



**AGENDA  
CITY OF LAUREL  
CITY COUNCIL MEETING  
TUESDAY, FEBRUARY 19, 2019  
6:30 PM  
COUNCIL CHAMBERS**

NEXT RES. NO.  
R19-05

NEXT ORD. NO.  
O19-01

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

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

**Pledge of Allegiance**

**Roll Call of the Council**

**Approval of Minutes**

1. Approval of Minutes of February 5, 2019.

**Correspondence**

2. Chamber of Commerce minutes of January 10, 2019; Laurel Chamber of Commerce agenda of February 14, 2019.

**Council Disclosure of Ex Parte Communications**

**Public Hearing**

**Consent Items**

**NOTICE TO THE PUBLIC**

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

3. Claims for the month of February 2019.
4. Clerk/Treasurer Financial Statements for the month of January 2019.
5. Approval of Payroll Register for PPE 2/10/2019 totaling \$164,283.72.
6. Receiving the Committee/Board Minutes into the Record.
  - Budget/Finance Minutes of February 5, 2019.
  - Council Workshop Minutes of February 12, 2019.
  - Park Board Minutes of January 3, 2019.
  - Laurel Airport Authority Minutes of January 15, 2019.
  - Library Board Minutes of January 8, 2019.

**Ceremonial Calendar**

## **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. Appointment of Andrea Beechie to the Laurel Police Reserves
8. Resolution No. R19-05: A Resolution Approving A Task Order Authorizing Kadrmas, Lee & Jackson, Inc. For Services Relating To The City Of Laurel's 2019 Pavement Maintenance Project.

### **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**

**Backup material for agenda item:**

Approval of Minutes of February 5, 2019.

# MINUTES OF THE CITY COUNCIL OF LAUREL

February 5, 2019

A regular meeting of the City Council of the City of Laurel, Montana, was held in the Council Chambers and called to order by Council President Eaton at 6:30 p.m. on February 5, 2019.

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

COUNCIL MEMBERS ABSENT: None

OTHER STAFF PRESENT: Kurt Markegard, Public Works Director  
Forrest Sanderson, Interim Planner

Council President Eaton led the Pledge of Allegiance to the American flag.

Council President Eaton asked the council to observe a moment of silence.

## MINUTES:

Motion by Council Member McGee to approve the minutes of the regular meeting of January 15, 2019, as presented, seconded by Council Member Mountsier. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

**CORRESPONDENCE:** None.

**COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS:** None.

## PUBLIC HEARING:

- Public Hearing: Annexation and Initial Zoning Request from Goldberg Investments for Residential Light Multi-Family on Nutting Brothers 2nd filing Lot 18 and Nutting Brothers 3rd Filing Lots 19-24 and Community Commercial on Lot 25 Nutting Brothers 3rd Filing.

Council President Eaton stated this is the time and place set for the public hearing on the City of Laurel's Annexation and Initial Zoning Request from Goldberg Investments for Residential Light Multi-Family on Nutting Brothers 2nd filing Lot 18 and Nutting Brothers 3rd Filing Lots 19-24 and Community Commercial on Lot 25 Nutting Brothers 3rd Filing.

Council President Eaton opened the public hearing and stated that Staff was present to answer any questions.

Forrest Sanderson, Interim Planner, and Kurt Markegard, Public Works Director showed maps of the area.

Forrest Sanderson, Interim Planner, read the staff annexation report into the record.

Forrest Sanderson, Interim Planner, read the staff zoning report into the record.

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

Council President Eaton asked if there were any proponents.

Scott Aspenliender, 608 N. 29<sup>th</sup> Street, Billings, MT, stated he was the agent for the developer, Goldberg Investments. He stated that this property had been considered for multiple projects throughout the years. The zoning requested does not allow for the development of a mobile home park or mobile home facilities. Requesting Community Commercial zoning adjacent to Yard Office



Council Minutes of February 5, 2019

Road and requesting Residential Light Multi-Family (RLMF) for the remainder of the property. RLMF zoning allows up to a 4-plex to be developed. They are not asking for any variances from the zoning requests. This type of zoning will offer a buffer for the single-family residential homes located on the bluff. He stated he would be in attendance at next weeks Workshop to answer any additional questions.

Council President Eaton asked if there were any proponents.

Doctor Ron Benner, 1408 E. Maryland Lane, stated he is not opposed to this project at all. He stated that the Planning Board discussed and unanimously approved the request. He stated being a landowner in the County, but next to the City, his past concerns have been alleviated by this plan. The concern is not what the developer will do, but rather what will happen to the City adjacent to the development. Items such as safe transportation, water, sewer, or parkland. In the past, there have been instances where the developer has not made those improvements. He gave further examples of no sidewalks being available for children walking to school from this development or the mobile home park on the other side of Yard Office. He stated that the City would need to be willing to invest some funds in upgrading the area around this development.

Council President Eaton asked three additional times if there were any proponents. There were no additional proponents.

Council President Eaton asked three times if there were any opponents. There were none.

Council President Eaton asked Staff to respond to any relevant questions. There were none.

Council President Eaton closed the public hearing.

#### CONSENT ITEMS:

- **Claims for the month of January 2019 in the amount of \$839,903.12.**  
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Approval of Payroll Register for PPE 1/13/2019 totaling \$167,282.70.**
- **Approval of Payroll Register for PPE 1/27/2019 totaling \$185,141.06.**
- **Receiving the Committee/Board/Commission Reports into the Record.**
  - Budget/Finance Committee minutes of January 15, 2019, were presented.
  - Council Workshop minutes of January 29, 2019, were presented.
  - Safety Committee minutes of April 18, 2018, were presented.
  - Safety Committee minutes of July 18, 2018, were presented.
  - Safety Committee minutes of December 11, 2018, were presented.
  - Safety Committee minutes of January 15, 2019, were presented.
  - Laurel Airport Authority minutes of December 20, 2018, were presented.
  - City-County Planning Board minutes of January 3, 2019, were presented.
  - Public Works Committee minutes of January 22, 2019, were presented.

Council President Eaton asked if there was any separation of consent items. There was none.

Motion by Council Member McGee to approve the consent items as presented, seconded by Council Member Klose. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

**CEREMONIAL CALENDAR:** None.

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

**AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):** None.

**SCHEDULED MATTERS:**

- **Confirmation of Appointments.**
  - **Appointments of Ryan Robertus, Bridger Fournier, Levi Klamert, and Steven Hiller to the Laurel Volunteer Fire Department.**

Motion by Council Member Herr to approve the appointments of Ryan Robertus, Bridger Fournier, Levi Klamert, and Steven Hiller to the Laurel Volunteer Fire Department, seconded by Council Member McGee. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Appointments of Mariah Haugen, David Jackson, Boady Harper and Bryanna Ruskanen to the Laurel Volunteer Ambulance Service.**

Motion by Council Member Stokes to approve the appointments of Mariah Haugen, David Jackson, Boady Harper and Bryanna Ruskanen to the Laurel Volunteer Ambulance Service, seconded by Council Member Sparks. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R19-02: A Resolution of the City Council authorizing the release of funds from the Tax Increment Financing District Fund for Facade Improvements and Signage for the property located at 117 West Main Street, Laurel Montana.**

Motion by Council Member Wilke to approve Resolution No. R19-02, seconded by Council Member Mountsier. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R19-03: Resolution Authorizing And Approving An Employment Contract Between The City Of Laurel And Nicholas Altonaga Who Shall Serve As The City Planner Ii For The City Of Laurel.**

Motion by Council Member Klose to approve Resolution No. R19-03, seconded by Council Member Mountsier. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R19-04: A Resolution Approving An Amended Encroachment Permit For South Montana Avenue For C-Store Properties LLC, Innovative Properties LLC And, Rimrock II, LLC And To Authorize The Mayor To Execute The Permit On Behalf Of The City Of Laurel.**

Motion by Council Member Mountsier to approve Resolution No. R19-04, seconded by Council Member McGee. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

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

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

**COUNCIL DISCUSSION:**

Friends of the Yellowstone National Cemetery approached Representative Vince Ricci to carry a bill at the State. They are proposing that Buffalo Trail mile markers 1-2 be designated as Pearl Harbor Veterans Highway.

Park Board's next meeting is Thursday, February 7, 2019, at 5:30 PM.

Planning Board has canceled their meeting on February 7, 2019.

Public Works Committee has canceled their meeting on February 18, 2019.

DRAFT

Council Members were reminded to review Laurel Municipal Code and get a good understanding of annexation prior to next weeks meeting.

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 eight council members present voted aye. Motion carried 8-0.

There being no further business to come before the council at this time, the meeting was adjourned at 7:09 p.m.

  
Brittney Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 19<sup>th</sup> day of February 2019.

\_\_\_\_\_  
Thomas C. Nelson, Mayor

Attest:

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



CITY HALL  
115 W. 1<sup>ST</sup> 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 Planning

Office of the Director of Public  
Works

Date: January 7, 2019  
To: Laurel Mayor and City Council  
From: Laurel – Yellowstone City – County Planning Board and Zoning Commission  
Forrest Sanderson, AICP, CFM – Contract Planner  
Re: Initial Zoning Request, Goldberg Investment LLP

### **BACKGROUND:**

On November 13, 2018, an annexation request for Lot 18 Nutting Brothers 2<sup>nd</sup> Filing and Lots 19 – 25 Nutting Brothers 3<sup>rd</sup> Filing in Section 10, Township 2 South, Range 24 East was submitted along with a request for annexation.

The initial zoning request is for Residential Light Multi-Family (**RLMF**) on Nutting Brothers 2<sup>nd</sup> Filing Lot 18 and Nutting Brothers 3<sup>rd</sup> Filing Lots 19 – 24 and Community Commercial (**CC**) on Lot 25 Nutting Brothers 3<sup>rd</sup> Filing.

The Laurel – Yellowstone City County Planning Board and Zoning Commission did on January 3, 2019 conduct a public hearing on the proposed initial zoning request.

### **ANALYSIS OF REQUEST**

LEGAL DESCRIPTION: Lot 18 Nutting Brothers 2<sup>nd</sup> Filing and Lots 19 – 25 Nutting Brothers 3<sup>rd</sup> Filing in Section 10, Township 2 South, Range 24 East, P.M.M., Yellowstone County, Montana

### **GENERAL INFORMATION**

1. The RLMF is intended to provide a suitable residential environment for medium to high density residential dwellings and where possible a buffer between residential and commercial zones.
2. The CC is intended to accommodate retail, service, and office facilities offering a greater variety than would normally be found in a neighborhood or convenience retail development.
3. Both the RLMF and CC zones are generally applicable existing standard Zoning Districts within the City of Laurel. Further, the zoning classifications exist on properties annexed into the City of Laurel that are adjacent to the proposed annexation and initial zoning request.



## FINDINGS OF FACT

The City of Laurel is an incorporated City within the State of Montana with powers established by the City Charter. The power and processes for the City to establish zoning regulations are found in §76-2-301 et. seq. M.C.A.

In the State of Montana, all jurisdictions proposing to zone or rezone property or to adopt or revise their zoning regulations must issue findings of fact on a twelve-point test that constitutes the rational nexus/legal basis for the adoption of or amendments to a zoning district or zoning regulations, as follows:

I. Is the zoning in accordance with the growth policy;

- The proposed zoning regulations and map are based on the 2013 Growth Policy. A quick comparison of the Future Land Use Map verifies that the proposed zoning is consistent with the anticipated future zoning for the area.
- The RLMF and CC zones are generally applicable existing standard Zoning Districts within the City of Laurel that are supported by the 2013 Growth Policy.
- The zoning classifications exist on properties annexed into the City of Laurel that are adjacent to the properties proposed annexation and initial zoning request.
- Several strategies from the Growth Policy pertaining to the residential development are met with the new zoning. Most notably; The regulations are designed to provide easier use, reuse and restoration of existing structures and properties and the regulations encourage infill development and expanded use opportunities.

Finding: The requested zoning is in accordance with the Growth Policy and other adopted rules and regulations of the City of Laurel.

II. Is the zoning designed to lessen congestion in the streets;

- The requested zoning encourages compact walkable development as well as expanded opportunities within new developments.
- The requested zoning encourages compact urban development as such the need for vehicular travel is limited.
- The requested zoning in conjunction with the development standards adopted with the Subdivision Regulations will provide for flow through development, logical extension of the gridded infrastructure network, and encourage pedestrian- friendly growth.

