



**AGENDA
CITY OF LAUREL
CITY COUNCIL MEETING
TUESDAY, FEBRUARY 08, 2022
6:30 PM
COUNCIL CHAMBERS**

NEXT RES. NO.
R22-07

NEXT ORD. NO.
O22-01

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 January 25, 2022.

Correspondence

- [2.](#) Fire Monthly Report - January 2022
- [3.](#) Police Monthly Report - January 2022.
- [4.](#) Building Department Monthly Report - January 2022.

Council Disclosure of Ex Parte Communications

Public Hearing

5. Public Hearing: A Resolution Of The City Council Approving An Application For Special Review For J. Johnson Properties Authorizing The Operation Of Lucky Louie's, A Bar And Casino, Within An Existing Structure Located At 305 South 1st Avenue, City Of Laurel.

Consent Items

NOTICE TO THE PUBLIC

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

6. Claims entered through February 4, 2022.
7. Approval of Payroll Register for PPE 1/23/2022 totaling \$190,982.99.
- [8.](#) Council Workshop Minutes of December 21, 2021.
- [9.](#) Council Workshop Minutes of January 4, 2022.
- [10.](#) Council Workshop Minutes of January 18, 2022.
- [11.](#) Council Workshop Minutes of February 1, 2022.

Ceremonial Calendar

12. Sargent Pinning Ceremony

Reports of Boards and Commissions

- [13.](#) Park Board Minutes of January 6, 2022.
- [14.](#) Laurel Urban Renewal Agency Minutes of October 18, 2021.
- [15.](#) City/County Planning Board Minutes of October 20, 2021.
- [16.](#) City/County Planning Board Minutes of November 17, 2021.
- [17.](#) City/County Planning Board Minutes of December 15, 2021.

Audience Participation (Three-Minute Limit)

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

Scheduled Matters

18. Appointment of Forrest Sanderson as Interim City Planner, Flood Plain Administrator, and conditions outlined in the task order with KLJ Engineering as per Resolution R18-12.
- [19.](#) Resolution No. R22-07: A Resolution Of The City Council Approving An Application For Special Review For J. Johnson Properties Authorizing The Operation Of Lucky Louie's, A Bar And Casino, Within An Existing Structure Located At 305 South 1st Avenue, City Of Laurel.
- [20.](#) Resolution No. R22-08: A Resolution Of The City Council Authorizing The Mayor To Sign An Agreement With Meridian Law PLLC For The Provision Of Civil City Attorney Legal Services For The City Of Laurel.

Items Removed From the Consent Agenda

Community Announcements (One-Minute Limit)

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

Council Discussion

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

Mayor Updates

Unscheduled Matters

Adjournment

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

DATES TO REMEMBER

File Attachments for Item:

1. Approval of Minutes of January 25, 2022.

MINUTES OF THE CITY COUNCIL OF LAUREL

January 25, 2022

A regular meeting of the City Council of the City of Laurel, Montana, was held in the Council Chambers and called to order by Mayor Dave Waggoner at 6:31 p.m. on January 25, 2022.

COUNCIL MEMBERS PRESENT: Emelie Eaton Heidi Sparks
 Michelle Mize Richard Herr
 Richard Klose Irv Wilke
 Bill Mountsier

COUNCIL MEMBERS ABSENT: Scot Stokes

OTHER STAFF PRESENT: Jaime Swecker, Fire Marshall
 Gary Gotschell, Firemen
 Kurt Markegard, Public Works Director

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

MINUTES:

Motion by Council Member Wilke to approve the minutes of the regular meeting of January 11, 2022, as presented, seconded by Council Member Sparks. There was no public comment or council discussion. A vote was taken on the motion. All seven Council Members present voted aye. Motion carried 7-0.

CORRESPONDENCE:

- Beartooth RC&D Correspondence.
- Ambulance Monthly Report – December 2021.

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None.

PUBLIC HEARING: None.

CONSENT ITEMS:

- **Claims entered through January 21, 2022.**
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Approval of Payroll Register for PPE through 1/9/2022 totaling \$208,094.18.**

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

Motion by Council Member Eaton to approve the consent items as presented, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All seven Council Members present voted aye. Motion carried 7-0.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS:

- Budget/Finance Committee Minutes of December 28, 2021.
- Tree Board Minutes of December 16, 2021.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):

Barb Emineth, 501 Alder Avenue, read the attached statement into the record.

SCHEDULED MATTERS:

- **Appointment of Ryan Roache to the Police Reserves.**

Motion by Council Member Sparks to approve the Mayor's appointment of Ryan Roache to the Police Reserves, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All seven Council Members present voted aye. Motion carried 7-0.

- **Appointment of Bruce McGee to the Emergency Services Committee.**

Motion by Council Member Mize to approve the Mayor's appointment of Bruce McGee to the Emergency Services Committee, seconded by Council Member Mountsier. There was no public comment or council discussion. A vote was taken on the motion. All seven Council Members present voted aye. Motion carried 7-0.

- **Appointment of Jonathan Gotschall and Lorenzo Olvera to the Laurel Volunteer Fire Department.**

Jaime Swecker, Fire Marshall, introduced Mr. Gotschall and Mr. Olvera to Council.

Motion by Council Member Herr to approve the Mayor's appointment of Jonathan Gotschall and Lorenzo Olvera to the Laurel Volunteer Fire Department, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All seven Council Members present voted aye. Motion carried 7-0.

- **Mayor's Committee Appointments**

Mayor Waggoner made three slight changes to his Committee recommendation. Council Member Mountsier will be on Park Board. Council Member Sparks will be on the Budget/Finance Committee and Public Works Committee.

Motion by Council Member Eaton to approve the Mayor's Committee Appointments, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All seven Council Members present voted aye. Motion carried 7-0.

- **Resolution No. R22-04: A Resolution Of The City Council Authorizing The Mayor To Sign An Agreement With Thompson Painter Law Pc For The Provision Of Civil Legal Services For The City Of Laurel.**

Motion by Council Member Mountsier to approve Resolution No. R22-04, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All seven Council Members present voted aye. Motion carried 7-0.

- **Resolution No. R22-05: Resolution Of The City Council Approving The Development Agreement Between The GL Development LLC, The Laurel Depot LLLP, And The City For The Development And Construction Of Low Income Housing To Be Located Within The City Of Laurel.**

Motion by Council Member Klose to approve Resolution No. R22-05, seconded by Council Member Wilke.

William Hanes, an architect with Collaborative Design Architects in Billings, was the architect of record for this project. He briefly spoke of his support for this project.

There was no council discussion. A vote was taken on the motion. All seven Council Members present voted aye. Motion carried 7-0.

- **Resolution No. R22-06: Resolution Of The City Council Authorizing The Yellowstone County Treasurer To Remove The United States Postal Service From The Official County Tax Rolls.**

Motion by Council Member Wilke to approve Resolution No. R22-06, seconded by Council Member Mountsier. There was no public comment or council discussion. A vote was taken on the motion. All seven Council Members present voted aye. Motion carried 7-0.

DRAFT

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Council asked for clarification on the volunteer ambulance pay and if they have received a pay increase.

Council also requested a list of wages set via resolution. They would like a copy of those resolutions.

Big Sky Beef is looking for a location to put a meat processing facility. Council asked if Laurel would be an option.

Cemetery Commission will meet tomorrow at 5:00 p.m. in Council Conference Room.

It was clarified that no one should have been going door to door regarding a meeting. KLJ did have people in the area surveying the S. 4th Street project, but no one went door to door. Residents should receive something in the mail regarding a future meeting for the work on the south side.

MAYOR UPDATES:

Mayor Waggoner spoke with Council Member Wilke about removing the rifle range at Riverside Park. The Public Works Department has removed that structure.

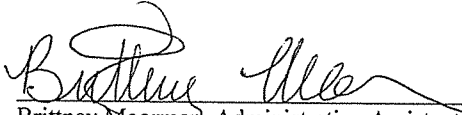
There is a candidate that may be interviewed for the open Planner position.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Council Member Mize to adjourn the council meeting, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All seven Council Members present voted aye. Motion carried 7-0.

There being no further business to come before the council at this time, the meeting was adjourned at 7:00 p.m.


Brittney Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 8th day of February 2022.

Dave Waggoner, Mayor

Attest:

Bethany Langve, Clerk/Treasurer

my copy where you have found one about ^{methane plant in Laurel?}

Hi, My name is Barb Emmerth

I live at 501 Alder Avenue

Mr. Mayor people are waiting to hear

I am here to update the council about what I understand the present situation with NWE and their proposed methane plant ~~site~~ they will be re-applying for the permit needed from the county commissioners to continue their destruction on the south side of the Yellowstone river in order to install their Byron pipeline. Once they obtain that permit there will be by law a 14 day public input period. I will be putting petitions in our local businesses for people to sign if they're opposed to the pipeline as well as the methane plant. On Feb. 10th at noon there will be a peoples hearing where I will be speaking, all are invited to attend and to speak. ^{it will be at the 4000} we must make it perfectly clear that Laurel does not want this methane plant on our doorstep. I realize the city might now have limited power to stop ^{it, so} we each need to use our personal power!

2/2
I am a city volenteer, I pick up
garbage all over town. Recently I've
been working on our town square.

I have a question about the 3
garbage receptacles that have been
placed there. Who needs to be
contacted about them? I think
they were a good idea except they
never get emptied and there are
dumpsters about 15 ft. away in the
alley. I also have never seen so
much dog poop there despite the
fact there's bags, a special place to
put full bags, as well as a sign
posting up to a \$500.00 fine for not
using them. Maybe I'll take a photo
next time I see someone allowing
their dog to do its business and not
pick it up. Maybe just by mentioning
this on video people will do better,
I am always hopeful.

3rd pg. added

Julius A. S. Enright
501 Alder 598-4629

3rd After putting in my name for the vacant seat in Ward 4 I learned that holding that position is as much a community service as it is a job making less than \$50.00 a week. I thank each of you for being here.

I do however ask that moving forward you each make an attempt to place your ego as well as your politics on ~~the~~ ^a top shelf and do your best to look out for the welfare of Laurels citizens. I feel the council, in order to keep up with everything that needs to be discussed and hopefully resolved can no longer move at a snails pace. It does our city no good when issues take years to either be worked out or ignored.

Thank you for
your time.

File Attachments for Item:

2. Fire Monthly Report - January 2022



Laurel Fire Department

Report for the Month of Jan. 2022

	Calls		Hours
Structure Fires	1		36
Wildland Fires	2		33
Extrications	12		200
Other Rescues			
Alarms	9		97
Public Assist	1		18
Medical Assist.	7		49
Other calls	5		49
	37	Totals	482
Fire Prevention			
Total Training			155
Total Maintenance			50
Community Service			
Total			687

Announcements:

Structure Firefighting

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

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

Wildland Firefighting

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

Extrications

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

Other Rescues

Rope Rescue, Water Rescue, Ice Rescue

Alarms

Any false alarms or malfunctions.

