at the direction of the city, including but not limited to solid waste retrieval, street sweeping, road maintenance, and snow removal;
- K. Noise from construction or maintenance activities performed in the public right-of-way for which a waiver has been granted;
- L. Noise from construction or maintenance activities for which a waiver has been granted;
- M. Other activities for which a waiver is granted pursuant to section 9.26.070;
- N. City-sanctioned or permitted fireworks displays.
- O. Announcements and/or sounds from the Cenex Harvest State's refinery south of Laurel;
- P. Train horns or other sounds coming from the operations of the Montana Rail Link rail yards or lines in and through the city.

9.26.060. - Measurement of noise.

For the purpose of determining and classifying any noise as excessive or unusually loud as prohibited by this chapter, the following test measurements and requirements shall be applied:

- A. The noise shall be measured on a sound level meter meeting current American National Standards Institute (ANSI) standards, operated on the "A" weighted scale, or other noise measuring instrument proven sufficiently reliable by commonly accepted scientific standards and admissible in a court of law. The meter shall be capable of measuring and recording the average equivalent A-weighted sound pressure level (LASEq) and maximum A-weighted sound pressure level (LASmax) metrics.
- B. Noise measurements used to determine compliance must be made by trained and qualified city officials in accordance with the provisions of this ordinance and with the requirements stipulated in the training. This should not be interpreted as prohibiting individuals or organizations from hiring their own noise consultants to address environmental noise issues or respond to complaints, but third-party results will not be used to issue violations.
- C. The city will provide training to all officials responsible for noise monitoring under this ordinance. The training will address the content of this ordinance, the operation of noise monitoring equipment, the care and maintenance of noise monitoring equipment, proper noise monitoring techniques (including assessment and correction for ambient noise), appropriate noise metrics, and documentation of noise monitoring results.
- D. Noise will be measured at complainant's property line closest to the noise source. In cases where this location would result in a measurement taken less than twenty-five (25) feet from the source, the noise level will be measured at a distance of twenty-five (25) feet from the source on the complainant's property. Noise will be measured continuously for three (3) to five (5) minutes at the specified location.

9.26.070. - Waiver.

- A. Any person may apply to the city for a waiver from the provisions of this chapter. Such application shall be submitted to the office of the city clerk-treasurer along with a non-refundable application fee. The city mayor shall designate waiver application and review procedures and application fees by administrative order. The city mayor may designate representatives from police, fire, ambulance, public works, building, and planning to review and grant waivers under this section by administrative order. Each day of an event shall require a separate approved waiver. Except for public construction projects, no more than four (4) waivers may be granted involving the same location within twelve (12) months, from January 1 through December 31 of each calendar year. Events occurring in the Central Business District (CBD) and Highway Commercial (HC) shall be exempt from this limit. A waiver

granted pursuant to this section does not modify or eliminate: (1) any noise restrictions imposed in a Special Review or (2) other conditions restricting or prohibiting noise generating activities which have been imposed upon a specific property. All such conditions must be followed. Any waiver erroneously granted under such circumstances shall be void and of no effect.

- B. Waiver review procedures established by the city shall include but not be limited to consideration of the following criteria:
 - 1. Whether the noise would endanger the public health, safety, or welfare;
 - 2. That compliance with the provisions of this chapter from which a waiver is sought would cause serious hardship without producing equal or greater benefit to the public;
 - 3. The time of day the noise will occur;
 - 4. The duration of the noise;
 - 5. The loudness of the noise relative to the maximum permissible sound levels as set forth in this chapter;
 - 6. Whether the noise is continuous or intermittent;
 - 7. The distance of proposed activity from residential housing or other noise-sensitive properties;
 - 8. Whether the proposed activity is within or outside of the Central Business District (CBD) or Highway Commercial (HC), and whether the proposed activity encourages the promotion of entertainment and nightlife in an area where residential housing is sparse;
 - 9. Any other factor that is reasonably related to the impact of the noise on the health, safety and welfare of the community, the degree of hardship that may result from the enforcement of the provisions of this article, and the benefit to the public of granting such a waiver.
- C. Any waiver application may be granted, granted with conditions, or denied by the city.

9.26.080. - Violations; remedies.

- A. Any violation of this article shall be punishable as a municipal infraction with civil penalties as provided in _____. Each day such violation is committed or permitted to continue constitutes a separate offense.
- B. As an additional remedy, the operation or maintenance of any noise source in violation of any provision of this chapter and which causes discomfort and annoyance to any reasonable person of normal sensitivity or which endangers the comfort, repose, health or peace of residents in the area is a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

Item Attachment Documents:

5. Review Draft Council Agenda for May 26, 2020.



**AGENDA
CITY OF LAUREL
CITY COUNCIL MEETING
TUESDAY, MAY 26, 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 May 12, 2020.

Correspondence

2. Beartooth RC&D Correspondence

Council Disclosure of Ex Parte Communications

Public Hearing

3. Ordinance No. O20-02: An Ordinance Amending Title 2 Chapter 2.60 Of The Laurel Municipal Code Relating To The City's Police and Police Commission.

Consent Items

NOTICE TO THE PUBLIC

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

4. Claims entered through 5/22/2020
5. Clerk/Treasurer Financial Statements for the month of April 2020.
6. Approval of Payroll Register for PPE _____ totaling \$_____.
7. Approval of Workshop Minutes of May 5, 2020.

Ceremonial Calendar

Reports of Boards and Commissions

8. Budget/Finance Committee Minutes of May 12, 2020.
Library Board Minutes of March 11, 2020.
Library Board Minutes of April 14, 2020.

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

9. Appointment of Dustin Riveland to the Laurel Police Reserves.
10. Resolution - Resolution Awarding Weave Consulting The Contract For The City Of Laurel's Riverside Park Campground Project And To Authorize The Mayor To Sign All Documents Relating To The Project On The City's Behalf.
11. Ordinance No. O20-02: An Ordinance Amending Title 2 Chapter 2.60 Of The Laurel Municipal Code Relating To The City's Police And Police Commission.

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