Finding: The requested zoning will lessen congestion in the streets by ensuring orderly growth and development of the property that is consistent with the zoning and other regulations adopted by the City of Laurel.

III. Is the zoning designed to secure safety from fire, panic, and other dangers;

- The requested zoning will provide for consistency in development along with provision of urban services including but not limited to water, sewer, police and fire protection.
- The requested zoning regulations incorporates enforcement of development standards, setbacks and compliance with the Building Code program adopted by the City of Laurel.



- The requested zoning has restrictions on lot coverage, grading and development on steep slopes and other areas that are potentially hazardous.

Finding: The recommended zoning will provide safety to residents and visitors to the City from fire, panic and other dangers.

IV. Is the zoning designed to promote health and the general welfare;

- The requested zoning imposes limitations on uses, setbacks, height limits and building restrictions.
- The requested zoning groups together like and consistent uses within existing neighborhoods.
- The requested zoning is consistent with the prevailing zoning established by the City of Laurel on lands already located within the City limits.
- The proposed zoning implements the legislative intent of the City Council, provide consistency in the administration of the regulations and encourages responsible growth and development in and adjacent to the City of Laurel.

Finding: The grouping together of like and consistent uses promotes the health and general welfare of all citizens of the City of Laurel. Further, the requested zoning is substantially consistent with the land use in the neighborhood.

V. Is the zoning designed to provide adequate light and air;

- The requested zoning imposes building setbacks, height limits, limits on the number of buildings on a single parcel, and reasonable area limits on new development.
- The text of the regulations in the requested zones implement the concept that the City of Laurel was developed historically on a gridded network. The requested zoning requires the perpetuation of this pattern. In doing so as the City plans for growth, the spacing and layout of new development will facilitate provision of light and air to new development.

Finding: The requested zoning will ensure the provision of adequate light and air to residents of the City through various development limitations.

VI. Is the zoning designed to prevent the overcrowding of land;

- The zoning regulations impose minimum lot size, use regulations and other limitations on development.
- The minimum lot size established with the requested zoning provides for ease of transition from rural to urban development. These standards encourage annexation to the City and development at a scale that justifies the capital extension of water and sewer while spreading the costs out on an equitable basis.
- The text of the proposed regulations encourages compact urban scale development while preventing undue overcrowding in any given segment of the community.
- The regulations encourage the creation of adaptive open space uses in conjunction with more intensive uses of property.

Finding: The existing standards of the requested zoning will prevent the overcrowding of land.

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

- The requested zoning is part of the holistic approach to land use regulation for the entirety of the City of Laurel and is not focused on any single special interest.
- The requested zoning takes advantage of areas that were created and intended as suitable for residential and commercial uses.
- The existing RLMF regulations are a part of the City residential zoning districts that provide a continuum of residential densities and managed development to create land use compatibility.
- The existing CC regulations are a part of the City commercial zoning districts that provide a tiered set of commercial uses, bulk of structures, and densities to enhance land use compatibility within the City.
- The requested zoning imposes minimum lot sizes, reasonable use restrictions on the subject properties, fencing limitations and setback standards.

Finding: The existing standards of the requested zoning will prevent the undue concentration of population by encouraging the most appropriate use and development on the subject property.

VIII. Is the zoning designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;

- The existing RLMF regulations are a part of the City residential zoning districts that provide a continuum of residential densities and managed development to create land use compatibility.
- The existing CC regulations are a part of the City commercial zoning districts that provide a tiered set of commercial uses, bulk and densities to enhance land uses within the City.
- The prevailing zoning along with the City Subdivision Regulations establishes minimum standards for the provision of infrastructure such as roads, sidewalks, water sewer, wire utilities and storm water management.
- The prevailing zoning encourages compact urban scale development and groups together similar uses that will not detract from the quality of life expected in Laurel while providing the economies of scale to extend water, sewer, streets, parks, quality schools and other public requirements.

Finding: The standards of the requested zoning will ensure the adequate provision of transportation, water, sewerage, school, parks and other public requirements.

IX. Does the zoning give reasonable consideration to the character of the district and its peculiar suitability for particular uses;

- The requested zoning (CC and RLMF) specify development standards and solidify the legislative intent of the City Council that was stated in the initial adoption of the regulations and the 2013 Growth Policy.



- The proposed changes do not impact any of the adopted district standards that were established to ensure that the regulations provide for land uses that are compatible with existing uses and neighborhood characteristics.
- The requested zones, by definition, are designed to be adjacent to each other, provide buffers and transitional areas between residential and commercial development.
- The petitioner has not proposed to change height limits and other building restrictions. These restrictions ensure compatible development.
- The requested zoning groups together like and consistent uses and is consistent with the existing zoning in the neighborhoods currently within the City of Laurel.

Finding: The requested zoning gives due consideration to the character of the existing neighborhoods, within the City as well as suitability for the particular uses.

X. Does the zoning give reasonable consideration to the peculiar suitability of the property for its particular uses;

- The requested zoning assignments are districts created by the City to implement the significant sections of the 2013 Growth Policy.
- The 2013 Growth Policy represented a major turning point in the theory of land use and land use regulation for the City of Laurel.
- The Growth Policy ties directly to and values the City's history and existing use of property and structures, the tools used to encourage development of property needed to be designed to reflect this change in direction.
- The proposed changes do not impact any of the currently adopted district standards that were established to ensure that the regulations provide for land uses that are compatible with existing uses and neighborhood characteristics.
- The requested zones, by definition, are designed to be adjacent to each other, provide buffers and transitional areas between residential and commercial development.
- The requested zoning groups together like and consistent uses and is consistent with the existing zoning in the neighborhoods currently within the City of Laurel.

Finding: The recommended zoning gives reasonable consideration to the peculiar suitability of the property for its particular uses.

XI. Will the zoning conserve the value of buildings;

- The requested zoning groups together like and consistent uses and is consistent with the existing zoning in the various neighborhoods of the City of Laurel.
- The requested zoning reinforces that RLMF (residential) and CC (commercial) flexibility in the location and development of the permitted and conditionally permitted uses. In doing so the value of both residential and commercial properties is enhanced.
- The RLMF and the CC are compatible adjoining land uses per the 2013 Growth Policy.
- The requested zoning was proposed by the property owner. Any consideration of the value of existing buildings on the property would have been considered in the selection of the available Laurel Zoning Districts.
- Where the requested zoning is currently in place on surrounding properties the value of existing buildings should not be impacted because of the development of property with the same land use restrictions as the adjoining property.

Finding: The recommended zoning will conserve or in many cases enhance the value of buildings.

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

- The requested zoning provides for grouping like and compatible uses.
- The proposed zoning recognizes that buildings that are in residential or commercial areas have options either to remain as they are or to be utilized in a manner that reflect the highest and best use, in the owner's opinion, for the subject property.
- The requested zoning groups together like and consistent uses and is consistent with the existing zoning in the various neighborhoods of the City of Laurel.
- The requested zones, by definition, are designed to be adjacent to each other, provide buffers and transitional areas between residential and commercial development.

Finding: The recommended zoning will encourage the most appropriate use of land throughout the municipality.

#### **RECOMMENDATIONS AND CONDITIONS OF APPROVAL**

Staff Recommends that the Zoning Commission find that the proposed Zoning Assignment submitted by Goldberg LLP reflects the 2013 Growth Policy; that the rational nexus for the adoption of zoning has been met or exceeded by the proposed amendments; and that the citizens of Laurel have participated in the amendment of the Zoning Regulations.

The request to proceed with initial zoning of Lot 18 Nutting Brothers 2<sup>nd</sup> Filing and Lots 19 – 25 Nutting Brothers 3<sup>rd</sup> Filing in Section 10, Township 2 South, Range 24 East Subdivision should be APPROVED subject to the following conditions:

1. The annexation request is completed in accordance with Montana Law and the City of Laurel Annexation Policy.
2. The zoning shall be assigned at the time of filing the annexation map.
3. That all adjacent public road rights of way outside of the boundaries of the Goldberg LLP properties shall be included on the final annexation map and the exhibit prepared for final approval of the annexation by the City Council.

CITY HALL  
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WATER OFC.: 628-7431  
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# City Of Laurel

P.O. Box 10  
Laurel, Montana 59044



## Office of Planning

Office of the Director of Public  
Works

Date: January 7, 2019  
To: Laurel Mayor and City Council  
From: Laurel – Yellowstone City – County Planning Board and Zoning Commission  
Forrest Sanderson, AICP, CFM – Contract Planner  
Re: Annexation Request, Goldberg Investment LLP

### **BACKGROUND:**

On November 13, 2018, an annexation request for Lot 18 Nutting Brothers 2<sup>nd</sup> Filing and Lots 19 – 25 Nutting Brothers 3<sup>rd</sup> Filing in Section 10, Township 2 South, Range 24 East was submitted along with a request for initial zoning. The initial zoning request, which is analyzed in a separate Report is for Residential Limited Multi-Family (RLMF) and Community Commercial (CC).

The Laurel – Yellowstone Planning Board and Zoning Commission did on January 3, 2019 conduct a public hearing on the proposed annexation request.

### **ANALYSIS OF REQUEST**

City Council Resolution #R08-22 (March 4, 2008) and the aforementioned Application Form establishes the criteria and requirements for the annexation of property.

Standard:

1. Only parcels of land adjacent to the City of Laurel will be considered for annexation. If the parcel to be annexed is smaller than one city block in size (2.06 acres), the city council must approve consideration of the request; the applicant must make a separate written request to the city council stating their wish to annex a parcel of land less than one city block in size. Once the council approves the request, the applicant can apply for annexation.

Findings:

- A. The property requested for consideration is adjacent to the existing Laurel city limits;
- B. The property requested for consideration is 32.56 acres in size;
- C. The property owner (Goldberg Investments LLP) owns or has been authorized to submit the annexation petition.;



- D. Should the request for annexation be denied by the City of Laurel the request for initial zoning will not proceed further;
- E. This is the type of comprehensive annexation and initial zoning requests that are desired under the City of Laurel Annexation Policy.
- F. The annexation and initial zoning appears to be consistent with your 2013 Growth Policy. (Infrastructure, Land Use, and Transportation Sections). These sections encourage comprehensive 'big picture' looks at development, growth and the extension of public infrastructure.

### **MOVING FORWARD**

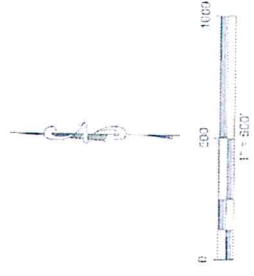
- 1. The application adequately addresses the following items as required by Council Policy:
  - a. An extension of City Streets, Water, Sewer, Sidewalks, Storm Water, Curb and Gutter and how the developer/owner intends to pay for these infrastructure extensions;
  - b. An executed waiver of the right to protest the creation of SID's;
  - c. Adequate discussion of the suitability of the proposed zoning for the property to be annexed;
  - d. A notarized signature from the record property owner authorizing the annexation and requested initial zoning;
  - e. Adequate discussion of the subdivision process to create lots that conform to the minimum district requirements and use limitations imposed by the Laurel Zoning Regulations.
- 2. The application did include a fee for the consideration of annexation and zoning.
  - a. The fee is adequate for the application as presented.
- 3. The annexation map, to be prepared at the developers expense shall include all adjacent public rights-of-way

### **RECOMMENDATION:**

The request to proceed with annexation of Lot 18 Nutting Brothers 2<sup>nd</sup> Filing and Lots 19 – 25 Nutting Brothers 3<sup>rd</sup> Filing in Section 10, Township 2 South, Range 24 East Subdivision should be APPROVED for the following reasons:

- 1. The annexation request is consistent with the City of Laurel Annexation Policy.
- 2. The requested annexation is consistent with the 2013 Laurel Growth Policy.
- 3. The requested initial zoning for the properties is existing Laurel Zoning classifications.