Other Calls

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

File Attachments for Item:

3. Police Monthly Report - January 2022.



Laurel Police Department

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

Total Calls

Printed on February 1, 2022

[CFS Date/Time] is between '2021-11-29 00:00' and '2021-12-26 23:59' and

[Primary Incident Code->Code : Description] All

Code : Description

Totals

10-15 : With Prisoner	0	0
: Abandoned Vehicle	87	87
: Agency Assist	46	46
: Alarm - Burglary	17	17
: Alarm - Fire	5	5
AMB : Ambulance	74	74
: Animal Complaint	10	10
: Area Check	2	2
: Assault	2	2
: Bad Checks	0	0
: Barking Dog	2	2
: Bomb Threat	0	0
: Burglary	4	4
: Child Abuse/Neglect	4	4
: Civil Complaint	13	13
: Counterfeiting	1	1
: Criminal Mischief	5	5

Code : Description	Totals	
: Criminal Trespass	2	2
: Cruelty to Animals	5	5
: Curfew Violation	5	5
: Discharge Firearm	0	0
: Disorderly Conduct	4	4
: Dog at Large	10	10
: Dog Bite	0	0
DUI : DUI Driver	11	11
: Duplicate Call	1	1
: Escape	0	0
: Family Disturbance	12	12
: Fight	1	1
FIRE : Fire or Smoke	8	8
: Fireworks	1	1
: Forgery	0	0
: Found Property	5	5
: Fraud	1	1
: Harassment	3	3
: Hit & Run	5	5
: Identity Theft	0	0
: Indecent Exposure	1	1

Code : Description	Totals	
: Insecure Premises	1	1
: Intoxicated Pedestrian	1	1
: Kidnapping	0	0
: Littering	0	0
: Loitering	1	1
: Lost or Stray Animal	10	10
: Lost Property	3	3
: Mental Health	0	0
: Missing Person	1	1
: Noise Complaint	1	1
: Open Container	0	0
: Order of Protection Violation	2	2
: Parking Complaint	36	36
: Possession of Alcohol	1	1
: Possession of Drugs	0	0
: Possession of Tobacco	2	2
: Privacy in Communications	3	3
: Prowler	0	0
: Public Assist	41	41
: Public Safety Complaint	6	6
: Public Works Call	13	13

Code : Description	Totals	
: Report Not Needed	4	4
: Robbery	0	0
: Runaway Juvenile	0	0
: Sexual Assault	1	1
: Suicide	1	1
: Suicide - Attempt	1	1
: Suicide - Threat	2	2
: Suspicious Activity	65	65
: Suspicious Person	9	9
: Theft	16	16
: Threats	2	2
: Tow Call	0	0
: Traffic Accident	28	28
: Traffic Hazard	3	3
: Traffic Incident	15	15
: TRO Violation	0	0
: Truancy	2	2
T/S : Traffic Stop	127	127
: Unattended Death	0	0
: Unknown - Converted	0	0
: Unlawful Transactions w/Minors	0	0

Code : Description		Totals	
:	Unlawful Use of Motor Vehicle	0	0
:	Vicious Dog	0	0
:	Warrant	10	10
:	Welfare Check	14	14
Totals		769	769

File Attachments for Item:

4. Building Department Monthly Report - January 2022.

CITY OF LAUREL BUILDING DEPARTMENT MONTHLY REPORT

Jan-22			Year to Date 2022		
	Amnt	Valuation		Amnt	Valuation
New Construction			New Construction		
1 Single family	<u>0</u>	<u>\$0</u>	1 Single family	<u>0</u>	<u>\$0</u>
2 Duplex	<u>0</u>	<u>\$0</u>	2 Duplex	<u>0</u>	<u>\$0</u>
3 Multi-Family	<u>0</u>	<u>\$0</u>	3 Multi-Family	<u>0</u>	<u>\$0</u>
4 Hotel/Motel	<u>0</u>	<u>\$0</u>	4 Hotel/Motel	<u>0</u>	<u>\$0</u>
5 Commercial	<u>0</u>	<u>\$0</u>	5 Commercial	<u>0</u>	<u>\$0</u>
6 Garage/Carport	<u>1</u>	<u>\$13,000</u>	6 Garage/Carport	<u>1</u>	<u>\$13,000</u>
7 Mobile Home	<u>0</u>	<u>\$0</u>	7 Mobile Home	<u>0</u>	<u>\$0</u>
Total New:	<u>1</u>	<u>\$13,000</u>	Total New:	<u>1</u>	<u>\$13,000</u>
Remodel and Additions			Remodel and Additions		
8 Residential	<u>1</u>	<u>\$31,557</u>	8 Residential	<u>1</u>	<u>\$31,557</u>
9 Commercial	<u>1</u>	<u>\$11,000</u>	9 Commercial	<u>1</u>	<u>\$11,000</u>
10 R. Fence/Roof/Siding	<u>0</u>	<u>\$0</u>	10 R.Fence/Roof/Siding	<u>0</u>	<u>\$0</u>
11 C.Fence/Roof/Siding	<u>0</u>	<u>\$0</u>	11 C.Fence/Roof/siding	<u>0</u>	<u>\$0</u>
12 Sign/Temp Structure	<u>1</u>	<u>\$8,200</u>	12 Sign/Temp Structure	<u>1</u>	<u>\$8,200</u>
Total R & A	<u>3</u>	<u>\$50,757</u>	Total R & A	<u>3</u>	<u>\$50,757</u>
Grand Total:	<u>4</u>	<u>\$63,757</u>	Grand Total:	<u>4</u>	<u>\$63,757</u>

File Attachments for Item:

8. Council Workshop Minutes of December 21, 2021.

**MINUTES
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, DECEMBER 21, 2021**

A Council Workshop was held in Council Chambers and called to order by Mayor Eaton at 6:29 p.m. on December 21, 2021.

COUNCIL MEMBERS PRESENT:

<input checked="" type="checkbox"/> Emelie Eaton	<input 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 type="checkbox"/>

OTHERS PRESENT:

Kurt Markegard, Public Works Director
Matt Smith, KLJ
Sherri Phillips, Court Clerk
Jean Kerr, City Judge

Public Input:

There were none.

General Items

Council Members Sparks, Mize, and Wilke were sworn in for the next elected terms ending December 31, 2025.

1. Ward 4 Appointment

Four people have submitted letters of interest for the vacant Ward 4 seat.

Bill Mountsier, 901 Pennsylvania Avenue, briefly introduced himself to Council.

Barb Emineth, 501 Alder Avenue, briefly introduced herself to Council.

Lorinda Mayer, 619 E. 6th Street, briefly introduced herself to Council.

Kris Vogege of 306 E. 4th Street submitted a letter of interest; however, he resides in Ward 1 and is not able to serve as Ward 4 Council Member.

Executive Review

2. Resolution - A Resolution Awarding The Bid And Authorizing The Mayor To Sign An Agreement With SWS Equipment, LLC For The Purchase Of A Roll Off Container Truck For The City Of Laurel's Public Works Department.

This roll-off truck is needed to send sludge to the landfill. This was the only bid received. The price will be held to the bid price, but the City may not receive the truck until 2023.

It was questioned where the funds were coming from to buy this truck. It was clarified it would come out of the Sewer Enterprise Fund.

3. Resolution - A Resolution Awarding The Bid And Authorizing The Mayor To Sign An Agreement With Titan Machinery For The Purchase Of A New Jet Rodder For The City Of Laurel's Public Works Department.

This truck is for the sewer system uptown. Water will also use this truck. It will replace a 2012 truck. The City did request to trade in the current truck. The City will receive \$125k for the current jet rodder. The overall price, including the trade-in value, will be \$324k. Due to supply chain issues, the City may not receive the truck until 2023. There were three bids for this truck. The City took the lowest bid with the highest trade-in value. The current jet rodder is ten years old. They should be replaced every seven years.

4. Resolution - A Resolution Of The City Council Approving A Task Order Between The City Of Laurel And KLJ Engineering Inc. Authorizing The Preparation Of A Downtown Parking Study For The City Of Laurel.

This parking study will also look at storm drainage downtown that is also parking and pedestrian-friendly. It will also ensure there are enough ADA-compliant parking spaces and analyze the best locations for those parking spaces. There will be four different counts taken in the early morning, late morning, early afternoon, and evening. They will also look at the parking around the Fire Department.

5. Resolution - A Resolution Approving Amendment No. 1 To The Previously Approved Task Order Authorizing Kadrmas, Lee & Jackson, Inc. To Provide Additional Services For The City Of Laurel's South Side Stormwater Study.

This task order is to add the shallow stormwater drainage pond in Russel park. At a later time, the outfalls can be improved to assist with drainage on the south side. With S. 4th Street being redone, the stormwater needs to be addressed. This pond will look like a grassy area, and it is not expected to be water in this pond often.

6. Resolution - Municipality5 Amendment

Municipality is a software that will be beneficial in cutting down work hours for various processes within the Building and Public Works Departments. Unfortunately, when this came before Council the other week was a proposal dated 9/23/2021. The quote was adjusted on 9/30/2021. The base price is now \$51,375 a \$13,675 increase. This increase is still under what was initially budgeted for this project. It will include a planning and zoning module. Down the road, a public portal can be added. Other modules can be added as budgeting allows.

Council Issues**7. Judge Pay Scale Discussion**

The Judge presented the attached documentation in support of her wage increase.

Council noted that it is time to reevaluate the Judge's pay. They asked for this item to come back on the next Council agenda. Council also inquired about the CARES funds and where those are being used.

Other Items

Emergency Services Committee's next meeting is December 27, 2021, at 6:00 p.m. in Council Chambers.

Review of Draft Council Agendas**8. Review Draft Council Agenda for December 28, 2021.**

There were no suggested changes.

Attendance at Upcoming Council Meeting

All Council Members present will be in attendance at the next meeting.

Announcements

Council wished everyone a very Merry Christmas. They look forward to the new year.

The council workshop adjourned at 7:10 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Brittney Moorman', written over a circular stamp.

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.

Montana Code Annotated 2021

TITLE 3. JUDICIARY, COURTS

CHAPTER 11. CITY COURTS

Part 2. City Judges

Salary -- Qualifications

3-11-202. Salary -- qualifications. (1) A city judge, at the time of election or appointment must:

- (a) meet the qualifications of a justice of the peace under **3-10-202**;
- (b) be a resident of the county in which the city or town is located; and
- (c) satisfy any additional qualifications prescribed by ordinance.

(2) The annual salary and compensation of city judges must be fixed by ordinance or resolution.

(3) Each city judge shall receive actual and necessary travel expenses, as provided in **2-18-501** through **2-18-503**, incurred in the performance of official duties.

History: En. Sec. 4765, Pol. C. 1895; re-en. Sec. 3241, Rev. C. 1907; amd. Sec. 1, Ch. 61, L. 1919; re-en. Sec. 5020, R.C.M. 1921; re-en. Sec. 5020, R.C.M. 1935; amd. Sec. 2, Ch. 76, L. 1953; amd. Sec. 2, Ch. 179, L. 1961; amd. Sec. 2, Ch. 158, L. 1965; amd. Sec. 1, Ch. 186, L. 1967; R.C.M. 1947, 11-726; amd. Sec. 12, Ch. 528, L. 1979; amd. Sec. 4, Ch. 543, L. 1987; amd. Sec. 1, Ch. 300, L. 1989; amd. Sec. 201, Ch. 61, L. 2007.

2.68.090 City judge qualifications.

A. No person is eligible for the office of city judge unless prior to filing the oath of office with the county clerk is either:

1. An attorney at law authorized to practice law in the state;

2. A person who has held the office of city judge within the preceding five years; or

3. A person who has completed the orientation course of study held under direction of the supreme court or has been excused by the supreme court.

B. No person is eligible for the office of city judge who upon filing for office shall not meet the residency requirements as for the office of mayor under 7-4-4301, MCA.

C. No city judge may assume the functions of his office unless he has filed with the county clerk and recorder a certificate of completion of a course of education and training prescribed by the commission on courts of limited jurisdiction under 3-1-1502, MCA. (Ord. 931 (part), 1988: prior code § 2.16.080)

2.68.100 City judge—Salary.

The annual salary of the city judge shall be set by city council by resolution, paid on the regularly established paydays of the city, and include the fringe benefit of regular group health coverage supplied to other city employees. (Ord. 06-09, 2006: Ord. 04-7, 2004: Ord. 01-1, 2001: Ord. 99-26, 1999: Ord. 96-4, 1996: Ord. 94-19, 1994: Ord. 1081, 1993: Ord. 1039, 1992: Ord. 979, 1990: Ord. 889, 1986: prior code § 2.16.120) (Ord. No. 008-01, 2-19-08; Ord. No. 009-03, 3-17-09; Ord. No. 009-11, 12-15-09)

2.68.110 Substitute judge when.

A. The city judge or mayor may call in a city judge, a justice of the peace, or some qualified person to act in the judge's place whenever the judge is:

1. A party in a case;

2. Interested in a case;

3. The spouse of or related to either party in a case by consanguinity or affinity within the sixth degree; or

4. Sick, absent, or unable to act.

B. The city judge may call in a city judge, justice of the peace, or some qualified person to act in his stead when a disqualifying affidavit is filed against him pursuant to the supreme court's rules on disqualification and substitution of judges.

C. A city judge of any city or a justice of the peace of any county may sit as a city judge at the city judge's request.

D. No person may serve as a substitute city judge unless he has a certificate of completion of a course of education and training prescribed by the commission on courts of limited jurisdiction under 3-1-1502, MCA or has been given a waiver and temporary certificate by the commission on courts of limited jurisdiction. (Ord. 931 (part), 1988: prior code § 2.16.090)

2.68.120 City judge—Authority to collect fines.

The city judge shall collect all fines, costs and forfeitures that accrue to the city from cases tried or disposed of in city court. He shall give a receipt therefor to the person paying the same, and pay the collected moneys to the city clerk-treasurer. (Ord. 97-2 § 4 (part), 1997; prior code § 2.16.100)

2.68.130 Disposition of fines.

All fines, costs and forfeitures that accrue to the city from cases tried or disposed of in the city court shall be deposited in the general fund. (Ord. 1014, 1992: prior code § 2.16.110)

and consent of the council, one city clerk-treasurer, who shall be ex-officio city assessor; one chief of police; one city attorney; one director of public works; one city engineer; one maintenance director; one public utilities director; and any other offices necessary to carry out the provisions of this title. The council, from time to time, by ordinance or resolution, or by other appropriate means, may prescribe the duties of all appointed officers and fix the compensation of each, subject to the limitations contained in state law and city ordinance. The city attorney shall be appointed for a two-year term, and all other appointed officers under this title shall be appointed to a four-year term coinciding with the term of the mayor.