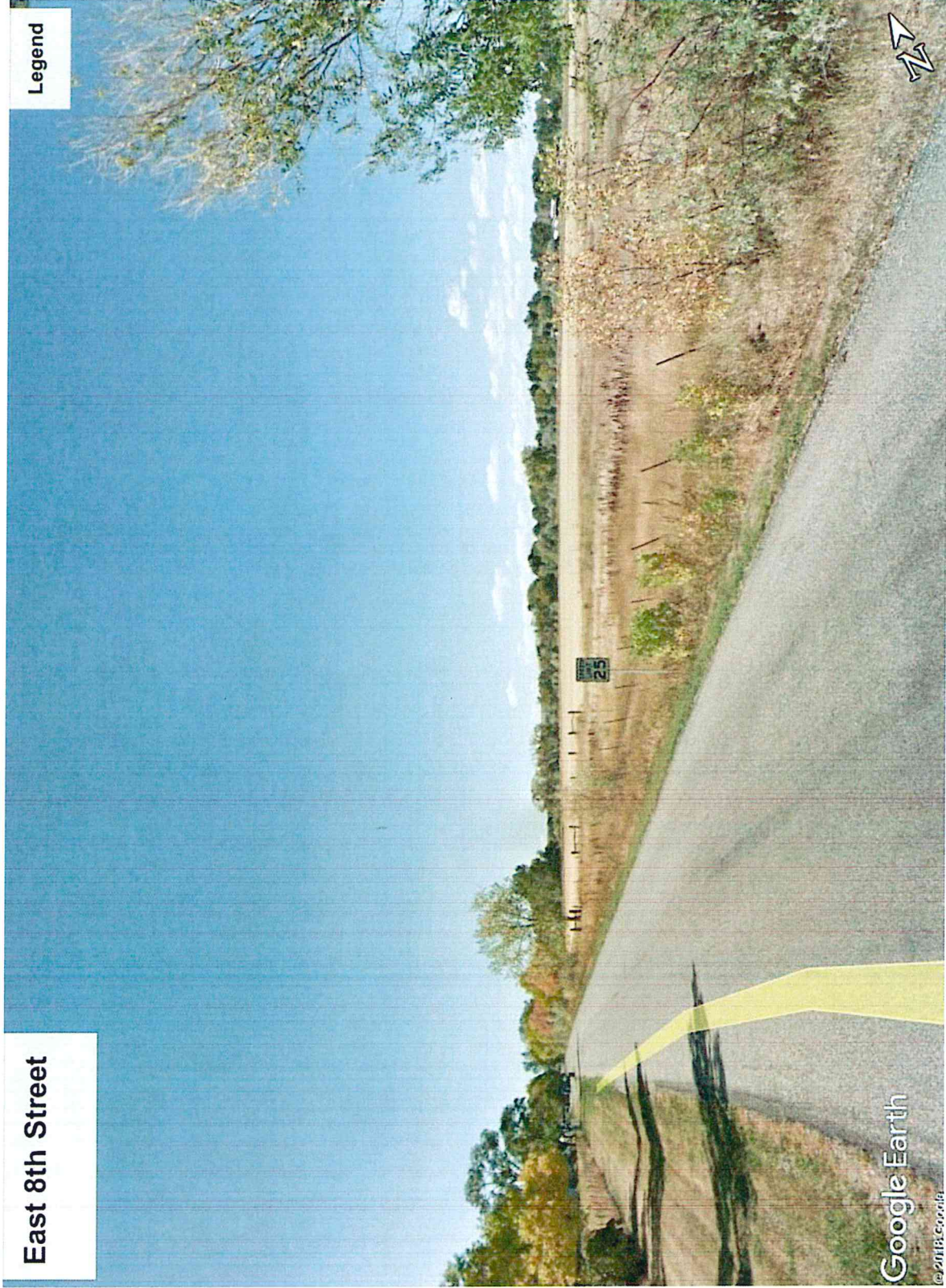












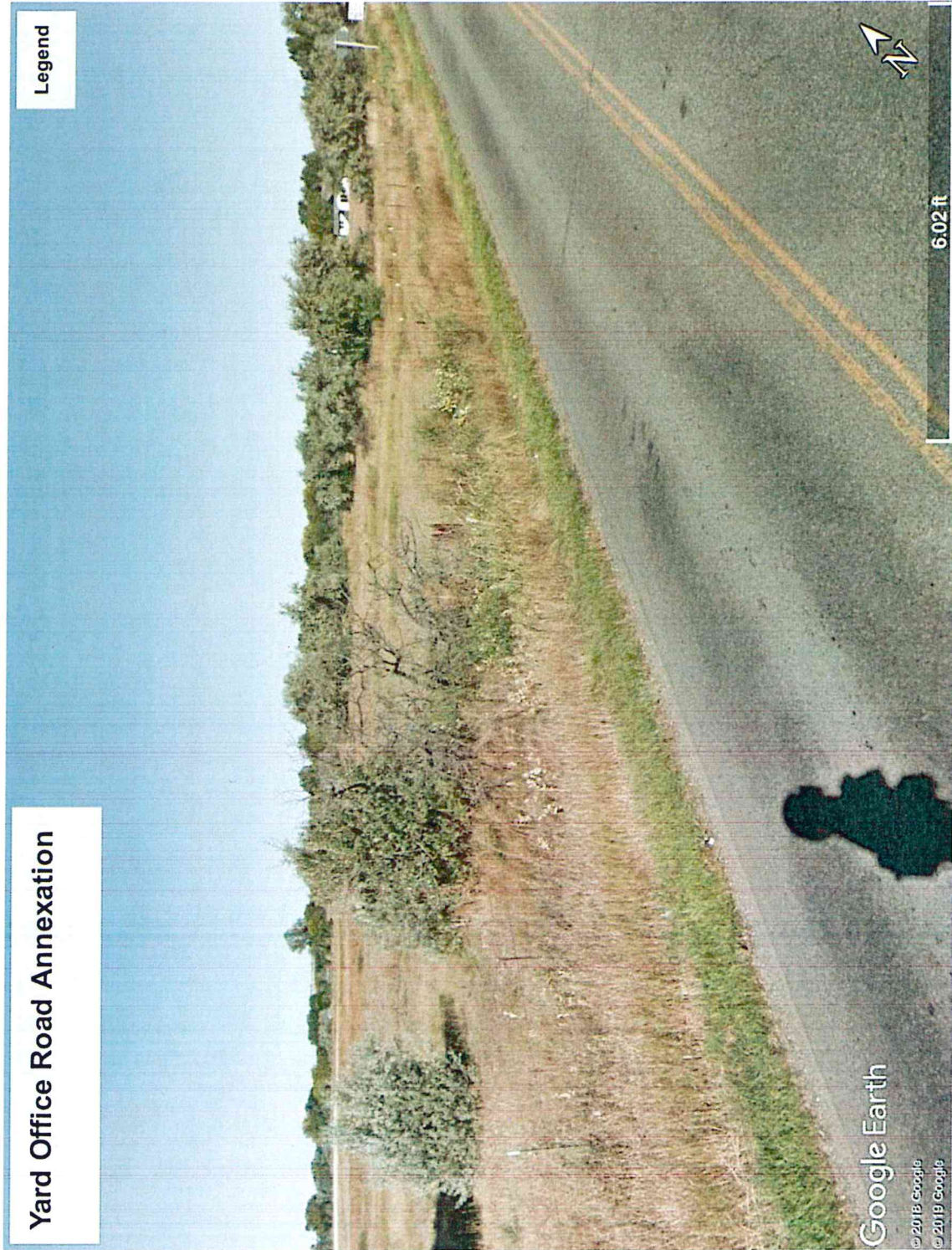
Legend

East 8th Street

Google Earth

© 2016 Google

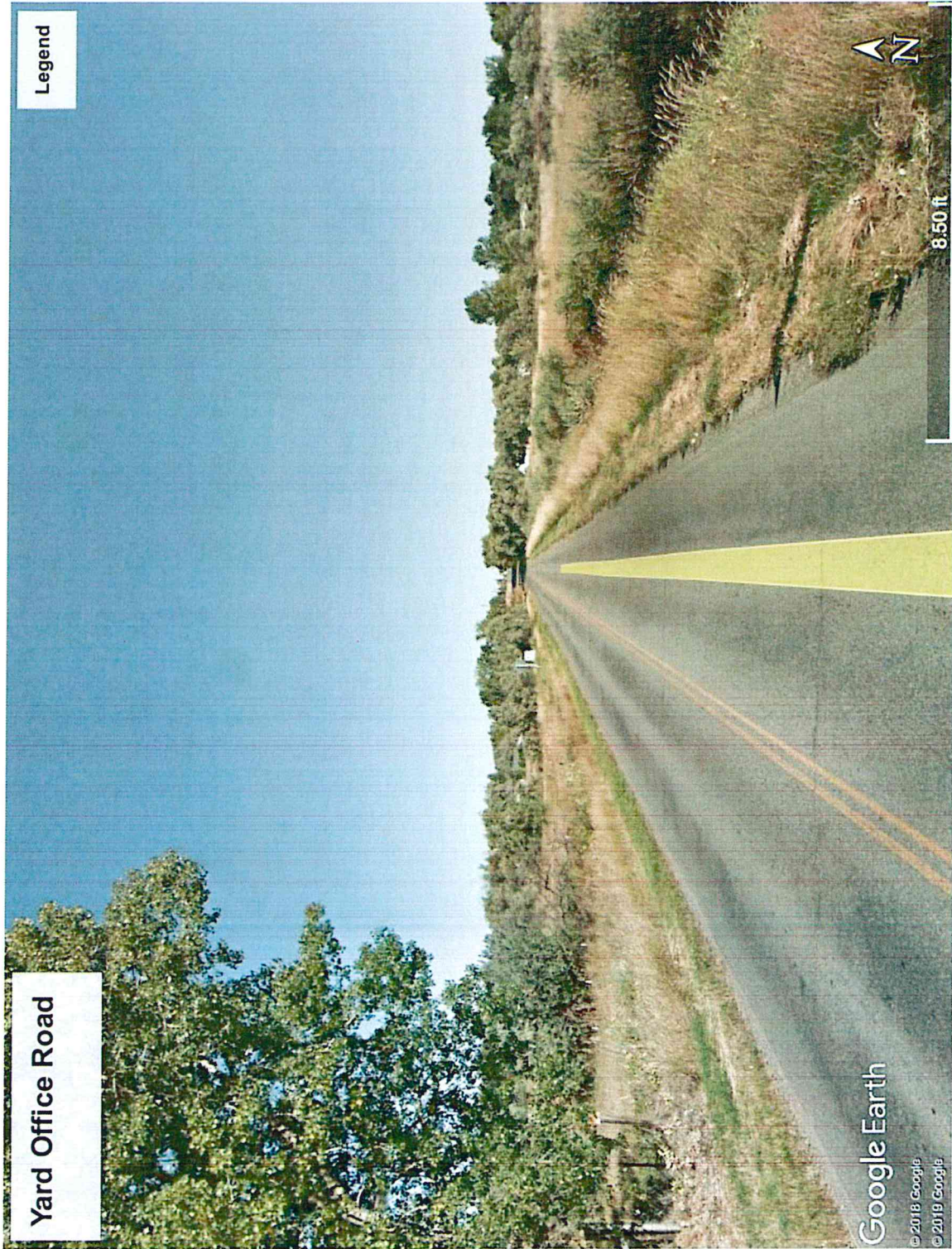




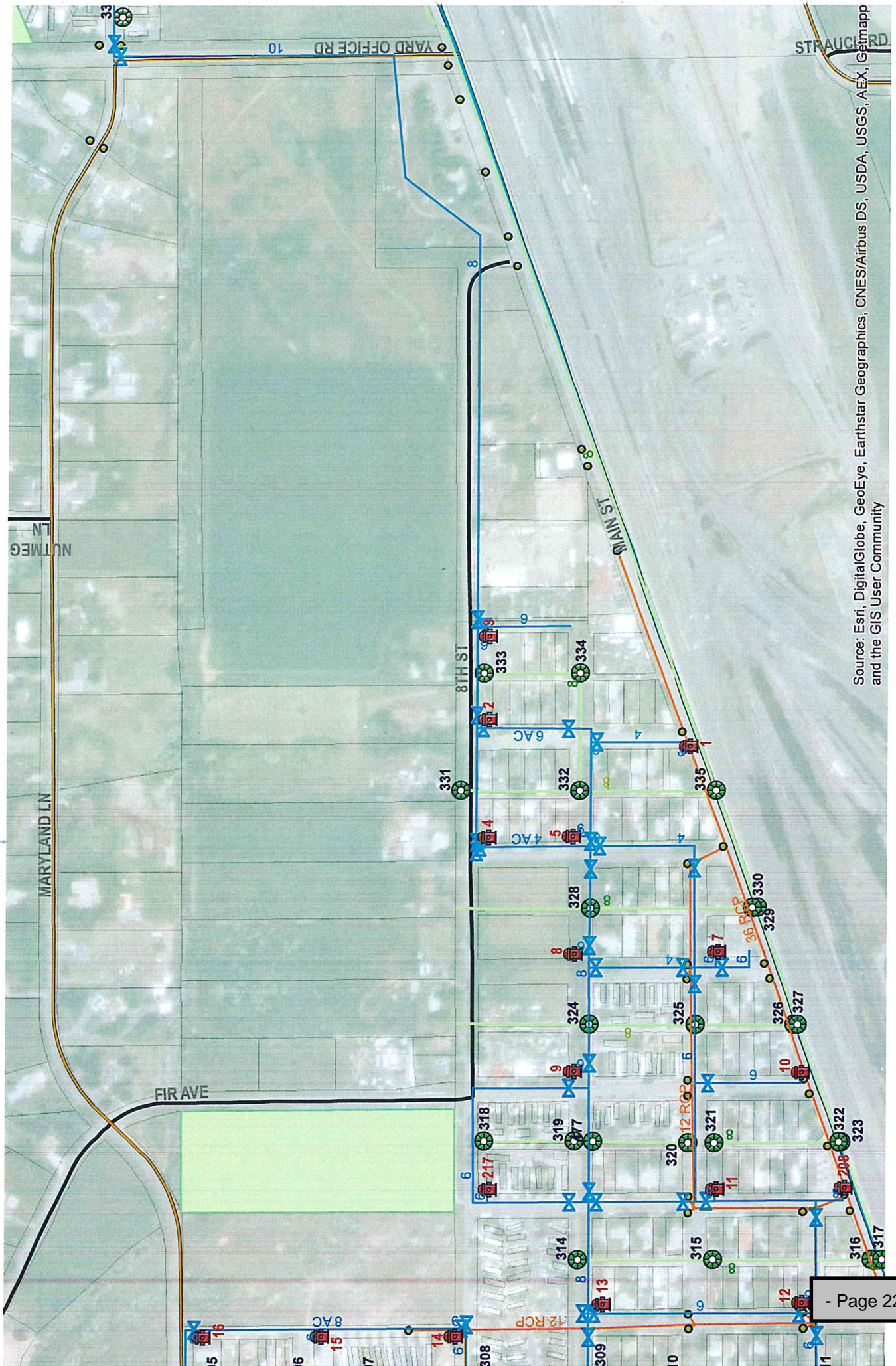
Yard Office Road Annexation

Legend









Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Geomapp and the GIS User Community



**Backup material for agenda item:**

Chamber of Commerce minutes of January 10, 2019; Laurel Chamber of Commerce agenda of February 14, 2019.

## **Laurel Chamber of Commerce** **Board Meeting Minutes**

The Meeting was held on **January 10, 2019 at Sid's**. In attendance were: Executive Board Members: President- Amanda Powell, VP- Chase Anderson, Treasurer- Evan Bruce and Executive Secretary- Camilla Nelson. Directors: Katie Whitmoyer, Patsy Woody, Lori Hodges, Beth Hoferer, Megan Cutting, Billie Lehman, and Renee Studiner. Members Bruce Larson and Matt Lurker.

Amanda called the meeting to order.

The minutes were reviewed: Beth motioned that the minutes be approved, Chase 2<sup>nd</sup>, minutes were approved

### **Bills to be presented for payment:**

### **Old BUSINESS**

- **New Board Members-** Binders were passed out

### **NEW BUSINESS**

- **Annual Meeting-** Annual meeting is January 24<sup>th</sup>. Get RSVP's and donations into the Chamber.
- **Comp 2 dinner tickets for Lumpy-** It was voted on that we comp 2 dinner tickets for Lumpy to the annual meeting for all that he does for us with the Christmas decorations. Katie motioned, Billie 2<sup>nd</sup>- approved.  
Donations- we can pick up or you can drop off at the Chamber
- **Decorations-** We had 8 blow down this year, a pole by IGA fell down with 2 bells on it. Need to check all the decorations when it gets warmer for damage and get them repaired. Also looking at better ways to keep the decorations up. Was talked about maybe having the HS students in make some smaller ones.
- **Committees-** We need 1 person for the Budget and 1 for the 4<sup>th</sup> of July. Matt Lurker said he would like to be on the 4<sup>th</sup> of July committee.

### **Ribbon cuttings-**

### **OPEN FORUM**

- **Chamber referral program-** It was voted on that we start this program. Chase motioned, Renee 2<sup>nd</sup>. Once the new member joins the Chamber member that referred them will get a \$25 credit to their membership.
- **HS Career Fair-** Only 2 people signed up to do this, Lori asked that we put the application back in the newsletter
- **LARC-** meeting Monday at 6:30pm at Wood's Powr-Grip

### **Business after Hours -**

- **January -** Annual Meeting

**Meeting Adjourned**

**Next meeting - February 14, 2019**

**KC'S Palace**

**Agenda**  
**Laurel Chamber of Commerce**  
**February 14, 2019**  
**KC's Palace**

**Moment of Silence**

**Presentation of minutes:**

**Guest Speaker –**

**Financial Report -**

Yellowstone Checking -	\$ 67,239.18
Altana CD	\$ 8,361.59
Altana Saving	\$ 748.49
Christmas Repair Fund	\$ 655.96
<b>TOTAL</b>	<b>\$ 77,005.22</b>

**Bills to be presented for payment: - done to date**

**4<sup>th</sup> of July Run timers- \$400 deposit**

**OLD BUSINESS**

- **Annual Meeting Report-** Great turn out. Thanks to those who donated and come to the dinner and supported the Chamber. See profit and loss.
- **Need 1 person for the Budget Committee-**
- **Set Committee meeting dates:**
  - **Audit:** March 21<sup>st</sup>?
  - **Budget:** March 28<sup>th</sup>?
  - **4<sup>th</sup> of July:** April 3<sup>rd</sup>?

**NEW BUSINESS –**

- **New Members –** Heidi's Coffee Cabin and Lawn & Snow Pros LLC
- **Job Fair-** April 16<sup>th</sup> from 4-7pm at The Corner, Please let the Chamber know if you would like to have a table at this event
  - **Time 4-7 or do longer?**
- **July 4<sup>th</sup> –** 5 food vendors and 1 craft vendor have paid
  - **Theme for Parade-**
- **July 4<sup>th</sup> Run-** Need ideas of what organization to donate run profit to this year

**Ribbon Cuttings**

•

**OPEN FORUM –**

**Business After Hours –**

If you would like to host an event, please contact the Chamber.

**Next Meeting – March 14 , 2019 Log Cabin**

**Backup material for agenda item:**

Receiving the Committee/Board Minutes into the Record.

Budget/Finance Minutes of February 5, 2019.

Council Workshop Minutes of February 12, 2019.

Park Board Minutes of January 3, 2019.

Laurel Airport Authority Minutes of January 15, 2019.

Library Board Minutes of January 8, 2019.

**MINUTES  
CITY OF LAUREL  
BUDGET/FINANCE COMMITTEE  
TUESDAY, FEBRUARY 05, 2019**

**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. Review and approve the minutes from the January 15, 2019 Budget and Finance Committee meeting – Richard Klose made a motion to approve the minutes of the January 15, 2019 Budget and Finance Committee meeting, Scot Stokes seconded the motion, all in favor, motion passes.
2. Review claims entered through 02/01/2019 and recommend approval to Council – Bruce McGee had previously reviewed the claims detail report and check register for accuracy. He questions regarding the cost of toilet plungers and Montana Sheriffs and Peace Officers Association Dues. Those questions were answered by the Clerk Treasurer. Bruce McGee made a motion to approve the claims entered through 02/01/2019 and recommend approval to Council, Scot Stokes seconded the motion, all in favor, motion passes.
3. Review the Comp/Overtime report for Pay Period Ending 01/13/2019 – The comp/overtime report for pay period ending 01/13/2019 was reviewed by the committee. It was noted that there was a holiday worked during this pay period but nothing else to note.
4. Review the Comp/Overtime report for Pay Period Ending 01/27/2019 – The comp/overtime report for pay period ending 01/27/2019 was reviewed by the committee. It was noted that there was a holiday worked during this pay period, there was some plowing/snow removal, water leaks and the sludge dewatering project going on during this pay period.
5. Review and approve the payroll register for pay periods ending 01/13/2019 totaling \$167,282.70 and 01/27/2019 totaling \$185,141.06. The Committee reviewed the payroll register for pay periods ending 01/13/2019 and 01/27/2019. Richard Klose made a motion to approve the payroll register for pay periods ending 01/13/2019 totaling \$167,282.70 and 01/27/2019 totaling \$185,141.06, Bruce McGee seconded the motion, all in favor, motion passes.

**New Business**

**Old Business**

6. Update from the CAO regarding the Courts outstanding accounts receivables. The Committee stated that since the CAO was not in attendance there was not going to be an update on this subject. The Committee stated that for as long as this agenda item has been kept on the agenda the reporting has been slim and the question was asked if this item should be kept on the agenda going forward. The Committee asked the Clerk/Treasurer what accounting or reports she got from the Courts. The Clerk/Treasurer stated that she received monthly deposits from the Court and monthly accounting reports showing outstanding accounts receivables, including current amounts in collections. The Committee asked if the Judge had ever attended a meeting to be able to answer any of the questions asked by the Committee. Other Committee members answered that yes the Judge has attended previously to answer questions. The Judge tried to explain to staff and the Committee that from the judicial side of things she cannot simply write off these debts as the financial side would. The judicial side has different requirements than the financial side. The Committee felt that previous staff wasn't very willing to listen to the judge nor

work with her on the subject. The Committee felt that they were trying to take very different approaches to fixing the same issue. The Committee asked how this subject came to the Budget and Finance Committee. Other Committee members answered that the auditors brought forward an audit finding, and the previous CAO and Clerk/Treasurer brought it to the Budget and Finance Committee asking for help. The Committee asked why this issue is not an audit finding now. The outstanding court accounts receivable was very large and needed to reflect more accurate or collectable numbers. After the audit finding the Judge came up with a policy and has been following it to try to get the accounts receivables down. This satisfied the auditors and removed the audit finding. The Committee asked what collection agency the court currently uses. The Clerk/Treasurer stated that they use SABHRS and that they collect when people file state tax returns. The Committee asked if they collect when people file out of state returns. The Clerk/Treasurer stated that they only collect when someone files a Montana state return. The Committee asked why the courts chose SABHRS. The Clerk/Treasurer stated that she did not know why SABHRS had been chosen. The Committee decided that this subject needed to be removed from the Budget and Finance Committee agenda and that it needs to be worked on by staff. If the Mayor feels the Budget and Finance Committee needs to review this matter again, he can bring it to the Chairs attention or the Committee can be notified if it shows up through an audit finding.

#### **Other Items**

7. Chairwoman Eaton would like to share the City Council monthly budget report with the Committee – Chairwoman Eaton passed around the January monthly budget report. She stated that this report shows how the City Council is currently doing expenditure wise on their budget. She also passed around a report showing the leave totals for City staff.

#### **Announcements**

8. The next Budget and Finance Committee meeting will be held on February 19, 2019 at 5:30 pm



**MINUTES  
CITY OF LAUREL  
CITY COUNCIL WORKSHOP  
TUESDAY, FEBRUARY 12, 2019**

A Council Workshop was held in the Council Chambers and called to order by Council President Eaton at 6:29 p.m. on February 12, 2019.

**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 type="checkbox"/> Scot Stokes	<input checked="" type="checkbox"/> Irv Wilke
<input checked="" type="checkbox"/> Richard Klose	<input checked="" type="checkbox"/> Bill Mountsier

**OTHERS PRESENT:**

Kurt Markegard, Public Works Superintendent  
Stan Langve, Chief of Police

**Public Input:** There was none.

**General Items:**

1. Appointment of Andrea Beechie to the Laurel Police Reserves  
Chief Langve read his recommendation letter to the Council. See attached.

It was questioned if Ms. Beechie had prior experience. It was clarified that no, she did not, but that she is interested in a career in law enforcement.