B. The legislative officers of the city shall be the aldermen.

C. The judicial officer of the city shall be the city judge. By special nomination and appointment by the mayor and the council, a justice of the peace may fill the office of city judge.

D. The council shall have power and authority to abolish, by a majority vote of the council, the executive offices of city attorney, city clerk-treasurer, chief of police, director of public works, assistant director of public works, engineer, maintenance director, public utilities director, and any other office the appointment to which is made by the mayor upon advice and consent of the council; and, the council may discharge any officers so appointed, by a majority vote. (Ord. 02-1, 2002; Ord. 97-2 § 4 (part), 1997; Ord. 971, 1990: prior code § 2.04.070)

2.12.090 Consolidation of appointive offices when.

The city council may, by ordinance, consolidate any of the offices, the appointment to

which is made by the mayor with the advice and consent of the council, and may require any of the elected officers to perform any of the duties of an appointed officer whose office has been abolished. (Prior code § 2.04.090).

*** 2.12.100 City officers—Salary determination.**

The council shall determine by ordinance or resolution the salaries and compensation of elected and appointed city officers and all city employees. (Prior code § 2.04.100)

2.12.110 City officers—Salary not to be diminished during term.

A. The salary and compensation of an officer may not be diminished during his term of office.

B. Salaries of judges shall not be diminished during terms of office, see Mont. Const., Art. VII, S7. (Prior code § 2.04.110)

2.12.120 City officers—Oath of office required.

Each officer of the city must take the oath of office. Any officer that is required to give bond shall file the same, duly approved, within ten days after receiving notice of his election or appointment; or, if no notice be received, then on or before the date fixed for the assumption by him of the duties of the office to which he may have been elected or appointed. (Prior code § 2.04.120)

2.12.130 City officers—Bond required.

Elected or appointed municipal officers and employees shall be bonded in such sums as ordinance may require. The amount for which a city officer or employee shall be bonded shall be based on the amount of money or property handled and the opportunity for

Proposed Ordinance:

2.68.100 City Judge – Salary

The annual salary of the city judge shall be calculated yearly at 10%/15%/20% above the base salary of the Clerk III plus longevity accrued for each year of service as city judge and approved by the City Council by resolution. The city judge's salary shall be paid on the regularly established paydays of the city and include the fringe benefit of regular group health coverage supplied to other city employees.

Example: **10% above base salary:**

Clerk III base salary 7/1/2021	\$45,364.80
--------------------------------	-------------

Judge Salary (base+10%)	\$49,901.28
-------------------------	-------------

Judge Kerr would be paid: $\$49,901.28 + \$2,418.00 = \$52,319.28$

15% above base salary would yield:

Judge Kerr would be paid: $\$52,169.52 + \$2,418.00 = \$54,587.52$

20% above base salary would yield:

Judge Kerr would be paid: $\$54,437.76 + \$2,418.00 = \$56,855.76$

Note

*20% above base salary is more in line with department head starting salaries.

*The Judge must be certified every 4 years by the Supreme Court

*The base wage would be adjusted every year according to the Clerk III wage adjustment accordingly.

*Department Heads obtain yearly increases in salary, not only in longevity according to the situation.

Grade	Position	7/1/2019 Adjusted Salary for Calculation % increases	Effective 7/1/2020	Effective 7/1/2021	Effective 7/1/2022
			2.00% Increase	3.00% Increase	2.00% Increase
1					
2					
3	Maintenance Worker I	17.60	17.95	18.49	18.86
	Court Clerk I	17.35	17.70	<u>18.23</u>	<u>18.60</u>
4					
5	Court Clerk II	19.05	19.43	<u>20.01</u>	<u>20.41</u>
6	Water Plant Operator I	24.08	24.56	25.30	25.81
	Wastewater Operator I	24.08	24.56	25.30	25.81
	Maintenance Worker II	23.50	23.97	24.69	25.18
	Court Clerk III	20.75	21.17	<u>21.81</u>	<u>22.25</u>
	Utility Maintenance Worker II	24.00	24.48	<u>25.21</u>	<u>25.71</u>
7	Mechanic	24.37	24.86	25.61	26.12
8	Water Plant Operator II	24.81	25.31	26.07	26.59
	Wastewater Operator II	24.81	25.31	26.07	26.59
	Maintenance Worker III	24.87	25.37	26.13	26.65
	Utility Maintenance Worker III	25.37	25.88	26.66	27.19
9	Water Plant Chief Operator	26.20	26.72	27.52	28.07
	Wastewater Chief Operator	26.20	26.72	27.52	28.07

PER PAY CHECK

2080 hrs/yr

DEPT. HEAD LONGEVITY – Union #303 and Non-Union		CITY UNION LONGEVITY #316		VACATION SCHEDULE	
				YEARS	SALARY / HOURLY
1= 3.88	21= 81.38	1= 4.00	21= 84.00	1 – 10	4.61539 / .05775
2= 7.75	22= 85.25	2= 8.00	22= 88.00	11 – 15	5.53847 / .06925
3= 11.63	23= 89.13	3= 12.00	23= 92.00	16 – 20	6.46154 / .08077
4= 15.50	24= 93.00	4= 16.00	24= 96.00	21 – 99	7.38462 / .09231
5= 19.38	25= 96.88	5= 20.00	25= 100.00		
6= 23.25	26= 100.75	6= 24.00	26= 104.00		
7= 27.13	27= 104.63	7= 28.00	27= 108.00		
8= 31.00	28= 108.50	8= 32.00	28= 112.00		
9= 34.88	29= 112.38	9= 36.00	29= 116.00		
10= 38.75	30= 116.25	10= 40.00	30= 120.00		
11= 42.63	31= 120.13	11= 44.00	31= 124.00		
12= 46.50	32= 124.00	12= 48.00	32= 128.00		
13= 50.38	33= 127.88	13= 52.00	33= 132.00		
14= 54.25	34= 131.75	14= 56.00	34= 136.00		
15= 58.13	35= 135.63	15= 60.00	35= 140.00		
16= 62.00	36= 139.50	16= 64.00	36= 144.00		
17= 65.88	37= 143.38	17= 68.00	37= 148.00		
18= 69.75	38= 147.25	18= 72.00	38= 152.00		
19= 73.63	39= 151.13	19= 76.00	39= 156.00		
20= 77.50	40= 155.00	20= 80.00	40= 160.00		

SICK LEAVE ACCURAL

SALARY/ HOURLY

3.69231 / .04616

Calculation of Employment Longevity (Jean Kerr 24 Years)

1= 100.88
2= 201.50
3= 302.38
4= 403.00
5= 503.88
6= 604.50
7= 705.38
8= 806.00
9= 906.88
10= 1007.50
11= 1108.38
12= 1209.00
13= 1309.88
14= 1410.50
15= 1511.38
16= 1612.00
17= 1712.88
18= 1813.50
19= 1914.38
20= 2015.00
21= 2115.88
22= 2216.50
23= 2317.38
24= 2418.00

Note: 2021 Pay Comparison

Judge: \$43,359.94

Clerk III: \$47,782.80

(base+longevity)

Difference: \$4,422.36 this year

\$30,226.56 longevity not paid for years of service

Montana Code Annotated 2021

TITLE 3. JUDICIARY, COURTS

CHAPTER 11. CITY COURTS

Part 2. City Judges

City To Provide Facilities -- Conduct Of Court Business -- Electronic Filing And Storage Of Court Records

3-11-206. City to provide facilities -- conduct of court business -- electronic filing and storage of court records. (1) The governing body of the city in which the judge has been elected or appointed:

(a) shall provide for the city court:

(i) the office space, courtroom, and clerical assistance necessary to enable the judge and the clerk of city court, if any, to conduct business in dignified surroundings;

(ii) the books, records, forms, papers, stationery, postage, office equipment, and supplies necessary for the proper keeping of the records and files of the court and the transaction of business; and

(iii) one copy of the latest edition of the Montana Code Annotated and all official supplements or immediate access to the code and supplements; and

(b) may provide a clerk of city court.

(2) The provisions of **3-6-302(1)** and **3-6-303** concerning conduct of municipal court business apply to the city court.

(3) The records of the court may be kept by means of electronic filing or storage, or both, as provided in **3-1-114** and **3-1-115**, in lieu of or in addition to paper records.

History: En. Sec. 4, Ch. 466, L. 1979; amd. Sec. 2, Ch. 348, L. 1985; amd. Sec. 10, Ch. 174, L. 1995; amd. Sec. 2, Ch. 6, L. 2001.

EVALUATION ~ INVENTORY

TRAINING JUDGE: _____ DATE OF VISIT: _____

NEW JUDGE: _____ MMA MEMBER: _____

ADDRESS: _____

PHONE: _____ FAX: _____ E-MAIL: _____

SCHEDULED DAY: _____ HOURS: _____

LAW & MOTION SCHEDULE: _____ (Appearance Times)

COURTROOM	YES	NO	COMMENTS
Raised Bench	X		
Flags: USA	X		
Montana		X	
Tape Recorder & Mic		X	only if court of record
PRIVATE OFFICE		X	No Door or full wall. Not large enough for 2 attorneys & Judge
Secured, Locked File		X	
Fireproof		?	I do not know for sure
Desk			In need of new one
Flags - USA		X	
Montana		X	
Typewriter	X		
Copy Machine	X		
Computer(s)	X		Supreme Court
Number			
Full Court & Enterprise	X		
Other Software			
CLERK (S)			
Part-Time Hours	X		
Full-Time Hours	X		
SAFE			NEEDS REPLACED
Robe Condition	X		Good
Gavel	X		Personal Gift
Desk Book	X		
Bench Book	X		

COURT REFERENCE BOOKS

	YES	NO	COMMENTS
Current M.C.A.	X		
Current Annotations	X		
New Montana Rules of Evidence	X		
Black's Law Dictionary Hard cover, maroon	X		
For Rent 1996 Edition... Klaus Sitte	X		
D.U.I Manual	X		
CCOLJ Handbook On Partner/Family Member Assault, 1998	X		
<u>LAW LIBRARY</u>			
Nexus			
Lexus			
Westlaw			
State Reporter			
Montana Law Week			
Pacific 2nds			
Fast Case	X		Part of MMA Membership

Concerns: Communication not private w/in court walls. Breach
 Judicial Office not separate from Clerks
 Courtroom not safe - OSHA violations
 - too small
 - not large enough for adequate spacing
 between parties
 No Panic Button that works (months w/o this for emergency
 response)
 Running out of room for Storage
 Move to present area was temporary due to mold remediation
 Mayor Nelson guaranteed court would be moved back to
 original location by Spring 2021 and that did not
 occur.

MCA Contents / TITLE 3 / CHAPTER 11 / Part 1 / 3-11-101 City court est...

Montana Code Annotated 2021

TITLE 3. JUDICIARY, COURTS

CHAPTER 11. CITY COURTS

Part 1. Creation and Jurisdiction

City Court Established -- City Court Of Record

3-11-101. City court established -- city court of record. (1) A city court is established in each city or town. A city judge shall establish regular sessions of the court. On judicial days, the court must be open for all business, civil and criminal. On nonjudicial days, as defined in **3-1-302**, the court may transact criminal business only.

(2) A city may establish the city court as a court of record. If the city court is established as a court of record, it must be known as a "city court of record". The court's proceedings must be recorded by electronic recording or stenographic transcription, and all papers filed in a proceeding must be included in the record. A city court of record may be established by a resolution of the city commissioners or pursuant to **7-5-131** through **7-5-135** and **7-5-137**.

History: (1)En. Sec. 4910, Pol. C. 1895; re-en. Sec. 3296, Rev. C. 1907; re-en. Sec. 5087, R.C.M. 1921; re-en. Sec. 5087, R.C.M. 1935; amd. Sec. 1, Ch. 165, L. 1975; amd. Sec. 2, Ch. 344, L. 1977; Sec. 11-1601, R.C.M. 1947; (2)En. Sec. 80, C. Civ. Proc. 1895; re-en. Sec. 6289, Rev. C. 1907; re-en. Sec. 8843, R.C.M. 1921; Cal. C. Civ. Proc. Sec. 121; re-en. Sec. 8843, R.C.M. 1935; amd. Sec. 3, Ch. 165, L. 1975; Sec. 93-411, R.C.M. 1947; R.C.M. 1947, 11-1601, 93-411(1); amd. Sec. 1, Ch. 543, L. 1987; amd. Sec. 2, Ch. 292, L. 1995; amd. Sec. 2, Ch. 38, L. 2011; amd. Sec. 15, Ch. 49, L. 2015.

MCA Contents / TITLE 3 / CHAPTER 11 / Part 1 / 3-11-102 Concurrent jur...