It was questioned how many applicants applied to be part of the Reserves. Chief Langve was unsure of how many applied this round. He did know of at least three who did not pass the background portion of the interview process. Currently, Reserves receive \$60 every six months for compensation. Chief Langve is looking into options to make being a Reserve more desirable. This program is very near and dear to his heart. He was the Reserves Coordinator for five years. The Reserves are instrumental in providing support during the Fourth of July.

It was questioned how many Reserves this appointment will bring their numbers up to. Chief Langve stated he was unsure of the exact number. Typically, they hover around 12 members. Recently they lost one member to the County. He would love to see this number between 14 and 20 members. This is unique opportunity and is not for everyone.

**Executive Review:**

2. Resolution: A Resolution Approving A Task Order Authorizing Kadrmas, Lee & Jackson, Inc. For Services Relating To The City Of Laurel's 2019 Pavement Maintenance Project.  
Kurt Markegard, Public Works Director, stated this Task Order is to bid the chip and crack seal. This project was bid last year, and the contractor did not want to complete the job last fall. This Task Order is to advertise and select a contractor in March. KLJ preferred bringing forward a fresh Task Order than amending the previous one.

It was questioned why some text is struck through. It was clarified that the verbiage on the Task Orders stays the same. Anything that does not apply is struck through. In this case, there are no additional final documents.

The Public Works Director stated the Council would see the Pavement Maintenance Program (PMP) in the coming weeks. Public Works Committee will review the PMP at their March meeting.

It was questioned if the chip and crack sealing is to extend the life of the pavement. It was clarified that that was correct.

**Council Issues:** There was none.

**Other Items:**

Council President Eaton asked Public Works Director Kurt Markegard to read an announcement from Mayor Nelson, see attached. She stated there will be no questions answered at tonight's meeting.

**Review of Draft Council Agendas:**

The draft Council agenda was not attached to the packet. It will look similar to your Workshop agenda.

**Attendance at Upcoming Council Meeting:**

All present will be in attendance.

**Announcements:**

Reminder for Council to bring in their red books (LMC) to add supplement 13.

**3. Employee/Volunteer Recognition:**

<b>Employees:</b>		
Kyle Bryant	14 years on the 1 <sup>st</sup>	Police
Jarred Anglin	4 years on the 18 <sup>th</sup>	Police
Zach Cortese	2 years on the 8 <sup>th</sup>	Police
<b>Volunteers:</b>		
Jason Penne	18 years on the 21 <sup>st</sup>	Fire
Christ Baldwin	8 years on Jan. 18 <sup>th</sup>	Reserves
Tom Becker	8 years on Jan. 18 <sup>th</sup>	Reserves
Paul Bickel	6 years on Jan. 17 <sup>th</sup>	Reserves
Dustin Riveland	6 years on Jan. 17 <sup>th</sup>	Reserves
Darci Waldo	5 years on Jan. 21 <sup>st</sup>	Reserves
Steven Worisek	4 years on Jan. 20 <sup>th</sup>	Reserves
Nickalas Buciuman	1 year on Jan. 2 <sup>nd</sup> .	Reserves
Tammy Harpster	11 years on the 19 <sup>th</sup>	Reserves
Jonathan Simpson	1 year on the 1 <sup>st</sup>	Reserves
Jason Ness	15 years on Jan. 6 <sup>th</sup>	Ambulance

The council workshop adjourned at 6:49 p.m.

Respectfully submitted,



Brittney Moorman  
Administrative Assistant

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



# Laurel Police Department

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

**Chief of Police Stanley J Langve**

TO: Mayor Tom Nelson

February 8, 2019

Dear Mayor Nelson,

I am writing to nominate Andrea Beechie to the Laurel Police Reserves. Andrea has passed the National Police Officer Selection Test used for our reserve officer testing.

A panel of Laurel Police Reserve Officers then conducted an oral interview with Andrea. They recommended she continue in the application process.

Detective Sauter conducted a background investigation and reported that nothing was discovered that would exclude Andrea from service as a Laurel Police Reserve Officer.

As Andrea Beechie has meet all the requirements, I respectful submit her for appointment to the Laurel Police Reserves.

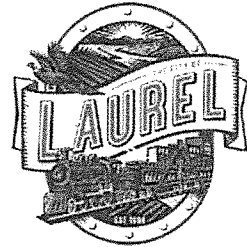
Sincerely,

Chief of Police  
Stanley J Langve

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 Mayor

February 12, 2019

Re, Mayor's Statement for the Annexation Request from Goldberg Investments (Nutting Brothers Subdivision 2<sup>nd</sup> and 3<sup>rd</sup> Filing.

The annexation of Nutting Bothers Subdivision 2<sup>nd</sup> filing lot 18 and Nutting Brothers Subdivision Lots 19-25, 3<sup>rd</sup> filing, brought to the City Council is in the review of Staff. City Staff, Forrest Sanderson, City Attorney Painter and the Mayor, feel the City is not in a legal position to move forward with the annexation and zoning review/request at this time. The Mayor will bring this issue to the Council Workshop under Council Issues on 2/26 to further clarify the issues which led to pulling this item from tonight's workshop. Some items were identified that needed to be included in an annexation agreement for the City Council to consider and we are working to finalize that document.

Thank you,

Thomas C. Nelson  
Laurel City Mayor

**MINUTES  
CITY OF LAUREL  
PARK BOARD  
THURSDAY, JANUARY 03, 2019**

**Members Present:** Scot Stokes, Matt Wheeler, Richard Herr, and Irv Wilke

**Others Present:** Howard Rickard

Scot Stokes called the meeting to order at 17:30. Scot stated there were not enough members present to make a quorum, so not official business could be conducted.

Chairmen Stokes adjourned the meeting at 17:35.

**MINUTES**  
**LAUREL AIRPORT AUTHORITY BOARD MEETING**  
**Tuesday, January 15, 2019**

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

**BOARD MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Matt Lurker, Craig Canfield, Hardin Graham

**1. Public Input**

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

- a. Craig Canfield provided input on a campaign to increase fuel tax and therefore grants from MDT. Board approved Craig to send the flyer he created to the legislature.

**2. General Items**

- a. Previous minutes approved by unanimous consent
- b. Regular occurring claims were approved
  - i. Randy had approved 3 in advance as they were past due: City garbage \$13.55, YVEC \$61.67, PO Box \$48.00
  - ii. Will requested to review our fire assessment at a future meeting. Matt Lurker stated he would ask the fire chief.
- c. Report from Craig Canfield of KLJ on runway project:

- i. Project essentially done. Guidance sign issue is still outstanding, also getting the SRE buildings moved.
  - ii. FAA Supplemental Funding request has been submitted
  - iii. Craig to attend MDT Aeronautics meeting on Thursday and hopes we will receive a grant towards our pavement maintenance project.
- d. SRE Buildings:
  - i. Contractor has started but hasn't made much progress.
  - ii. Craig to notify Riverside that we are holding \$80,000 in retainage until complete.
- e. Sign issue:
  - i. Craig had sent letter to Midland notifying them that it was their issue. They responded that they disagreed, that it was an Act of God and therefore not their issue.
  - ii. Board feels the contract is clear and the issue is Midland's.
  - iii. Motion was made to offer to pay for the one sign that was existing, and Midland will still be responsible for the rest. Passed unanimous.

### 3. New Business

- a. Introduced new board member, Jim Swensgard.
- b. MTANG. Discussion regarding how to move the negotiations forward, how to set lease rates, etc. Will Metz to draft a letter for review including a proposal for lease rates.
- c. Hardin Graham:
  - i. Has contractor working on hangar footprints, needs to know where water/sewer access is, stormwater
  - ii. Wants to put in new self-serve AvGas system and needs to know where. Also will provide Jet-A but not self-serve.
  - iii. Looking to build 100x80 building including office space, pilot lounge, restrooms. Needs room for 2 fuel trucks, AvGas system, 1-2 Jet-A tanks
  - iv. Pilot lounge would be available 24/7 via separate exterior entrance with key-code entry
  - v. Doesn't want to operate flight school himself, but will cooperate with someone else.
  - vi. Will offer all FBO required services.

- d. Snowplow damage. Need to discuss with the plow operators/volunteers how to be more aware of damage and how to avoid.
- e. Tie-down charges and rules. Discussed that we need to add an item to next agenda for further discussion

4. Old Business

- a. Northern Skies. We understand that Russell Schmidt's deal is off at the moment and aren't aware of any other progress. Discussed regarding NSA being in breach of their lease. Going to start discussion with the authority's attorney.
- b. By-laws: no further progress to report.
- c. Safety deposit box: Randy checked and it was essentially empty. Motion/2nd to close it out. Passed unanimous.

5. Other Items

none

6. Announcements

- a. none

The meeting was adjourned at 21:30.

Respectfully submitted,

Brock Williams  
Secretary

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



MINUTES  
CITY OF LAUREL  
Library Board  
01/08/2019 06:00 PM  
Laurel Library

A Library Board was held in the Laurel Library and called to order by \_\_\_\_\_ at \_\_\_\_\_ on 12/11/2018.

**COMMITTEE MEMBERS PRESENT:**

<input checked="" type="checkbox"/> Arthur Voge, Chairman	<input checked="" type="checkbox"/> Dixie Feller
<input checked="" type="checkbox"/> Bill Hanson, Vice-Chairman	<input checked="" type="checkbox"/> Clair Killebrew
<input checked="" type="checkbox"/> Nancy Schmidt, Secretary	<input type="checkbox"/> Samantha Barnhart
<input type="checkbox"/>	<input type="checkbox"/>

**OTHERS PRESENT:**

_____	_____
_____	_____
_____	_____
_____	_____

**1. Public Input**

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

a. Addressing the Board - none

**2. General Items**

- a. Bill motioned the Library Board minutes for November 2018 and December 2018 be accepted as presented. Clair seconded the motion, motion passed.
- b. There was no special correspondence to report to the Board.

- c. Circulation Report -Traffic: down 8.2%; circulation: all items circulated totaled 3,263 (including 499 eBooks), book circulation was down 5.24%, media circulation was up 42%, eBook checkouts for this month was 16.5% of total book circulation, we circulated 542 items to partners and 101 items from other libraries; Computers: internet use was down 16.8%, children's use was down 40.9%, wi-fi use was down 45.8%; patron cards: city registrations made up 58.8% of library users, county patrons 32.4% and non-resident registered patrons 4.3%. There were 66 tech assists in December.

### 3. New Business

- a. The library sent a thank you note, in appreciation, to the generous benefactor of our library mural. A memorial plaque, donated by Western Awards, has been placed next to the mural.
- b. There has been a request that the Board meet on a different day/time to allow other City staff or Council members to attend. Following discussion, it was decided that the meeting day/time would stay the same since those that work already have this monthly time requested off from their places of employment.
- c. The idea of holding monthly staff meetings has been presented by library staff. These meetings will be tentatively scheduled for the last Thursday of each month at 9:00 am. They may need to be adjusted if there are conflicts with appointments or classes.
- d. The outdoor lights have been changed to the new LED fixtures. Most of the fixtures were replaced just before New Year's but it was determined that a fixture needed to be added to the west side of the building to alleviate the dark area by the furnace room/air conditioning unit. Total cost for all fixtures will run about \$1,850. There will be a reimbursement allowed for changing from regular lighting to LED lighting.
- e. Nancy will be attending Offline Conference in Butte, February 1<sup>st</sup> and 2<sup>nd</sup>. She will drive up early on Friday and return early evening on Saturday. Dixie motioned, Claire seconded that Nancy be allowed to use her personal vehicle for the trip.

### 4. Old Business

- a. Final numbers for the book sale: \$1,092.27; new computer desks have been ordered and set in place. Removal of the old desks will happen in the next few weeks. If it is determined that the old desks have no reusable value, they will be sent to the transfer site.
- b. The final numbers for the Annual Statistics have been compiled and turned in to the Montana State Library. This report will be kept on file at the library for

anyonw that wants to take time to review it. They can also access it through the State Library.

- c. Nancy gave Board members a quick demonstration of the new City website and how to access the municode meetings. She will offer training to the Board members if they want it.
- d. There have been 5 updated job descriptions turned in to the CAO for review and approval. Board members will review any changes that are suggested before giving final their approval and returning to the Mayor's office for adoption.