Montana Code Annotated 2021

TITLE 3. JUDICIARY, COURTS

CHAPTER 11. CITY COURTS


Part 1. Creation and Jurisdiction

Concurrent Jurisdiction

3-11-102. Concurrent jurisdiction. (1) The city court has concurrent jurisdiction with the justice's court of all misdemeanors and proceedings mentioned and provided for under chapter 10, part 3, of this title.

(2) Applications for search warrants and complaints charging the commission of a felony may be filed in the city court. When they are filed, the city judge has the same jurisdiction and responsibility as a justice of the peace, including the holding of a preliminary hearing. The city attorney may file an application for a search warrant or a complaint charging the commission of a felony when the offense was committed within the city limits. The county attorney, however, must handle any action after a defendant is bound over to district court.

History: En. Sec. 4911, Pol. C. 1895; amd. Sec. 1, Ch. 16, L. 1903; re-en. Sec. 3297, Rev. C. 1907; re-en. Sec. 5088, R.C.M. 1921; Cal. Pol. C. Sec. 4426; re-en. Sec. 5088, R.C.M. 1935; amd. Sec. 1, Ch. 93, L. 1967; amd. Sec. 10, Ch. 240, L. 1971; amd. Sec. 11, Ch. 94, L. 1973; amd. Sec. 4, Ch. 274, L. 1974; amd. Sec. 2, Ch. 165, L. 1975; amd. Sec. 4, Ch. 344, L. 1977; R.C.M. 1947, 11-1602; amd. Sec. 2, Ch. 543, L. 1987.

Created by **LAWS** 

Montana Code Annotated 2021

TITLE 3. JUDICIARY, COURTS

CHAPTER 11. CITY COURTS

Part 1. Creation and Jurisdiction

Exclusive Jurisdiction

3-11-103. Exclusive jurisdiction. Except as provided in **3-11-104**, the city court has exclusive jurisdiction of:

- (1) proceedings for the violation of an ordinance of the city or town, both civil and criminal;
- (2) when the amount of the taxes or assessments sought does not exceed \$9,500, actions for the collection of taxes or assessments levied for any of the following purposes, except that no lien on the property taxed or assessed for the nonpayment of the taxes or assessments may be foreclosed in any such action:
 - (a) city or town purposes;
 - (b) the erection or improvement of public buildings;
 - (c) the laying out, opening, or improving of a public street, sidewalk, alley, or bridge;
 - (d) the acquisition or improvement of any public grounds; and
 - (e) public improvements made or ordered by the city or town within its limits;
- (3) actions for the collection of money due to the city or town or from the city or town to any person when the amount sought, exclusive of interest and costs, does not exceed \$9,500;
 - (4) when the amount claimed, exclusive of costs, does not exceed \$9,500, actions for:
 - (a) the breach of an official bond given by a city or town officer;
 - (b) the breach of any contract when the city or town is a party or is in any way interested;
 - (c) damages when the city or town is a party or is in any way interested;
 - (d) the enforcement of forfeited recognizances given to, for the benefit of, or on behalf of the city or town; and
 - (e) collection on bonds given upon an appeal taken from the judgment of the court in any action mentioned in subsections (4)(a) through (4)(d);
 - (5) actions for the recovery of personal property belonging to the city or town when the value of the property, exclusive of the damages for the taking or detention, does not exceed \$9,500; and
 - (6) actions for the collection of a license fee required by an ordinance of the city or town.

History: En. Sec. 4912, Pol. C. 1895; re-en. Sec. 3298, Rev. C. 1907; re-en. Sec. 5089, R.C.M. 1921; Cal. Pol. C. Sec. 4427; re-en. Sec. 5089, R.C.M. 1935; amd. Sec. 5, Ch. 344, L. 1977; R.C.M. 1947, 11-1603; amd. Sec. 27, Ch. 21, L. 1979; amd. Sec. 6, Ch. 409, L. 1979; amd. Sec. 1, Ch. 348, L. 1985; amd. Sec. 3, Ch. 307,

City/Town Name	Class	# of FTE	Population	Salary Range	Full/Part Time	Attorney	Court of Record
DILLON	3rd	30.75	4369	\$46,283 with 2% increase each year. New hire would start at same wage.	Full Time	Yes	No
COLUMBIA FALLS	3rd	31	6464	\$60,389 per year with increases last increase was 5%	Part Time (32 hours per week)	Yes	Yes
POLSON	3rd	44.7	5060	\$19.57 per hour (\$25,441) Starting pay \$19.00 per hour plus COLA	Part Time (25 hours per week)	No	Unsure
BELGRADE	3rd	58	9503	\$31,800/year to \$37,510/year After 5 years only receive COLA increase	Full Time	Yes	Yes
LAUREL	3rd	68	7222	\$42,851/year	Part Time	No	No

File Attachments for Item:

9. Council Workshop Minutes of January 4, 2022.

**MINUTES
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, JANUARY 04, 2022**

A Council Workshop was held in Council Chambers and called to order by Council President Eaton at 6:29 p.m. on January 4, 2022.

COUNCIL MEMBERS PRESENT:

<input checked="" type="checkbox"/> Emelie Eaton	<input checked="" type="checkbox"/> Heidi Sparks
<input checked="" type="checkbox"/> Michelle Mize	<input checked="" type="checkbox"/> Richard Herr
<input checked="" type="checkbox"/> Scot Stokes	<input checked="" type="checkbox"/> Irv Wilke
<input checked="" type="checkbox"/> Richard Klose	<input checked="" type="checkbox"/> Bill Mountsier

OTHERS PRESENT:

Public Input:

Steve Krum, 249 24th Street W., congratulated the new Mayor and City Council Members. He read the attached statement into the record.

Kris Vogele, 306 E. 4th Street, read the attached statement into the record.

Aaron Felder, 1434 McMullen Lane, asked Council to consider putting the Laurel generator station back on their agenda.

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

General Items

Council President Eaton handed the meeting over to the newly elected Mayor Waggoner.

Mayor Waggoner swore Council President Eaton in for the remainder of her term ending December 31, 2023.

Executive Review

1. Resolution - Resolution Authorizing Owner's Request To Seek Annexation Of A One Acre Lot Located West Of 8th Avenue Between 1st And 2nd Streets Pursuant To The City Of Laurel Annexation Policy.

See attached staff report from Planning Director Altonaga. Mr. Hull was present to answer any questions, and there were none.

2. Resolution - Resolution Of Annexation Of Contiguous City-Owned Properties Into The City Of Laurel, Yellowstone County, Montana.

See attached staff report from Planning Director Altonaga.

It was questioned if the annexed properties would be rezoned. It was clarified that an official answer would be brought forward at next week's meeting.

Council Issues

3. Committee Assignments

Council President Eaton submitted her committee recommendations to Mayor Waggoner; see attached.

Other Items

Review of Draft Council Agendas

4. Draft Council Agenda for January 11, 2022.

There were no suggested changes.

Attendance at Upcoming Council Meeting

All Council Members present will be in attendance at next week's meeting.

Announcements


A Council Member noted that many people helped place wreaths at the National Cemetery a few weeks ago. This Friday at 10 a.m., they will be picking up those wreaths and hauling them to the landfill.

5. Employee Recognition.

Mayor Waggoner recognized employees for their years of service; see attached.

The council workshop adjourned at 6:58 p.m.

Respectfully submitted,


Brittney Mooriman
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.

Pipeline Easement that was denied by the City is now in works to be installed ~1000 feet to the South of the original location.

This new location design has the entry bore of the proposed pipeline and carrier line under the river in District 18, Dale Freys property (which NWE has easement), part of the Neighborhood on the South side of Yellowstone River that has been speaking against the proposed NWE plant and pipeline. The design of the new proposed location is much more dangerous than the original location.

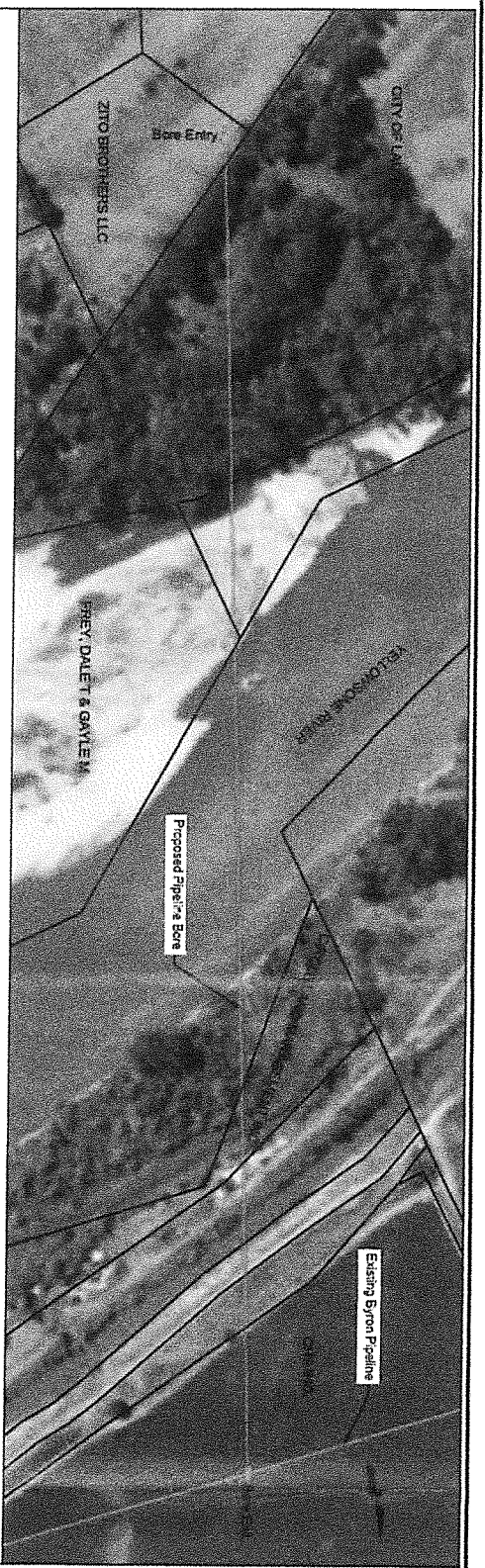
District 18 was formed by the county and neighborhood; the entry bore location would fall under their authority. The exit bore location is within the Laurel City/County Planning Board Authority it would fall under the City of Laurels Authority.

Attached are both plan drawings and it is very easy to see that the new proposal is much more dangerous than the original plan just based on depth of bore, with additional environmental issues that have not been addressed. The Original plan kept the line ~ 50 under the entire width of the river channel high water mark. The new plan is not even 10 feet under portions of a Side channel of the river and at best may be at 25 to 30' under the main channel of the river. The new location is an accident waiting to happen as the river historically is migrating to the south and could expose and break this line in the new proposed location possibly in one flood season.

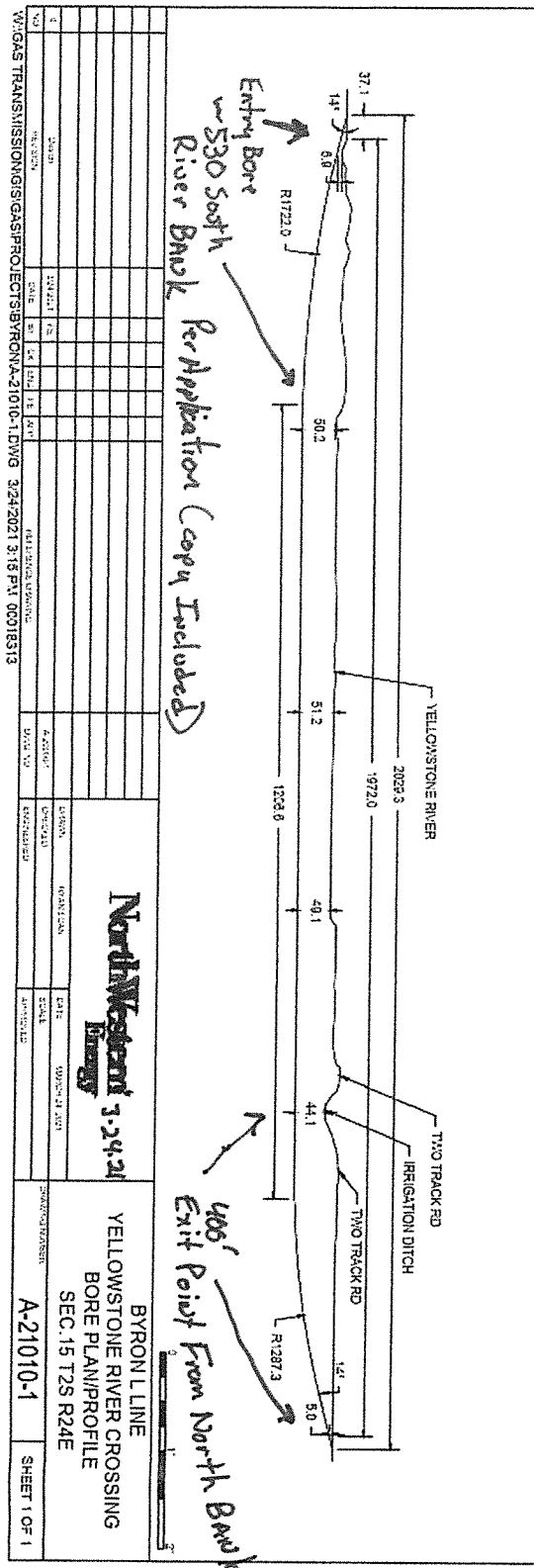
Because jurisdiction resides in two different areas, I am asking that the Laurel City Council work with the County Commissioners to deny installation of the pipeline in this location.