#### 5. Other Items

- a. We will be receiving the FY 19/20 budget in late February or early March. There are some items that need to be discussed concerning the soffit/fascia of the library and updating the shelving inside the library.
- b. Montana State Library will be offering training for storage/use of NARCAN inside public libraries. Nancy will contact Amelea Kim at the MSL to find out what the requiements are for receiving training. Dixie suggested that we consider adding sharps disposal containers in the public bathrooms also. We may not always be aware of patrons that need to take insulin and it would be great to have a safe place for them to dispose of their shaprs after use.
- c. Bill asked about an area of the library being used for "New Book" displays. We currently have a circular rack for the newly acquired books but it may be time to think about updating our displays.
- d. Occasionally we have found that there is a need for a second changing table in our other restroom. When the one restroom is in use, a parent has to use the floor or wait for that restroom to open up to change their little one. This will be looked into for purchase.

#### 6. Announcements

- a. Next regular meeting is Tuesday, February 12, 2019 at 6:00 pm in the Community Room.

The Library Board adjourned at 7:06 pm. Motioned by Dixie and seconded by Bill, passed.

Respectfully submitted,

Nancy L Schmidt  
Secretary

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



**Backup material for agenda item:**

Appointment of Andrea Beechie to the Laurel Police Reserves



# Laurel Police Department

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

**Chief of Police Stanley J Langve**

TO: Mayor Tom Nelson

February 8, 2019

Dear Mayor Nelson,

I am writing to nominate Andrea Beechie to the Laurel Police Reserves. Andrea has passed the National Police Officer Selection Test used for our reserve officer testing.

A panel of Laurel Police Reserve Officers then conducted an oral interview with Andrea. They recommended she continue in the application process.

Detective Sauter conducted a background investigation and reported that nothing was discovered that would exclude Andrea from service as a Laurel Police Reserve Officer.

As Andrea Beechie has meet all the requirements, I respectful submit her for appointment to the Laurel Police Reserves.

Sincerely,

Chief of Police  
Stanley J Langve

**Backup material for agenda item:**

Resolution No. R19-05: A Resolution Approving A Task Order Authorizing Kadrmas, Lee & Jackson, Inc. For Services Relating To The City Of Laurel's 2019 Pavement Maintenance Project.

**RESOLUTION NO. R19-05**

**A RESOLUTION APPROVING A TASK ORDER AUTHORIZING KADRMAS, LEE & JACKSON, INC. FOR SERVICES RELATING TO THE CITY OF LAUREL'S 2019 PAVEMENT MAINTENANCE PROJECT.**

WHEREAS, the City of Laurel previously executed an Agreement for Professional Services with Kadrmas, Lee & Jackson, Inc. ("KLJ") on December 5, 2017, via Resolution No. R17-69; and

WHEREAS, the City of Laurel requires engineering services for the City of Laurel's 2019 Pavement Maintenance Project as described in the attached Task Order with is incorporated herein by reference; and

WHEREAS, the services to be provided and cost for such services are fully described in the attached Task Order and the services rendered shall not exceed \$28,000 without further authorization and written approval by the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, the attached Task Order authorizing the services to be performed by KLJ for the City of Laurel is hereby approved and the Mayor is hereby authorized to execute the attached Task Order on the City's behalf.

Introduced at a regular meeting of the City Council on February 19, 2019, by Council Member

\_\_\_\_\_.

PASSED and APPROVED by the City Council of the City of Laurel this 19<sup>th</sup> day of February 2019.

APPROVED by the Mayor this 19<sup>th</sup> day of February 2019.

CITY OF LAUREL

\_\_\_\_\_  
Thomas C. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Bethany Langve, Clerk-Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
Sam Painter, Civil City Attorney



## **Task Order: Laurel 2019 Pavement Maintenance**

---

In accordance with Paragraph 1.01 of the Agreement Between Owner and Engineer for Professional Services – Task Order Edition, dated December 5, 2017 ("Agreement"), Owner and Engineer agree as follows:

### **1. Background Data**

- A. Effective Date of Task Order: February 19, 2019
- B. Owner: City of Laurel
- C. Engineer: Kadrmas, Lee & Jackson, Inc. (dba "KLJ")
- D. **Specific Project (title):** **Laurel 2019 Pavement Maintenance**
- E. Specific Project (description): Miscellaneous annual pavement maintenance design, bidding and construction in locations throughout the City of Laurel

### **2. Services of Engineer**

- A. The specific services to be provided or furnished by Engineer under this Task Order are:  
  
Set forth in Part 1—Basic Services of Exhibit A, "Engineer's Services for Task Order," modified for this specific Task Order, and attached to and incorporated as part of this Task Order.
- B. Resident Project Representative (RPR) Services – Not Used  
  
Although Engineer will not provide the services of a full-time RPR, it is anticipated that Engineer will visit the Site periodically throughout construction in accordance with Paragraph A1.04.A.9.
- C. Designing to a Construction Cost Limit – Not Used
- D. Other Services – Not Used
- E. All of the services included above comprise Basic Services for purposes of Engineer's compensation under this Task Order.

### 3. Additional Services

- A. Additional Services that may be authorized or necessary under this Task Order are:

Set forth as Additional Services in Part 2—Additional Services, of Exhibit A, “Engineer’s Services for Task Order,” modified for this specific Task Order, and attached to and incorporated as part of this Task Order.

### 4. Owner's Responsibilities

- A. Owner shall have those responsibilities set forth in Article 2 of the Agreement and in Exhibit B, subject to the following:
- Pay the cost of any review fees imposed by agencies having jurisdiction over the project.
  - Coordinate with Laurel Public Schools and other local stakeholders, if required, to evaluate access and traffic control considerations.

### 5. Task Order Schedule

- A. Construction is anticipated during the April-July 2019 timeframe. Engineer will begin immediately, with the objective to advertise for bids in March 2019.

### 6. Payments to Engineer

- A. Owner shall pay Engineer for services rendered under this Task Order as follows:

Description of Service	Amount	Basis of Compensation
Basic Services*	\$28,000.00**	Hourly Rates
Additional Services (Part 2 of Exhibit A)	(N/A)	Hourly Rates

\*Based on an anticipated 4-week continuous construction period.

\*\*Will not be exceeded without Owner’s written approval.

Compensation items and totals based in whole or in part on Hourly Rates or Direct Labor are estimates only. Lump sum amounts and estimated totals included in the breakdown by phases incorporate Engineer’s labor, overhead, profit, reimbursable expenses (if any), and Consultants’ charges, if any. For lump sum items, Engineer may alter the distribution of compensation between individual phases (line items) to be consistent with services actually rendered, but shall not exceed the total lump sum compensation amount unless approved in writing by the Owner.

- B. The terms of payment are set forth in Article 4 of the Agreement and in the applicable governing provisions of Exhibit C.

### 7. Consultants retained as of the Effective Date of the Task Order: None

**8. Other Modifications to Agreement and Exhibits:** None

**9. Attachments:**

- A. Exhibit A – Engineer’s Services for Task Order (12 pages)
- B. KLJ Estimated Standard Hourly Billing Rates Effective January 1, 2018

**10. Other Documents Incorporated by Reference:**

December 5, 2017 Agreement between Owner and Engineer for Professional Services, Task Order Edition

**11. Terms and Conditions**

Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is February 19, 2019.

OWNER: City of Laurel

ENGINEER: Kadrmas, Lee & Jackson, Inc.

By: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Engineer License or Firm’s  
Certificate No. (if required): PEL-EF-LIC-37  
State of: Montana

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: Kurt Markegard

Name: Bryan Vanderloos

Title: Director of Public Works

Title: Project Manager

Address: PO Box 10  
Laurel, MT 59044

Address: PO Box 80303  
Billings, MT 59108

E-Mail  
Address: kmarkegard@laurel.mt.gov

E-Mail  
Address: bryan.vanderloos@kljeng.com

Phone: 406-628-4796

Phone: 406-441-5790

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**Engineer's Services for Task Order: Laurel 2019 Pavement Maintenance**

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**PART 1—BASIC SERVICES**

*A1.01 Study and Report Phase Services—Not Included*

*A1.02 Design Phase*

- A. Project Management—tasks below apply to the entire Task Order.
  - 1. Organize and facilitate kick-off meetings (one each) with Owner and Engineer's project teams to confirm roles, responsibilities and expectations for completing the project.
  - 2. Provide project management services consisting of creating a work breakdown structure and detailed project schedule, creating and implementing a project management plan, facilitating weekly progress meetings and team coordination, reviewing time and expenses and generating monthly invoices, providing bi-weekly status updates to Owner, and provide oversight of the day-to-day Project activities.
  - 3. Visit the Site(s) and attend meetings as needed to coordinate with Owner or other stakeholders.
  - 4. Prior to beginning design phase services, verify the type, locations and extents of 2019 Pavement Maintenance projects with Owner. Pavement maintenance is anticipated to include crack seals and chip seals of various streets throughout Laurel.
  - 5. Provide an initial opinion of probable Construction Cost to assist Owner with determining the scope and extent of 2019 Pavement Maintenance projects. Engineer will not proceed with Design Phase without Owner's acceptance of opinion of probable Construction Cost.
  - 6. Engineer's fee is based on completing the Preliminary and Final Design Phase services described below one time; multiple iterations will be provided as Additional Services.
- B. After verifying the locations and extents of 2019 Pavement Maintenance projects with Owner, as Basic Services, Engineer shall:
  - 1. Provide necessary field surveys and topographic and utility mapping—Not Included
  - 2. Prepare Design Phase documents consisting of final design criteria, drawings, specifications, and written descriptions of the Specific Project. The extent of Engineer's design tasks that will be reflected in Drawings and Specifications, will include the following components:
    - a. Plan Drawings – Provide plan-view construction drawings necessary to depict the location and type of pavement maintenance to be completed by Contractor.



- b. Detail Drawings – Provide detail drawings of supplemental design information required for construction.
  - c. Traffic Control – not included but will be required of Contractor in specifications.
  - d. The project will be confined to existing street sections (curb to curb). The scope of work does not include design of repairing or replacing adjacent private property features. If required, Engineer would provide related work as Additional Services upon Owner's authorization.
- 3. Obtain and review Owner's instructions regarding Owner's procurement of construction services (including instructions regarding advertisements for bids, instructions to bidders, and requests for proposals, as applicable), Owner's construction contract practices and requirements, insurance and bonding requirements, electronic transmittals during construction, and other information necessary for the finalization of Owner's bidding-related documents (or requests for proposals or other construction procurement documents), and Construction Contract Documents. Also obtain and review copies of Owner's design and construction standards, Owner's standard forms, general conditions (if other than EJCDC® C-700), supplementary conditions, text, and related documents or content for Engineer to include in the draft bidding-related documents (or requests for proposals or other construction procurement documents), and in the draft Construction Contract Documents, when applicable.
- 4. Furnish two (2) review copies of the Design Phase documents, and any other deliverables to Owner, and review them with Owner.
- ~~5. After receiving Owner's written review comments, if any, prepare final Drawings and Specifications indicating the scope, extent, and character of the Work to be performed and furnished by Contractor.~~
- 6. Advise Owner of any recommended adjustments to the opinion of probable Construction Cost.
- 7. In addition to preparing the final Drawings and Specifications, assemble drafts of other Construction Contract Documents based on specific instructions and contract forms, text, or content received from Owner.
- 8. Prepare or assemble draft bidding-related documents (or requests for proposals or other construction procurement documents), based on the specific bidding or procurement-related instructions and forms, text, or content received from Owner.
- C. Engineer's services under the Design Phase will be considered complete on the date when Engineer has delivered to Owner the final Drawings and Specifications, other assembled Construction Contract Documents, bidding-related documents (or requests for proposals or other construction procurement documents), and any other Final Design Phase deliverables.
- D. The number of prime contracts for Work designed or specified by Engineer upon which the Engineer's compensation has been established under this Task Order is one. If more prime contracts are awarded, Engineer shall be entitled to an equitable increase in its compensation under this Task Order.