This location is dangerous, and its purpose has been misrepresented as direly needed for the NWE gas customers in Laurel and Eastern Montana when NWE plainly states in its application; new line is for a power plant that has not been approved. NWE also has a restriction in using Natural gas from the existing line in the original contract with CHS.

Doesn't the line they are proposing teeing off of South of the river by highway 212 already cross the river? Why are they boring under the river again? Line could be torn out before any plant was ever built.



Notes:



Project No.	26217051	Project Manager:	JLR
Scale:	AS SHOWN	Drawn by:	JLR
Source:	NorthWestern Energy	Checked by:	JH
Date:	6/21/2021	Approved by:	JH
Terracon Consulting Engineers & Scientists 2110 Overland Avenue, Suite 124 Billings, MT 59102 Phone (406) 655-3772 Fax (406) 655-3778			
HDD Plan and Profile			
NorthWestern Energy - Byron 8" Natural Gas Pipeline - Yellowstone River Yellowstone County, Montana			
Exhibit 4			

Original Plan
3-24-21

6. PROVIDE A BRIEF DESCRIPTION of the proposed project.

NWE is proposing to construct the new pipeline crossing using HDD technology to cross under Yellowstone River. The proposed horizontal distance of the HDD is approximately 2,029 feet. The proposed entry point will be located on the south side of the river on private land. The proposed exit point will be located on the north side of Yellowstone River and north of the Billings Bench Water Association Canal, also on private land. The new pipe will be placed approximately 51 feet below the thalweg elevation, well below potential scour depth (Exhibit 4). *Entire Width of the River.*

This HDD entry point will be approximately 530 feet south of the south bank and the exit point will be approximately 400 feet north of the north bank. With HDD, there will be no disturbance to the bed and banks of the river. The entry point is located within the designated 1% Annual Chance Flood Hazard Zone (Zone AE), but outside of the Regulatory Floodway (Zone AE). The exit point is located in the Area of Minimal Flood Hazard (Zone X) (Exhibits 7 and 8). The pipe lay-down area will be located to the north of the exit point. No jurisdictional wetlands are present within either project work area (Exhibit 9)

The HDD is performed using a specialized drill rig that allows control of the drill hole angles and azimuth. The drill entry will disturb an approximately 100'X200' area with an exit area of approximately 100'X100'. These are approximate, but may be reduced to lesser amounts if safe operation of equipment is ensured. The new section of pipe will be laid out and welded on NWE ROW on the drill exit side. The drill will bore horizontally from south to north under Yellowstone River as shown on the HDD plans. The HDD will be accomplished by first drilling a small diameter pilot hole. When the pilot drill head emerges on the north side, a reaming bit will be pulled back through the pilot hole, expanding the pilot hole to approximately 1.5 times the diameter of the carrier pipe (in this case as the carrier pipe is 12 inches in diameter, the HDD bore will be reamed to at least 12 inches in diameter). Once the HDD bore is reamed, the new section of pipe will be attached to the drill stem and will be pulled back through the hole in one continuous section. When pipe is in place, disturbed areas will be temporarily stabilized for later tie-in to the other new sections of pipeline.

It is expected that there will be no impact to the bed and banks of Yellowstone River during the construction process. There is a low potential for the leakage of drilling fluid to the surface. The stability of the hole is maintained using a thick drilling mud. Typically, an inert bentonite drilling mud is used to provide hole stability, as well as reduce the potential for migration of drilling fluid away from the hole. Drilling fluid loss will be continually monitored during the drilling process. The driller will be able to quickly determine if significant fluid loss is occurring and adjust the viscosity of the drilling mud to limit any fluid loss. Should any drilling fluid migrate to the surface, the fluid will be immediately cleaned up and properly disposed.

Water for the HDD process and for hydrostatic testing of the pipeline will be obtained by purchase from the City of Laurel. In addition, if groundwater is encountered in the pipeline excavations that inhibits construction operations, dewatering will be performed in accordance with State of Montana regulations. The turbid water will be pumped to a filter bag in an upland area and allowed to infiltrate.

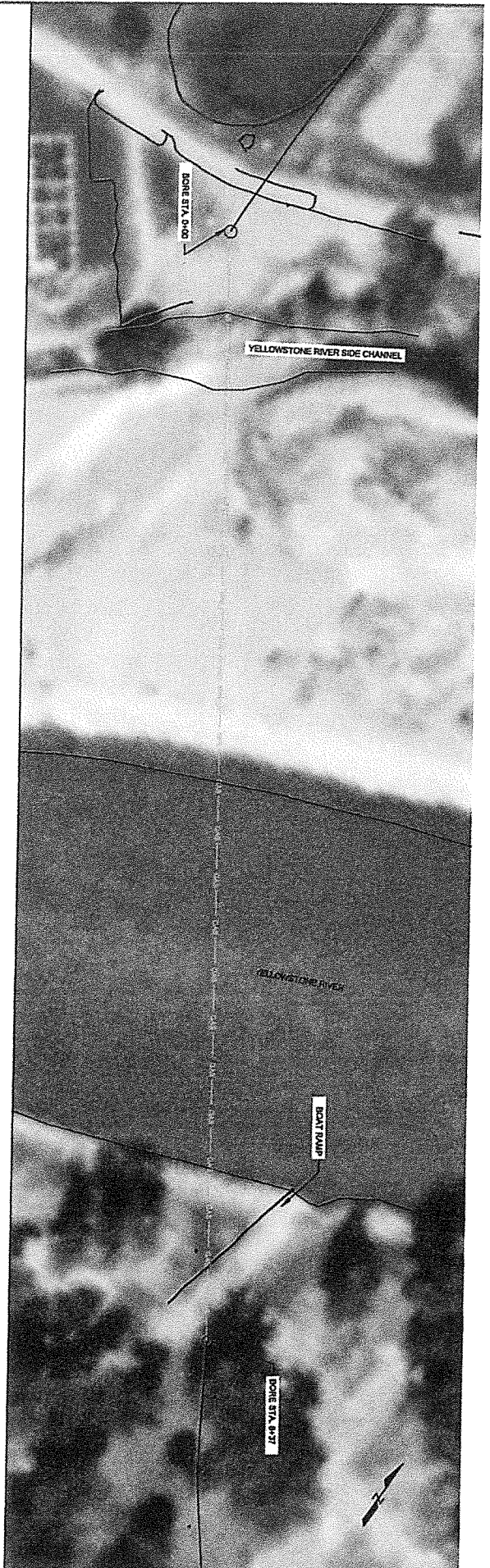
Following completion of the HDD and prior to tie-in to the other sections of new pipeline, the disturbed areas will be temporarily stabilized. The areas will be re-contoured to approximate pre-construction conditions and re-seeded using an approved seed mix in coordination with the landowners. Tie-in to the other new sections of pipe will involve daylighting the HDD pipe extents and connecting the new pipeline with existing pipeline already in place. Final reclamation will be performed by re-seeding areas that are vegetated and monitoring for regrowth and noxious weeds.

7. WHAT IS THE CURRENT CONDITION of the proposed project site? Describe the existing bank condition, bank slope, height, nearby structures, and wetlands.

At this location the Yellowstone River exhibits an irregular meander pattern with one main channel and some braiding downstream from the Highway 212 bridge. The river is confined by the bridge and by urban development, an irrigation canal and riprap. The active channel between the banks is about 1,080 feet wide. Based on historical aerial photography, the configuration and width of the channel at this location has changed very little over time.

The Billings Bench Water Association Canal intake is approximately 915 feet upstream from the crossing location.

Based on the USFWS National Wetlands Inventory and MT National Heritage Program (MTNHP) wetland survey information, there are no wetlands in the project work areas.

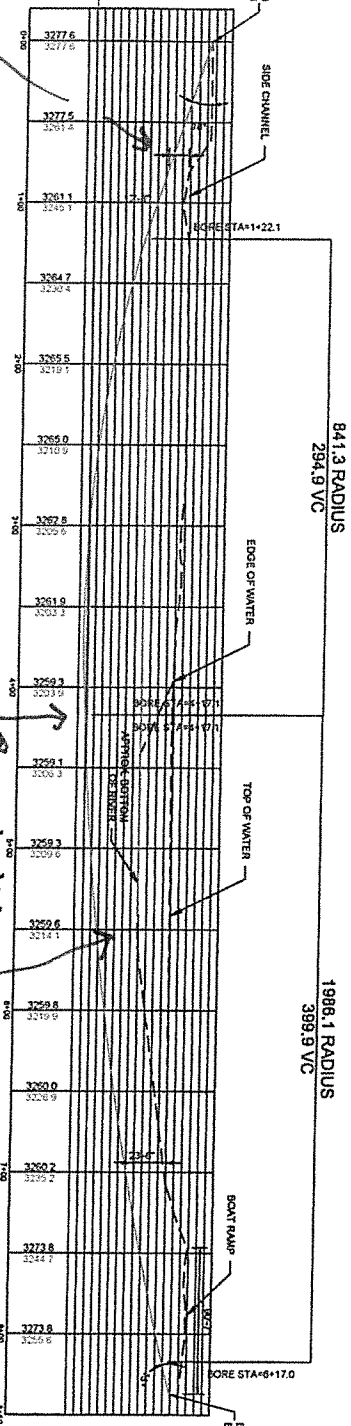


Went Spear
to look for
Even Rivers
Edge Point
Enters Point

Side Channel Barely 10'
Has running water year around

55' under an island
Deepest part of River

Deepest part of River ~25-30' wide to bank



WIGAS TRANSMISSION GIGASIPROJECTS BYRON FOLDER A21010-1.DWG 11/18/2021 10:51 AM 00081460			
NO	REVISION	DATE	BY
1	Re Design	11/17/2021	JB
0	Design	10/24/2021	JB
REFERENCE DRAWING			
CHK	ENG	PE	APP
Dwg. No.			
DRAWN			
CHECKED			
ENGINEERED			
DATE			
SCALE			
APPROVED			
DRAWING NUMBER			
A-21010-1			
SHEET 1 OF 1			

NorthWestern
Energy

BYRON LINE
YELLOWSTONE RIVER CROSSING
BORE PLAN/PROFILE
SEC. 15 T02N R24W

New Plan

11-17-21

Four year's ago, the mayor who will be taking his seat tonight was elected as Mayor of Laurel but he was refused that seat due to a conflict in that he was a city employee. The council at that time (most of whom remain on the council today) rightly argued that a city employee may not also serve as the executive creating a conflict when deciding matters of employment and bargaining with unions.

However, this council entered into it's own conflict when Mayor Nelson passed away in October. This council created a conflict which places in jeopardy all matters of city business from November 9, 2021 through today by allowing a legislative council member to serve in a dual office holding capacity as a legislator serving as Ward 1 Member and City Council President in addition to serving as the City Executive in the role as council elected Mayor.

1. Laurel's Mayor passed away in Oct 2021 leaving the mayor's seat vacant as defined in Montana Code Annotated and the Laurel City Charter.
2. A new mayor was elected in a general election on Nov 2 to take office on Jan 4th.
3. The council then nominated and filled the vacancy of the deceased Mayor Nelson on Nov 9 with Ward 1 council member/president Eaton - not any discussion at the meeting surrounding nomination of the duly elected Mayor who was elected 2 days prior and had almost four times the vote as the incumbent. At the meeting (Nov 9th) when she was appointed and elected by the council, Mayor Eaton stated that she would not be voting as a council member, would only decide as a tie breaker and that council member McGee would take over the role of council president. This is documented in meeting minutes.
4. This was not a situation of an "absent Mayor" as defined in the City Charter or Montana Code where a mayor is absent from his or her post.
5. Instead of filling the Ward 1 vacancy, city attorney Painter announced at the next meeting on November 23rd that Mayor Eaton would continue to serve as Ward 1 Council Person, Council President, and would be voting on city matters as a legislator. This act and announcement set forth in motion a significant conflict and created actual conflicts in at least two

council meetings where Mayor Eaton was permitted to vote and be the 5th member of the council to constitute a quorum. Mayor Eaton voted on matters which then gave her powers to act upon as Mayor.