### A1.03 *Bidding or Negotiating Phase*

#### A. As Basic Services, Engineer shall:

1. Assist Owner in advertising for and obtaining bids or proposals for the Work, assist Owner in issuing assembled design, contract, and bidding-related documents (or requests for proposals or other construction procurement documents) to prospective contractors, and, where applicable, maintain a record of prospective contractors to which documents have been issued, attend pre-bid conferences, if any, and receive and process contractor deposits or charges for the issued documents.
2. Prepare and issue Addenda as appropriate to clarify, correct, or change the issued documents.
3. Consult with Owner as to the qualifications of prospective contractors.
4. If the issued documents require, the Engineer shall evaluate and determine the acceptability of "or equals" and substitute materials and equipment proposed by prospective contractors, provided that such proposals are allowed by the bidding-related documents (or requests for proposals or other construction procurement documents) prior to award of contracts for the Work. Services under this paragraph are subject to the provisions of Paragraph A2.01.B.2 of this Exhibit A.
5. Attend the bid opening, prepare bid tabulation sheets to meet Owner's schedule, evaluate bids and provide a recommendation of award (if applicable), and assist Owner in assembling final contracts for the Work for execution by Owner and Contractor and in issuing notices of award of such contracts.
6. If Owner engages in negotiations with bidders or proposers, assisting Owner with respect to technical and engineering issues that arise during the negotiations will be provided subject to the provisions of Paragraph A2.01.B.2 of this Exhibit A.

- B. The Bidding or Negotiating Phase will be considered complete upon commencement of the Construction Phase or upon cessation of negotiations with prospective contractors.

### A1.04 *Construction Phase*

#### A. As Basic Services, Engineer shall:

1. *General Administration of Construction Contract:* Consult with Owner and act as Owner's representative as provided in the Construction Contract. The extent and limitations of the duties, responsibilities, and authority of Engineer shall be as assigned in EJCDC® C-700, Standard General Conditions of the Construction Contract (the Edition of which is to coincide with the current Montana Public Works Standard Specifications in effect at the time of a specific Task Order), prepared by the Engineers Joint Contract Documents Committee, or other construction general conditions specified in the Agreement. If Owner, or Owner and Contractor, modify the duties, responsibilities, and authority of Engineer in the Construction Contract, or modify other terms of the Construction Contract having a direct bearing on Engineer, then Owner shall compensate Engineer for any related increases in the cost to provide Construction Phase services. Engineer

shall not be required to furnish or perform services contrary to Engineer's responsibilities as a licensed professional. All of Owner's instructions to Contractor will be issued through Engineer, which shall have authority to act on behalf of Owner in dealings with Contractor to the extent provided in this Agreement and the Construction Contract except as otherwise provided in writing.

2. *Resident Project Representative (RPR):* (Not included)
3. *Selection of Independent Testing Laboratory:* Assist Owner in the selection of an independent testing laboratory, if required.
4. *Pre-Construction Conference:* Participate in a pre-construction conference prior to commencement of Work at the Site.
5. *Electronic Transmittal Protocols:* If the Construction Contract Documents do not specify protocols for the transmittal of Project-related correspondence, documents, text, data, drawings, information, and graphics, in electronic media or digital format, either directly, or through access to a secure Project website, then together with Owner and Contractor jointly develop such protocols for transmittals between and among Owner, Contractor, and Engineer during the Construction Phase and Post-Construction Phase.
6. *Original Documents:* If requested by Owner to do so, maintain and safeguard during the Construction Phase at least one original printed record version of the Construction Contract Documents, including Drawings and Specifications signed and sealed by Engineer and other design professionals in accordance with applicable Laws and Regulations. Throughout the Construction Phase, make such original printed record version of the Construction Contract Documents available to Contractor and Owner for review.
7. *Schedules:* Receive, review, and determine the acceptability of any and all schedules that Contractor is required to submit to Engineer, including the Progress Schedule, Schedule of Submittals, and Schedule of Values.
8. *Baselines and Benchmarks:* ~~As appropriate, establish baselines and benchmarks for locating the Work which in Engineer's judgment are necessary to enable Contractor to proceed.~~ (Construction staking not included.)
9. *Visits to Site and Observation of Construction:* In connection with observations of Contractor's Work while it is in progress:
  - a. Make visits to the Site at intervals appropriate to the various stages of construction, as Engineer deems necessary, to observe as an experienced and qualified design professional the progress of Contractor's executed Work. Engineer's fee is based on full-time site observation during chip sealing operations, and up to three (3) additional site visits during the Project. Such visits and observations by Engineer, ~~and the Resident Project Representative, if any,~~ are not intended to be exhaustive or to extend to every aspect of the Work or to involve detailed inspections of the Work beyond the responsibilities specifically assigned to Engineer in the Agreement, this Task Order, and the Construction Contract Documents, but rather are to be limited to spot checking, selective sampling, and similar

methods of general observation of the Work based on Engineer's exercise of professional judgment, as assisted by the Resident Project Representative, if any. Based on information obtained during such visits and observations, Engineer will determine in general if the Work is proceeding in accordance with the Construction Contract Documents, and Engineer shall keep Owner informed of the progress of the Work.

- b. The purpose of Engineer's visits to the Site, and representation by the Resident Project Representative, if any, at the Site, will be to enable Engineer to better carry out the duties and responsibilities assigned to and undertaken by Engineer during the Construction Phase, and, in addition, by the exercise of Engineer's efforts as an experienced and qualified design professional, to provide for Owner a greater degree of confidence that the completed Work will conform in general to the Construction Contract Documents and that Contractor has implemented and maintained the integrity of the design concept of the completed Project as a functioning whole as indicated in the Construction Contract Documents. Engineer shall not, during such visits or as a result of such observations of the Work, supervise, direct, or have control over the Work, nor shall Engineer have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by any Constructor, for security or safety at the Site, for safety precautions and programs incident to any Constructor's work in progress, for the coordination of the Constructors' work or schedules, nor for any failure of any Constructor to comply with Laws and Regulations applicable to furnishing and performing of its work. Accordingly, Engineer neither guarantees the performance of any Constructor nor assumes responsibility for any Constructor's failure to furnish or perform the Work, or any portion of the Work, in accordance with the Construction Contract Documents.
10. *Defective Work:* Reject Work if, on the basis of Engineer's observations, Engineer believes that such Work is defective under the terms and standards set forth in the Construction Contract Documents. Provide recommendations to Owner regarding whether Contractor should correct such Work or remove and replace such Work, or whether Owner should consider accepting such Work as provided in the Construction Contract Documents.
11. *Compatibility with Design Concept:* If Engineer has express knowledge that a specific part of the Work that is not defective under the terms and standards set forth in the Construction Contract Documents is nonetheless not compatible with the design concept of the completed Project as a functioning whole, then inform Owner of such incompatibility, and provide recommendations for addressing such Work.
12. *Clarifications and Interpretations:* Accept from Contractor and Owner submittal of all matters in question concerning the requirements of the Construction Contract Documents (sometimes referred to as requests for information or interpretation—RFIs), or relating to the acceptability of the Work under the Construction Contract Documents. With reasonable promptness, render a written clarification, interpretation, or decision on the issue submitted, or initiate an amendment or supplement to the Construction Contract Documents.
13. *Field Orders:* Subject to any limitations in the Construction Contract Documents, Engineer may prepare and issue Field Orders requiring minor changes in the Work.



14. *Change Orders and Work Change Directives:* Recommend Change Orders and Work Change Directives to Owner, as appropriate, and prepare Change Orders and Work Change Directives as required.
15. *Differing Site Conditions:* Respond to any notice from Contractor of differing site conditions, including conditions relating to underground facilities such as utilities, and hazardous environmental conditions. Promptly conduct reviews, obtain information, and prepare findings, conclusions, and recommendations for Owner's use, subject to the limitations and responsibilities under the Agreement and the Construction Contract.
16. *Non-reviewable matters:* If a submitted matter in question concerns the Engineer's performance of its duties and obligations, or terms and conditions of the Construction Contract Documents that do not involve (1) the performance or acceptability of the Work under the Construction Contract Documents, (2) the design (as set forth in the Drawings, Specifications, or otherwise), or (3) other engineering or technical matters, then Engineer will promptly give written notice to Owner and Contractor that Engineer will not provide a decision or interpretation.
17. *Shop Drawings, Samples, and Other Submittals:* Review and approve or take other appropriate action with respect to Shop Drawings, Samples, and other required Contractor submittals, but only for conformance with the information given in the Construction Contract Documents and compatibility with the design concept of the completed Project as a functioning whole as indicated by the Construction Contract Documents. Such reviews and approvals or other action will not extend to means, methods, techniques, sequences, or procedures of construction or to safety precautions and programs incident thereto. Engineer shall meet any Contractor's submittal schedule that Engineer has accepted.
18. *Substitutes and "or-equal":* Evaluate and determine the acceptability of substitute or "or-equal" materials and equipment proposed by Contractor, but subject to the provisions of Paragraph A2.01.B.2 of this Exhibit A.
19. *Inspections and Tests:*
  - a. Receive and review all certificates of inspections, tests, and approvals required by Laws and Regulations or the Construction Contract Documents. Engineer's review of such certificates will be for the purpose of determining that the results certified indicate compliance with the Construction Contract Documents and will not constitute an independent evaluation that the content or procedures of such inspections, tests, or approvals comply with the requirements of the Construction Contract Documents. Engineer shall be entitled to rely on the results of such inspections and tests.
  - b. As deemed reasonably necessary, request that Contractor uncover Work that is to be inspected, tested, or approved.
  - c. Pursuant to the terms of the Construction Contract, require additional inspections or testing of the Work, whether or not the Work is fabricated, installed, or completed.

20. *Change Proposals and Claims:* (a) Review and respond to Change Proposals. Review each duly submitted Change Proposal from Contractor and, within 30 days after receipt of the Contractor's supporting data, either deny the Change Proposal in whole, approve it in whole, or deny it in part and approve it in part. Such actions shall be in writing, with a copy provided to Owner and Contractor. If the Change Proposal does not involve the design (as set forth in the Drawings, Specifications, or otherwise), the acceptability of the Work, or other engineering or technical matters, then Engineer will notify the parties that the Engineer will not resolve the Change Proposal. (b) Provide information or data to Owner regarding engineering or technical matters pertaining to Claims.
21. *Applications for Payment:* Based on Engineer's observations as an experienced and qualified design professional and on review of Applications for Payment and accompanying supporting documentation:
- a. Determine the amounts that Engineer recommends Contractor be paid. Recommend reductions in payment (set-offs) based on the provisions for set-offs stated in the Construction Contract. Such recommendations of payment will be in writing and will constitute Engineer's representation to Owner, based on such observations and review, that, to the best of Engineer's knowledge, information and belief, Contractor's Work has progressed to the point indicated, the Work is generally in accordance with the Construction Contract Documents (subject to an evaluation of the Work as a functioning whole prior to or upon Substantial Completion, to the results of any subsequent tests called for in the Construction Contract Documents, and to any other qualifications stated in the recommendation), and the conditions precedent to Contractor's being entitled to such payment appear to have been fulfilled in so far as it is Engineer's responsibility to observe the Work. In the case of unit price work, Engineer's recommendations of payment will include final determinations of quantities and classifications of the Work (subject to any subsequent adjustments allowed by the Construction Contract Documents).
  - b. By recommending payment, Engineer shall not thereby be deemed to have represented that observations made by Engineer to check the quality or quantity of Contractor's Work as it is performed and furnished have been exhaustive, extended to every aspect of Contractor's Work in progress, or involved detailed inspections of the Work beyond the responsibilities specifically assigned to Engineer in the Agreement or this Task Order. Neither Engineer's review of Contractor's Work for the purposes of recommending payments nor Engineer's recommendation of any payment including final payment will impose on Engineer responsibility to supervise, direct, or control the Work, or for the means, methods, techniques, sequences, or procedures of construction or safety precautions or programs incident thereto, or Contractor's compliance with Laws and Regulations applicable to Contractor's furnishing and performing the Work. It will also not impose responsibility on Engineer to make any examination to ascertain how or for what purposes Contractor has used the money paid to Contractor by Owner; to determine that title to any portion of the Work, including materials or equipment, has passed to Owner free and clear of any liens, claims, security interests, or encumbrances; or that there may not be other matters at issue between Owner and Contractor that might affect the amount that should be paid.

22. *Contractor's Completion Documents:* Receive from Contractor, review, and transmit to Owner maintenance and operating instructions, schedules, guarantees, bonds, certificates or other evidence of insurance required by the Construction Contract Documents, certificates of inspection, tests and approvals, and Shop Drawings, Samples, and other data approved as provided under Paragraph A1.04. Receive from Contractor, review, and transmit to Owner the annotated record documents which are to be assembled by Contractor in accordance with the Construction Contract Documents to obtain final payment. The extent of Engineer's review of record documents shall be to check that Contractor has submitted all pages.
23. *Substantial Completion:* Promptly after notice from Contractor that Contractor considers the entire Work ready for its intended use, in company with Owner and Contractor, visit the Site to review the Work and determine the status of completion. Follow the procedures in the Construction Contract regarding the preliminary certificate of Substantial Completion, punch list of items to be completed, Owner's objections, notice to Contractor, and issuance of a final certificate of Substantial Completion. Assist Owner regarding any remaining engineering or technical matters affecting Owner's use or occupancy of the Work following Substantial Completion.
24. *Final Notice of Acceptability of the Work:* Conduct a final visit to the specific Project to determine if the Work is complete and acceptable so that Engineer may recommend, in writing, final payment to Contractor. Accompanying the recommendation for final payment, Engineer shall also provide a notice to Owner and Contractor in the form attached hereto as Exhibit E ("Notice of Acceptability of Work") (also available as a construction form, EJCDC® C-626 (2013)) that the Work is acceptable (subject to the provisions of the Notice and Paragraph A1.04) to the best of Engineer's knowledge, information, and belief, and based on the extent of the services provided by Engineer under the Agreement and this Task Order.
25. *Standards for Certain Construction-Phase Decisions:* Engineer will render decisions regarding the requirements of the Construction Contract Documents, and judge the acceptability of the Work, pursuant to the specific procedures set forth in the Construction Contract for initial interpretations, Change Proposals, and acceptance of the Work. In rendering such decisions and judgments, Engineer will not show partiality to Owner or Contractor, and will not be liable to Owner, Contractor, or others in connection with any proceedings, interpretations, decisions, or judgments conducted or rendered in good faith.
- B. *Duration of Construction Phase:* The Construction Phase will commence with the execution of the first Construction Contract for the specific Project or any part thereof and will terminate upon written recommendation by Engineer for final payment to Contractors. If the specific Project involves more than one prime contract as indicated in Paragraph A1.02, then Construction Phase services may be rendered at different times in respect to the separate contracts. Subject to the provisions of Article 3, Engineer shall be entitled to an equitable increase in compensation if Construction Phase services (including Resident Project Representative services, if any) are required after the original date for completion and readiness for final payment of Contractor as set forth in the final Construction Contract under the Task Order.

#### A1.05 *Post-Construction Phase*

- A. Upon written authorization from Owner during the Post-Construction Phase, as Basic Services, Engineer shall:
  - 1. Together with Owner, visit the Project to observe any apparent defects in the Work, make recommendations as to replacement or correction of defective Work, if any, or the need to repair of any damage to the Site or adjacent areas, and assist Owner in consultations and discussions with Contractor concerning correction of any such defective Work and any needed repairs.
  - 2. Together with Owner, visit the Project within one month before the end of the Construction Contract's correction period to ascertain whether any portion of the Work or the repair of any damage to the Site or adjacent areas is defective and therefore subject to correction by Contractor.
- B. The Post-Construction Phase services may commence during the Construction Phase and, if not otherwise modified in this Exhibit A, will terminate twelve months after the commencement of the Construction Contract's correction period.

#### A1.06 *Commissioning Phase—Not Included*

#### A1.07 *Other Services—Not Included*

### **PART 2—ADDITIONAL SERVICES**

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

- A. *Advance Written Authorization Required:* During performance under a Task Order, Owner may authorize Engineer in writing to furnish or obtain from others Additional Services of the types listed below. Unless expressly indicated above or in the specific Task Order to be included Basic Services, the following services are not included as part of Basic Services and will be paid for by Owner as Additional Services, using the basis of compensation for Additional Services, as indicated in the specific Task Order.
  - 1. This Task Order contains specific information regarding tasks, number of iterations, and deliverables to be provided by Engineer. In addition to those specifically identified herein, the following list, which is not intended to be exclusive, summarizes other exclusions.
    - a. Permitting
    - b. Surveying: Boundary surveys or establishing survey monuments, including right-of-way and parcel ownership research and mapping; design surveys; construction staking
    - c. Traffic analyses
    - d. Public or private utility analyses, modeling or design
    - e. Hydrologic and Hydraulic analyses required for detailed analysis of inlet capacity, evaluating potential overflow routes or flooding, or other tasks required to determine storm drain sizes
    - f. Structural design
    - g. Landscape or irrigation design
    - h. Right-of-way or permanent easement acquisition services
    - i. 3-D or artistic renderings



2. Preparation of applications and supporting documents (in addition to those furnished under Basic Services) for private or governmental grants, loans, or advances in connection with the Specific Project; preparation or review of environmental assessments and impact statements; review and evaluation of the effects on the design requirements for the Specific Project of any such statements and documents prepared by others; and assistance in obtaining approvals of authorities having jurisdiction over the anticipated environmental impact of the Specific Project.
3. Services to make measured drawings of existing conditions or facilities, to conduct tests or investigations of existing conditions or facilities, or to verify the accuracy of drawings or other information furnished by Owner or others.
4. Services resulting from significant changes in the scope, extent, or character of the portions of the Specific Project designed or specified by Engineer, or the Specific Project's design requirements, including, but not limited to, changes in size, complexity, Owner's schedule, character of construction, or method of financing; and revising previously accepted studies, reports, Drawings, Specifications, or Construction Contract Documents when such revisions are required by changes in Laws and Regulations enacted subsequent to the Effective Date of the Task Order, requested by Owner, or are due to any other causes beyond Engineer's control.
5. Services required as a result of Owner's providing incomplete or incorrect Specific Project information to Engineer.
6. Providing data or services of the types described in Exhibit B, when Owner retains Engineer to provide such data or services instead of Owner furnishing the same.
7. Preparing for, coordinating with, participating in and responding to structured independent review processes, including, but not limited to, construction management, cost estimating, project peer review, value engineering, and constructibility review requested by Owner; and performing or furnishing services required to revise studies, reports, Drawings, Specifications, or other documents as a result of such review processes.
8. Preparing additional bidding-related documents (or requests for proposals or other construction procurement documents) or Construction Contract Documents for alternate bids or cost estimates requested by Owner for the Work or a portion thereof.
9. Assistance in connection with bid protests, rebidding, or renegotiating contracts for construction, materials, equipment, or services.
10. Preparing conformed Construction Contract Documents that incorporate and integrate the content of all Addenda and any amendments negotiated by Owner and Contractor.
11. Providing Construction Phase services beyond the original date for completion and readiness for final payment of Contractor, but only if such services increase the total quantity of services to be performed in the Construction Phase, rather than merely shifting performance of such services to a later date.

12. Conducting surveys, investigations, and field measurements to verify the accuracy of Record Drawing content obtained from Contractor, Owner, utility companies, and other sources; revise and supplement Record Drawings as needed.
  13. Preparing to serve or serving as a consultant or witness for Owner in any litigation, arbitration, mediation, lien or bond claim, or other legal or administrative proceeding involving the Project.
  - ~~14. Providing construction surveys and staking to enable Contractor to perform its work, and any type of property surveys or related engineering services needed for the transfer of interests in real property; and providing other special field surveys.~~
  15. Excessive services during any correction period, or with respect to guarantees called for in the Construction Contract (except as agreed to under Basic Services).
  16. Provide assistance in responding to the presence of any Constituent of Concern at any Site, in compliance with current Laws and Regulations.
  17. Other additional services performed or furnished by Engineer not otherwise provided for in this Agreement.
- B. *Advance Written Authorization Not Required:* Engineer shall advise Owner in advance that Engineer will immediately commence to perform or furnish the Additional Services of the types listed below. For such Additional Services, Engineer need not request or obtain specific advance written authorization from Owner. Engineer shall cease performing or furnishing such Additional Services upon receipt of written notice from Owner. Unless expressly indicated above or in the specific Task Order to be included Basic Services, the following services are not included as part of Basic Services and will be paid for by Owner as Additional Services, using the basis of compensation for Additional Services, as indicated in the specific Task Order.
1. Services in connection with Work Change Directives and Change Orders to reflect changes requested by Owner.
  2. Services in making revisions to Drawings and Specifications occasioned by the acceptance of substitute materials or equipment other than "or equal" items; services after the award of the Construction Contract in evaluating and determining the acceptability of a proposed "or equal" or substitution which is found to be inappropriate for the Project; evaluation and determination of an excessive number of proposed "or equals" or substitutions, whether proposed before or after award of the Construction Contract.
  3. Additional or extended services arising from (a) the presence at the Site of any Constituent of Concern or items of historical or cultural significance, (b) emergencies or acts of God endangering the Work, (c) damage to the Work by fire or other causes during construction, (d) a significant amount of defective, neglected, or delayed Work, (e) acceleration of the progress schedule involving services beyond normal working hours, or (f) default by Contractor.
  4. Services (other than Basic Services during the Post-Construction Phase) in connection with any partial utilization of the Work by Owner prior to Substantial Completion.

5. Evaluating unreasonable or frivolous requests for interpretation or information (RFIs), Change Proposals, or other demands from Contractor or others in connection with the Work, or an excessive number of RFIs, Change Proposals, or demands.
6. Reviewing a Shop Drawing or other Contractor submittal more than three times, as a result of repeated inadequate submissions by Contractor.
7. While at the Site, compliance by Engineer and its staff with those terms of Owner's or Contractor's safety program provided to Engineer subsequent to the Effective Date that exceed those normally required of engineering personnel by federal, State, or local safety authorities for similar construction sites.

**Estimated Standard Hourly Rates (Schedule #3160)****Kadrmass, Lee & Jackson, Inc. (dba KLJ)**

Agreements for professional services stipulate that hourly rates are subject to review and adjustment annually as of January 1. Estimated standard rates effective January 1, 2018 are below.

Archaeologist I	\$75.00	Planner III	\$140.00
Archaeologist II	\$85.00	Project Assistant I	\$70.00
Archaeologist III	\$125.00	Project Assistant II	\$75.00
Archaeologist IV	\$140.00	Project Assistant III	\$95.00
Archaeologist V	\$150.00	Project Assistant IV	\$105.00
Archaeologist Technician	\$75.00	Project Assistant V	\$115.00
Architect I	\$100.00	Right-of-Way Agent I	\$80.00
Architect II	\$110.00	Right-of-Way Agent II	\$115.00
Architect III	\$130.00	Right-of-Way Agent III	\$130.00
Architect IV	\$150.00	Right-of-Way Agent IV	\$150.00
Architectural Historian	\$120.00	Right-of-Way Agent V	\$170.00
CAD Technician I	\$85.00	Structural Engineer I	\$100.00
CAD Technician II	\$100.00	Structural Engineer II	\$110.00
CAD Technician III	\$110.00	Structural Engineer III	\$130.00
CAD Technician IV	\$120.00	Structural Engineer IV	\$155.00
Engineer I	\$100.00	Structural Engineer V	\$175.00
Engineer II	\$110.00	Surveyor I	\$95.00
Engineer III	\$140.00	Surveyor II	\$110.00
Engineer IV	\$170.00	Surveyor III	\$130.00
Engineer V	\$200.00	Surveyor IV	\$165.00
Engineering Technician I	\$95.00	Surveyor V	\$190.00
Engineering Technician II	\$110.00	Survey Technician	\$85.00
Engineering Technician III	\$125.00	Visual Designer	\$100.00
Engineering Technician IV	\$145.00		
Environmental Planner I	\$90.00		
Environmental Planner II	\$110.00		
Environmental Planner III	\$130.00		
Environmental Planner IV	\$150.00		
Environmental Planner V	\$170.00		
Environmental Technician	\$75.00		
GIS Analyst I	\$80.00		
GIS Analyst II	\$100.00		
GIS Analyst III	\$130.00		
GIS Analyst IV	\$145.00		
GIS Technician	\$75.00		
Government Relations Specialist I	\$90.00		
Government Relations Specialist II	\$120.00		
Government Relations Specialist III	\$150.00		
Hydrogeologist	\$200.00		
Landscape Architect I	\$100.00		
Landscape Architect II	\$110.00		
Landscape Architect III	\$130.00		
Landscape Architect IV	\$145.00		
Planner I	\$100.00		
Planner II	\$120.00		