6. The Montana Constitution prohibits a Governor from serving as a legislator, we would all question a school superintendent serving as a school board member, and we should rightly question how a city council member can be elected to the position of City Mayor and continue to hold a voting legislative city council position.

7. The very day the council voted for Ms Eaton to become Mayor, an immediate vacancy occurred in Ward 1. Montana Code Annotated states that a council SHALL fill that vacancy within 30 days. The council did not.

So the issue that raised the conflict remains, was Ms Eaton Mayor or was Ms Eaton Council President.

If she is a council member, then the vacancy of Mayor was never filled as required by Montana Law and the City Charter.

If she is duly elected Mayor, then the vacancy of Ward 1 council member was not filled within the prescribed time under Montana Law.

There is a significant lack of business ethics in addition to the necessary checks and balances when a city council chooses knowingly to allow a member of it's body to serve in a dual office holding capacity as council president and city mayor. The evidence of this violation is noted in city council minutes, meeting video documentation and even tonight as the council witnesses the "re swearing in" of Mayor Eaton as a Ward 1 Council Member. Why would there need to be a "swearing in" if Mayor Eaton was voting and acting as council president for the past two months in addition to acting as Mayor?

It is my hope that the new Mayor and this council choose to review the actions that have taken place over course of the past few months and put procedures in place to ensure that a conflict like this doesn't happen again.

Kris Vogelee

Happy New Year to everyone! Congratulations to the New Mayor and Council Members, Welcome and Thank You for your willingness to serve and represent the Local community and surrounding area.

As stated before, our group is opposed to the Proposed NWE Power Generating Station and the Pipeline currently being proposed, even more so at its new proposed entry location. We continue as a group to try to stay informed as what is NWE's next step in the process and have found that to be difficult at best.

We thought we would be working with Laurel City/County Planning Board, two meetings scheduled, Public Hearings notices published in the Huntley paper (not Laurels'), meetings were canceled by the City Planner and at the next City Council meeting we were notified that NWE submitted a letter to the city planner withdrawing their zone change request.

We were then told at the last Laurel Council meeting that Laurel did not or may not have the authority to zone outside the city limits, it was the counties. I have spoken with multiple county people in the County Planning department, subdivision and zoning departments, all of which told me that Laurel had the Authority to do the zoning outside their city limits anywhere from 1.5 miles to 4.5 miles, Not them. I even spoke with 2 county commissioners at different times; one thought Laurel did not have the authority but the other commissioner said Laurel did.

It appears this is becoming a legal issue as to who has authority in this situation. Our goal is to stay aware of what is happening with this process and to make sure we are speaking to the right Entity.

MCA, Title 76. Land Resources and Use. Chapter 2. Planning and Zoning. Part 3 Municipal Zoning. 76-2-310 and 76-2-311 both state that if Laurel has a growth policy for the affected area and the county does not, by the regulations may extend the application of its zoning or subdivision regulations beyond its limits in any direction subject to 7-1-411 in this case, second class (pop 5000-10000) which allows up to 2 miles beyond its limits, unless the area already has county adopted zoning or subdivision regulations.

Laurel does have a growth policy for this area and has already done some zoning in this general area so it appears Laurel would be the responsible Authority for this area per Montana Law. We would ask that that the Mayor and Council work with the City Attorney to verify who has the authority in this location so we know we are speaking to the same people that NWE is and are able to keep informed as to what is taking place.

We are asking that this item be put back on the Council Agenda for the City of Laurel to discuss Exercising their authority on Zoning in the area in question and the rest of the surrounding community to ensure that Laurel has control over what is being built within their Legal Zoning Authority.

We would also ask, if this issue comes before the Laurel City/County Planning Board or the Laurel City Council to please return to where we left off with the LCCPB Work Shop and Meeting to address all concerns prior to coming to a vote at the City Council. Thank You...

Montana Code Annotated 2021

TITLE 76. LAND RESOURCES AND USE
CHAPTER 2. PLANNING AND ZONING
Part 3. Municipal Zoning

Extension Of Municipal Zoning And Subdivision Regulations Beyond Municipal Boundaries

76-2-310. Extension of municipal zoning and subdivision regulations beyond municipal boundaries. (1) Except as provided in **76-2-312** and except in locations where a county has adopted zoning or subdivision regulations, a city or town council or other legislative body that has adopted a growth policy pursuant to chapter 1 for the area to be affected by the regulations may extend the application of its zoning or subdivision regulations beyond its limits in any direction subject to the following limits:

- (a) up to 3 miles beyond the limits of a city of the first class as defined in 7-1-4111;
- (b) up to 2 miles beyond the limits of a city of the second class; and
- (c) up to 1 mile beyond the limits of a city or town of the third class.

(2) When two or more noncontiguous cities have boundaries so near to one another as to create an area of potential conflict in the event that all cities concerned should exercise the full powers conferred by **76-2-302**, **76-2-311**, and this section, then the extension of zoning or subdivision regulations, or both, by these cities must terminate at a boundary line agreed upon by the cities.

History: En. Sec. 2, Ch. 136, L. 1929; re-en. Sec. 5305.2, R.C.M. 1935; amd. Sec. 1, Ch. 273, L. 1971; amd. Sec. 1, Ch. 354, L. 1973; R.C.M. 1947, 11-2702(part); amd. Sec. 18, Ch. 582, L. 1999; amd. Sec. 9, Ch. 599, L. 2003.

Montana Code Annotated 2021

TITLE 7. LOCAL GOVERNMENT

CHAPTER 1. GENERAL PROVISIONS

Part 41. Municipalities

Classification Of Municipalities

7-1-4111. Classification of municipalities. (1) Every city having a population of 10,000 or more is a city of the first class.

(2) Every city having a population of less than 10,000 and more than 5,000 is a city of the second class.

(3) Every city having a population of less than 5,000 and more than 1,000 is a city of the third class.

(4) Every municipal corporation having a population of less than 1,000 and more than 300 is a town.

History: En. Sec. 4710, Pol. C. 1895; re-en. Sec. 3206, Rev. C. 1907; re-en. Sec. 4959, R.C.M. 1921; re-en. Sec. 4959, R.C.M. 1935; amd. Sec. 1, Ch. 202, L. 1947; amd. Sec. 1, Ch. 126, L. 1969; R.C.M. 1947, 11-201(part); amd. Sec. 1, Ch. 250, L. 1979.

Montana Code Annotated 2021

TITLE 76. LAND RESOURCES AND USE
CHAPTER 2. PLANNING AND ZONING
Part 3. Municipal Zoning

Administration Of Regulations In Extended Area

76-2-311. Administration of regulations in extended area. (1) A city or town council or other legislative body may enforce regulations adopted pursuant to **76-2-310**, as if the property were situated within its corporate limits, until the county board adopts a growth policy pursuant to chapter 1 and accompanying zoning or subdivision resolutions that include the area.

(2) As a prerequisite to the exercise of this power, a city-county planning board whose jurisdictional area includes the area to be regulated must be formed or an existing city planning board must be increased to include two representatives from the unincorporated area that is to be affected. These representatives must be appointed by the board of county commissioners. Representation must cease when the county board adopts a growth policy pursuant to chapter 1 and accompanying zoning or subdivision resolutions that include the area.

History: En. Sec. 2, Ch. 136, L. 1929; re-en. Sec. 5305.2, R.C.M. 1935; amd. Sec. 1, Ch. 273, L. 1971; amd. Sec. 1, Ch. 354, L. 1973; R.C.M. 1947, 11-2702(part); amd. Sec. 19, Ch. 582, L. 1999.

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

City Of Laurel

P.O. Box 10
Laurel, Montana 59044



Office of the City Planner

January 4, 2022

Regarding the Resolution of Intent for the Annexation of Contiguous Government Land

Mr. Mayor and City Council,

I am unable to attend the meeting this evening due to illness, but this letter will provide some detail on the accompanying legal descriptions that were provided with the resolution detailing the annexation of government land contiguous to the Municipal City Limits of Laurel.

The attached list of legal descriptions includes the city-owned property contiguous with, and immediately adjacent to the city limits of Laurel. The Annexation of these properties not only clears up the jurisdiction in which city property falls under, but also allows for the City to expand its zoning jurisdiction outwards. Extra-territorial zoning extends 1-mile outside the municipal city limits. This is important for long range planning activities as well as planned provision of public services and basic land-use management.

Please let me know if there are any questions or comments about the properties in question or the process that this will take. Thank you for your consideration of this matter.

Regards,

Nicholas Altonaga, CFM

Planning Director

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

City Of Laurel

P.O. Box 10
Laurel, Montana 59044



Office of the City Planner

January 4, 2022

Regarding the Request by Lance Hull to Submit an Annexation Application for Property West of 8th Avenue between 1st and 2nd Streets.

Mr. Mayor and City Council,

Mr. Lance Hull has submitted a request letter to allow him to submit an annexation application for a property located off of 8th Avenue, accessible by currently unbuilt portions of W 1st Street and W. 2nd St. Lance Hull met with me in October of 2021 to discuss his plans to develop the lot. He plans to develop four four-plex residential buildings, install landscaping, and add parking, as well as improve portions of W. 1st St and W 2nd St. to access the site. He hopes to annex the property into the city to access municipal water and sewer services.

His design concept is in-keeping with the strategic goals of the Laurel Growth Management Policy of 2020, by adding a diverse array of housing to the city, as well as locating high growth developments along high-volume roadways. This annexation would also expand the municipal utility system.

I support the approval of Mr. Hull's request to submit an application for annexation. His proposed development would be a positive addition to the city by creating more housing options and improving the road network as well as expand the city utility system. Thank you for your consideration of this request. Please let me know if you have any questions or concerns about this request.

Regards,

Nicholas Altonaga, CFM

Planning Director

Heidi Sparks

Emergency Services

Beartooth R C & D

Budget and Finance

NOTE: Off Public Works, Health and Insurance and Human Relations

Richard Herr

Cemetery

Public Works

NOTE: Off Parks and requested to be off Tree Board

Irv Wilke

Parks

Emergency Services

Public Works

NOTE: Same as last time because of work schedule

Bill Mountsier

Parks

Emergency Services

Public Works

NOTE: Moved from citizen to Council member on Public Works and Emergency Services

Richard Klose

Budget and Finance

Cemetery

Emergency Services

NOTE: Same as before

Scot Stokes

Parks

Health and Insurance

Human Relations

NOTE: Off Budget and Finance

Michelle Mize

Health and Insurance

Tree Board

Budget and Finance

NOTE: All new assignments

Emelie Eaton

Budget and Finance

Public Works

NOTE: Back on Public Works

Employee/Volunteer Recognition 2022 (January to June)

Name	Years of Service	Department
Stan Langve	22	Police
Kurt Markegard	17	Public Works
Kyle Bryant	17	Police
Kelly Strecker	17	City Clerk
Brenda Sell	17	Police
Brian Kline	17	City Shop
William Brew III	16	Police
Christopher Erb	13	Library
Jarred Anglin	7	Police
Cynthia Caswell	7	WWTP
Zach Cortese	5	Police
Jodi Kinn	5	Police
Andrew Arneson	5	Public Works
Karen Courtney	5	Public Works
Wade Spalinger	3	City Shop
Daniel Nauman	3	WTP
Ryan Sedgwick	3	Police
Wendy Wong	2	Ambulance
Thomas White	2	Ambulance
Haley Swan	2	Police
Joshua McFarland	2	Police
Sydney Arneson	1	City Shop
Michelle Foley	1	City Clerk

Name	Years of Service	Department
Doug Fox	26	Fire
Kent Kulesa	25	Fire
Corey McIlvain	18	Fire
Brent Peters	15	Fire
Tammy Harpster	14	Reserves
Sean McCleary	13	Fire
Travis Nagel	13	Fire
Bruce McGee	12	Reserves
Tom Becker	11	Reserves
Henry Fox	11	Fire
Paul Bickel	9	Reserves
Darcy Sauter	8	Reserves
Dustin Riveland	8	Reserves
Shane Willis	6	Fire
Levi Vandersloot	6	Ambulance
Jennifer Winchell	5	Fire

Employee/Volunteer Recognition 2022 (January to June)

Jacob Haan	5	Ambulance
John Beck	4	Fire
Jayson Nicholson	4	Fire
Armondo Hernandez	3	Fire
Levi Klamert	3	Fire
Steven Hiller	3	Fire
Bridger Fournier	3	Fire
Ryan Robertus	3	Fire
Boady Harper	3	Ambulance
Kently Kuntz	2	Fire
Colton McCleary	2	Fire
Amber Beck	2	Ambulance
Thomas Scott	2	Reserves
Kaity Butler	2	Reserves
Sonja Jones	2	Reserves
Brenton Dorsey	2	Reserves
Dylan Benton	2	Reserves
Dixie Childers	2	Reserves
Jacob Worden	1	Fire
Tyrel Mraz	1	Ambulance
Kathy Brown	1	Ambulance
Amanda Hemmen	1	Ambulance
Mariel Riley	1	Ambulance
Andrew Zimmermann	1	Ambulance
Joshua Anderson	1	Reserves

File Attachments for Item:

10. Council Workshop Minutes of January 18, 2022.

**MINUTES
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, JANUARY 18, 2022**

A Council Workshop was held in Council Chambers and called to order by Mayor Dave Waggoner at 6:30 p.m. on January 18, 2022.

COUNCIL MEMBERS PRESENT:

<input checked="" type="checkbox"/> Emelie Eaton	<input checked="" type="checkbox"/> Heidi Sparks
<input checked="" type="checkbox"/> Michelle Mize	<input checked="" type="checkbox"/> Richard Herr
<input checked="" type="checkbox"/> Scot Stokes	<input checked="" type="checkbox"/> Irv Wilke
<input checked="" type="checkbox"/> Richard Klose	<input type="checkbox"/> Bill Mountsier

OTHERS PRESENT:

Nick Altonaga, Planning Director
Jean Kerr, City Judge
Kelly Gauslow, Court Clerk
Sherri Phillips, Court Clerk
Jeremiah Johnson, Police Officer
Bethany Langve, Clerk/Treasurer

Public Input:

Jean Kerr, City Judge, spoke to the Court's need for additional space.

General Items

1. Appointment of Ryan Roche to the Police Reserves.

Officer Johnson introduced Mr. Roche to Council. This will bring the number of Reserve Officers to 14.

2. Appointment of Bruce McGee to the Emergency Services Committee.

See attached letter of interest from Mr. McGee.

Executive Review

3. Resolution - A Resolution Of The City Council Authorizing The Mayor To Sign An Agreement With Thompson Painter Law Pc For The Provision Of Civil Legal Services For The City Of Laurel.

This contract covers the transition time between when Mr. Painter is no longer considered a City employee and the transition period to a new Civil City Attorney.

It was questioned how many letters the City has received for this position. It was clarified that the due date for the request for proposal is January 26, 2022. At this time, no proposals have been received.

It was questioned where this was advertised. It was clarified that this was advertised in the Yellowstone County News as it is where we legally have to advertise.

It was questioned if Mr. Painter would stay on until the City has hired another attorney. It was clarified that he would stay until there was a contract approved by Council.

4. Resolution - Resolution Of The City Council Approving The Development Agreement Between The GL Development LLC, The Laurel Depot LLLP, And The City For The Development And Construction Of Low Income Housing To Be Located Within The City Of Laurel.

This development agreement has been in the works for the last year and a half.

Council questioned if this had been reviewed by Public Works. It was clarified that it had.

It was questioned where this was located. It was clarified that this is located off 8th Ave. It will be a 24-unit complex.

5. Resolution - Resolution Of The City Council Authorizing The Yellowstone County Treasurer To Remove The United States Postal Service From The Official County Tax Rolls.

Once Council passes the assessments, they are given to the County. Once they are given to the County, the only way to remove an assessment is via resolution. This year there was an issue with the SAMSID program, and the assessments needed to be rebuilt. The Post Office was accidentally assessed. This resolution is to remove those assessments.

Council Issues

Other Items

- Mayor's Committee Appointments.

Mayor Waggoner made two small changes to the recommendations from the former Council President Eaton. He moved Council President Sparks to Public Works Committee and Council Member Herr to the Budget/Finance Committee.

Review of Draft Council Agendas

6. Draft City Council Agenda for January 25, 2022.

There were no suggested changes.

Attendance at Upcoming Council Meeting

All present plan on attending the next meeting.

Announcements

Emergency Services Committee's next scheduled meeting is January 24, 2022, at 6:00 p.m. in Council Chambers.

Council requested the Judge's salary be added to a Workshop agenda.

A Council Member stated they had been contacted by someone in Ward 1 stating someone had knocked on their door regarding a meeting for public input at the Senior Center. They asked that Council be notified when this meeting is.

The council workshop adjourned at 6:48 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Brittney Moorman', written over a circular stamp.

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.

Honorable Dave Wagner
City of Laurel, MT

Dear Mayor Wagner:

Please give consideration to my being added to the emergency services committee. My qualifications of volunteer and civic service are listed for your consideration.

- 16 collected years as a Volunteer Fire Fighter with 5 different departments. Wheaton, MO, Stigler, OK, Neosho, MO, Rawlins, WY and Park City, MT.
- 4 Years of Reserve Deputy Sheriff Newton County MO.
- 11 years with Laurel Police Reserves, still active.
- 10.5 years City Alderman Ward 2 City of Laurel.
- Past Member and Chair of the City of Laurel Emergency Services Committee .

Thank you for your time and consideration. Feel free to contact me with any questions.

Respectfully,



Bruce McGee
310 Foundation Ave.
Laurel, MT
406 321-0329
bruce.mcgee310@gmail.com

File Attachments for Item:

11. Council Workshop Minutes of February 1, 2022.

**MINUTES
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, FEBRUARY 01, 2022**

A Council Workshop was held in Council Chambers and called to order by Mayor Dave Waggoner at 6:29 p.m. on February 1, 2022.

COUNCIL MEMBERS PRESENT:

<input type="checkbox"/> Emelie Eaton	<input checked="" type="checkbox"/> Heidi Sparks
<input checked="" type="checkbox"/> Michelle Mize	<input checked="" type="checkbox"/> Richard Herr
<input checked="" type="checkbox"/> Scot Stokes	<input checked="" type="checkbox"/> Irv Wilke
<input checked="" type="checkbox"/> Richard Klose	<input checked="" type="checkbox"/> Bill Mountsier

OTHERS PRESENT:

Jean Kerr, City Judge
Kelly Gauslow, Court Clerk
Sherri Phillips, Court Clerk
Karen Courtney, Building Official
Forrest Sanderson, KLJ
Kurt Markegard, Public Works Director
Michele Braukmann,

Public Input:

There were none.

General Items

1. Appointment of Forrest Sanderson as interim City Planner, Flood Plain Administrator, and conditions outlined in the task order with KLJ Engineering as per Resolution R18-12.

Four years ago, the City had a task order for KLJ to provide planning services. That task order is still in effect. This task order allows for providing the immediate need of planning services and training the future Planner. Council has been asked to appoint Mr. Sanderson as the interim Planner.

Mr. Sanderson briefly introduced himself.

Executive Review

2. Resolution - A Resolution Of The City Council Approving An Application For Special Review For J. Johnson Properties Authorizing The Operation Of Lucky Louie's, A Bar And Casino, Within An Existing Structure Located At 305 South 1st Avenue, City Of Laurel.

See the attached staff report.

It was questioned if the City or the State would need to approve this request first. It was clarified that the City must approve the special review before they can go before the State for approval.

Council noted this parking lot has only one entrance. It was questioned if that had been addressed. It was clarified that the Owners have spoken with the previous owners of Reese & Rays about removing parking stops to help with traffic flow. There has been a discussion with Wendy's about creating an opening in the fence should patrons park in their lot.

3. Resolution - A Resolution Of The City Council Authorizing The Mayor To Sign An Agreement With Meridian Law PLLC For The Provision Of Civil City Attorney Legal Services For The City Of Laurel.

The Mayor, City Attorney, Council President, and Ambulance Director spoke with Ms. Braukmann, and all were very impressed with her qualifications.

Ms. Braukmann briefly introduced herself to Council and spoke about her numerous credentials.

It was questioned how many RFP's the City received. The City received only one, and she is qualified for the position.

It was questioned if Ms. Braukmann would need to travel often for her practice. It was clarified that she has very few out-of-state travel commitments. She does know her docket pretty far out and will keep the City informed if there are any conflicts.

Mayor Waggoner stated he met with Alan Houlse this afternoon, and he stated Ms. Braukmann is an excellent attorney, and he would 100% recommend her.

It was questioned how many hours Ms. Braukmann expected to work each week. It was clarified that she anticipated working approximately 50 to 60 hours a week while dedicating 20 hours to the City's needs.

Council questioned when they would see the contract with Ms. Braukmann. It was clarified that it would be included in next week's packet.

Council Issues

Other Items

Review of Draft Council Agendas

4. Review Draft Council Agenda for February 8, 2022.
There were no suggested changes.

Attendance at Upcoming Council Meeting

All Council Members present plan on attending next week's Council meeting.

Announcements

There will be a ceremony for unaccompanied vets at the National Ceremony tomorrow.

Park Board will meet this Thursday at 5:30 in Council Chambers.

The council workshop adjourned at 6:50 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brittney Moorman", with a stylized flourish at the end.

Brittney Moorman
Administrative Assistant

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



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board and Zoning Commission
FROM: Nicholas Altonaga, Planning Director
PROJECT: Special Review Application for Lucky Louie's (305 S. 1st Ave)
DATE: December 3, 2021

DESCRIPTION OF REQUEST

An application for Special Review was submitted by J Johnson Properties for the property at 305 S. 1st Avenue in Laurel. The property owner plans to renovate the currently vacant commercial building to operate a bar and casino. The property is located within the Highway Commercial (HC) zoning district, as well as the Community Entryway Zoning District (CEZD) and the SE 4th Street Overlay District. The Laurel Municipal Code requires all cocktail lounges, restaurants, bars and taverns located in the Highway Commercial (HC) zoning district to go through the Special Review process prior to the start of operations. An approval of the special review application would allow the operation of a cocktail lounge, bar, or tavern on the location in addition to the proposed casino.

Owner: J Johnson Properties LLC
Legal Description: HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 4, Lot 15 - 18, W100' LTS 15-18 & 30' X 100' VAC 3RD ST S
Address: 305 S 1st Ave, Laurel, MT 59044
Parcel Size: 15,000sqft
Existing Land Use: Commercial, currently vacant building
Proposed Land Use: Casino and Bar with full-service liquor license.
Existing Zoning: Highway Commercial (HC), Community Entryway Zoning District (CEZD), SE 4th Street Overlay District

BACKGROUND AND PROCEDURAL HISTORY

- Autumn, 2020: Initial conversations begin between Planning Department and Louie Carranco, of Lucky Louie's (located at 117 E. Main Street) about relocating his business to 305 S. 1st Avenue.

- Intermittent discussions take place between Planning Department and Louie Carranco regarding the requirements for relocating his business to 305 S. 1st Ave.
- Planning Department review codes and provide clarification to Louie regarding the procedural requirements.
- September 8, 2021: Planning Department contacted by assistant for developer regarding the land use requirements of the property at 305 S. 1st Ave.
- September 9, 2021: Planning Department provide the codes and forms regarding the special review procedure including the application form, commercial zoning and use requirements, and schedule of fees.
- October 20, 2021: Special Review Application submitted to the Laurel Planning Department.
- December 15, 2021: Public Hearing scheduled at the Planning Board and Zoning Commission for the Special Review.

STAFF FINDINGS

- The applicant has submitted an application for the operation of a bar and tavern at the property of 305 S 1st Avenue in conjunction with the operation of a casino.
- The application contains all the necessary information to move forward to review by Planning Board and City Council.
- The proposed used of the building as a bar and/or tavern conforms with a previous use as a restaurant that offered beer and wine to customers.
- The building is located in close proximity to other establishments operating as casinos with beverage licenses.
- The applicant seeks to relocate their current gaming and bar operation from 117 E. Main St. to 305 S. 1st Ave.
- The applicant seeks to renovate a currently vacant commercial building and place it into productive use.

PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

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

- A. *After presentation to the zoning commission of the request for special review by the applicant, the zoning commission shall make a recommendation to the city council to:*
 1. *Grant the application for special review;*
 2. *Deny the application;*
 3. *Delay action on the application for a period not to exceed thirty days; or*
 4. *Grant the application subject to conditions and recommendations and give the reasons therefor.*
- B. *Before approving a special review use, the zoning commission shall find that the contemplated use(s):*

1. *Complies with all requirements of this section;*
2. *Is consistent with the objectives and purposes of this title and the Laurel comprehensive planning process;*
3. *Is compatible with surrounding land use or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects;*
4. ***Further the zoning commission shall consider and may impose modifications or conditions concerning, but not limited to the following:***
 - a. *Street and road capacity,*
 - b. *Ingress and egress to adjoining streets,*
 - c. *Off-street parking,*
 - d. *Fencing, screening and landscaping,*
 - e. *Building bulk and location,*
 - f. *Usable open space,*
 - g. *Signs and lighting,*
 - h. *Noise, vibration, air pollution and similar environmental influences.*

The following actions are to be taken by City Council:

17.68.50 - *City council action.*

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

RECOMMENDATIONS

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

1. Any applicable permits, including but not limited to building permits, sign permits, and right-of-way permits must be applied for within twelve (12) months of special review approval.
2. A signage plan shall be provided to the Planning Department and Building Department that conforms to the requirements of the Laurel Sign Code and signage requirements of the overlay districts wherein the property is located.
3. Construction of any improvements to the site and building must be completed within twelve (12) months of special review approval with the ability to request an extension.
4. The operation of the site shall not be done in such a manner as to be a nuisance.

5. Any use of the property not specifically included in this approval or allowable within its underlying zoning district shall be deemed a violation of the laurel Zoning Code.
6. Any subsequent use or change of use associated with this special review shall submit additional documentation to the City for subsequent processing and approval or denial.

ATTACHMENTS

1. *Special Review Application Packet and Form*
2. *Site Overview*
3. *Adjacent Property Owners List (300ft)*
4. *Adjacent Property Owners Map (300ft)*
5. *Mailing Labels*
6. LMC 17.68 – Special Review Procedures
7. Public Notice for Special Review Public Hearing

File Attachments for Item:

13. Park Board Minutes of January 6, 2022.

January 6, 2022

Laurel Park Board Meeting

No quorum at 5:35

Jon Rutt, Scot Stokes, Matt Wheeler, and Paul Kober in attendance.

New Mayor Dave Waggoner also was in attendance as a guest.

Next meeting February 3, 2022.

Jon Rutt

File Attachments for Item:

14. Laurel Urban Renewal Agency Minutes of October 18, 2021.



**MINUTES
CITY OF LAUREL
LAUREL URBAN RENEWAL AGENCY
MONDAY, OCTOBER 18, 2021
11:00 AM
CITY COUNCIL CHAMBERS**

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.*

1. Roll Call

The Chair called the meeting to order at 11:02am.

Daniel Klien
Michelle DeBoer
Don Smarsh
Janice Lehman
Linda Frinkel
Judy Goldsby
Nick Altonaga (City of Laurel)

General Items

2. Approve Meeting Minutes: September 20, 2021

Don Motioned to approve the minutes from the meeting on September 20, 2021.
Daniel Seconded.
Motion Carried.

3. Partner Updates

Dianne Lehme of Big Sky EDA was not able to make it.

Jacy Head was present at the meeting. She replaced Steve Simonson as Economic Development Director.

New Business

4. State TIF District Presentation

Nick played the recording of the TIF District Presentation from the City Council session on October 5, 2021. Members discussed the pathway the LURA Board took and the current programs. How they see the grants fitting into the requirements presented in the TIF Presentation.

Have we been doing it correctly?

- Nick reported that it seems like previous city staff had a certain vision of the funds and presented that to the Board to follow. That has aligned with the regulations in some ways but not others.

Nick restarted the presentation.

Daniel: Property Acquisition?

The City being the entity investing time and funding into? Private property owners have direct skin in the game in their buildings or business, not the city.

Don: Does our large grant program comply with these regulations?

Nick: I think that many pieces of it are on the right track, but some of the ways we have gone about it has been incorrect.

- Structural work, façade work, work in the historic district, has all been spot on.
- Importance of removing blight, fire risk, and other serious items

Don: The word public is brought up a lot, but how do you define that? How do we deal with blight?

Don: If you have a property with blight, (Carl's Auto Clinic), why should there be a limit or stoppage on receiving funding?

Why should we limit the use of funds to remove blight? Does that NOT serve a public purpose?

Daniel: Who had put on the training previously in Miles City?

Nick: I recommend we start preparing a list of items to measure the outcomes of each grant, being able to directly state that it meets the parameters for public benefit.

Don: What Janet and her colleague have presented doesn't fit with what was previously presented to the LURA members in the past.

- If we can determine blight on someone's property, we should be able to utilize funds to remediate it
- Movie Theater – Sidewalk and entryway concerns – Should look into replacing hazards.

These are safety issues that need to be solved.

Richard Herr: If the problem is interior, does that constitute a public concern?

The split between public and private outcome.

Buckling concrete on the sidewalk versus buckling on the inside.

Daniel: Isn't it better when the property owner or direct recipient is taking the risk and doing the work themselves?

Also in regards to changing the taxable status? Grace Bible Church downtown was sold and is not used as a day/childcare operation, actively paying into the district.

Judy: Need to make sure that our decisions are standardized.

Daniel: We could possibly recommend a complicated lease to then do the work and maintenance. But then this would make issues (Rapid Tire) for the current operator.

Our work does not qualify under the presented rules, none of it appears allowable right now.

Richard Herr: How much was outside, and how much was inside the buildings? Need to set the bar.

How do we classify things? Fire risk? Structural work? Safety?

Michelle:

Three things would be helpful to know:

- What is the function of the LURA group?
- What is the function of the City Council?
- How does it all work together?

- The checklist you mentioned would be very helpful
- Right now it feels very frustrating for both parties.
- We need to get an idea of what our purpose is so we do not butt heads.
- It feels like there is a lot of checking and pointing fingers.
- Judy: It is up to the individual council members with their own idea of the TIF?
- Are there binders of all the information needed for when someone starts on a new board?
 - No, but Nick can prepare one specifically for the LURA Board.

Don: I look at things differently than city/downtown biz.

Back in 1993, Two hardware stores, movie house, candy store, plus other businesses.

Got on the board to try to draw more retail, or restaurants, or foot traffic on weekends.

Want to see more activity.

Want to see improvements in the buildings which could bring people in, which could lead to more activity which leads to more people, etc. etc.

The overall district has been improved so much and has potential to keep improving.

Don: would love to see Laurel as a tourist trap. Want to see people drawn in.

Janice: How does Billings TIF Operate? How does that work? Can check back with the Gazette on the numbers (In regards to a recent article discussing the use of Downtown funds).

Don: Compared to Miles City, is this something that we can look back and see how THEY did with their district?

Nick: We can also look into updating the Urban Renewal Plan to update the focus areas and goals of the District.

Judy: Consequential damage – Years and years of water damage due to the terrible roadway at Auto Clinic made the rear portion uninhabitable.

Don: To that point, why don't we have him make the case.

Nick: I can prepare a framework for review, with some parameters and we can talk about it at the next meeting.

Judy: Would be good to ALSO send them to the state to make sure we are on the right track.
Do we eliminate things like signage? Because it does not appear to apply?

5. Projects Discussion

Old Business

Other Items

Announcements

6. Adjourn

Don Motioned to Adjourn.

Daniel Seconded.

Meeting Adjourned at 12:26pm.

7. Next Meeting: November 15, 2021

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DATES TO REMEMBER

File Attachments for Item:

15. City/County Planning Board Minutes of October 20, 2021.



**MINUTES
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
WEDNESDAY, OCTOBER 20, 2021
5:35 PM
CITY COUNCIL CHAMBERS**

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.*

1. Roll Call

No Quorum. No Meeting was held.

General Items

2. Approve Meeting Minutes: August 18, 2021
3. Approve Meeting Minutes: September 15, 2021

New Business

4. Building Plan Review: City Brew/Chen's Express

Old Business

Other Items

5. Project Updates
6. Adjourn

Announcements

7. Next Meeting: November 17, 2021

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DATES TO REMEMBER

File Attachments for Item:

16. City/County Planning Board Minutes of November 17, 2021.



**MINUTES
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
WEDNESDAY, NOVEMBER 17, 2021
5:35 PM
CITY COUNCIL CHAMBERS**

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.*

1. Roll Call

The Meeting was called to order at 5:36PM.

Jon Klasna
Ron Benner
Evan Bruce
Roger Geise
Dan Koch
Nick Altonaga (City of Laurel)

Public Input:

Steve Krum 249 4th Ave Laurel, MT

Here to ask the PB to remove its recommendation for the approval of the zone change for the NWE Power Plant. Was after the October City Council meeting that I first heard of the process. Thought that it was tabled by NWE. Was notified by the Sierra Club about the plans and process. NWE planned to move forward with the permitting process even though there was a lack of due diligence.

The proposed plant is across from where my daughter and family live. This would have a dangerous impact on my daughter and her family. Have attended the public meetings since then to keep up with what is going on with those issues. The word has been spread around to get people involved.

Retired from CHS refinery and has some experience with the equipment the plant plans to install. The equipment in question (RICE). Will be the equivalent of 50 BN locomotives sitting on that location, running constantly. It will have some serious noise.

The Electrical generators are to be massive as well. Ones I have experience with 2.5MW were loud, and these will be bigger.

Intake exhausts will be sucking in air making noise. 45Db mufflers proposed but not sure how it will truly impact. This plant will run 24/7/365 and will cause a major impact for the city for noise and exhaust.

Just because people will get used to it doesn't mean it doesn't cause a health impact. The footprint of the plant is very small and will be a very concentrated output. The stack gases could drift into

neighborhoods and directly impact the health of kids and families. The stacks proposed are much shorter than other similar plants.

One thing I found in the LMC is that the safety, health, and welfare of the community should be applied to the development in most codes. *List of codes that mention health and welfare of the community as a focus* (Provided a copy of comments to Planning Director containing specific code references). These are very important for the creation of Subdivisions and looking at Zoning projects. The board is looking very hard at items and is very busy. NWE has been working hard to move the project through the process as quickly as possible including DEQ and PSC.

Zone Change has been removed from the 11/23/2021 agenda after public input by community and other representatives. The noise levels were an estimate. It appears that the information provided to the board was inaccurate or misleading. The plant will be less than an half mile from parts of the city (North and South). The nearby residences are very close to the proposed plant where the zone change will take place.

NWE has not given special consideration about the proximity to the Yellowstone River. This is why I suggest you re-evaluate the recommendations

Dan Koch: Would like to compliment you on the remarks you have made on the subject at multiple meetings.

Evan Bruce: Have you submitted an application to sit on the board?

Kasey Felder 1434 McMullan Lane.

I live nearby and also am here to request you to rescind your recommendation to approve the Zone Change for the proposed NWE plant. Would strongly urge you to rescind the recommendation and suggest we wait until the special committee to make a decision

Aaron Felder, 1434 McMullan Lane.

There is always something to learn. And there is always something to grow. Tonight, is about awareness to you about where we are at in the process. Please take a look at the notes you might have on the project in order to come up with questions on the project. Not here by any means to kick you. There is a lot there. But the river is something that has a lot of meaning. To be able to have a commercial business in such a location so close to the banks of the river. Just want you to think about how it will impact businesses and people nearby.

General Items

2. Approve Meeting Minutes: September 15, 2021

Dan Motioned to approve the meeting minutes from September 15, 2021

Roger Seconded

Motion Carried.

3. Approve Meeting Minutes: October 20, 2021

Ron Motioned to approve the meeting minutes from October 20, 2021.

Jon Seconded.

Motion Carried.

New Business

4. Public Hearing: Annexation Request for 306 W. 12th St (Reschedule)

Jon motioned to table the item until the December

Dan Seconded.

Motion Carried.

5. Sign Review: Canyon Creek Brewing

Nick Presented the item and its reason for inclusion on the agenda.

Ron: Are there plans to continue adding signs to that façade? Will they just be able to add to it?

Questions were raised about the brewery and requiring them to apply for a special review due to serving alcohol.

- Nick will attend to that when their request for a building permit comes in to work on the space.

Ron Motioned to approve the non-illuminated single sign for Canyon Creek Brewing.

Evan Seconded.

Motion Carried.

Old Business

6. Project Review: City Brew / Chen's Express

Scott Worthington, here representing the applicant and general contractor.

Sheet 2.0 – Shared access between Gas station to the north (gas station), dual access. The fact of access to S. Montana Ave to the rear ameliorates traffic headaches. Longer drive thru is for City Brew, shorter one is for Chens. Imagine that the East portion of the site is the problem.

Ron: There are a lot of points of contact with lines of traffic. The bigger issue is the trash enclosure within the ROW, it is a detriment to adjacent property owners, despite being a positive aspect to you.

Dan: It is actually within the street.

Ron: it will be a nightmare to move a garbage truck in that position.

Jon: if the truck is in there, will there be room for the regular vehicles to

Nick presented an idea to shift the building north and build a bypass lane between S 1st and S Montana.

Scott agreed that this could be a good way to remove traffic collision points.

Dan: What about the culvert that was utilized for the old A&W.

Discussion of where the ditches should be and what the drainage looks like in that area.

Discussion of the median in S. 1st Ave and the problems it poses.

Nick clarified that people will have to turn Right (North) on S. 1st Avenue.

Dan suggested that we motion to table until the next meeting when we can have updated plans.

Scott: would be good for Nick to set up a meeting with all parties involved.

Dan motioned to table the sign plan review for the City Brew/Chen's Express until the December 15, 2021, Planning Board Meeting.

Roger Seconded.

Motion Carried.

Ron suggested Scott and the team develop a signage plan for directional traffic. Scott agreed to run that by his colleagues.

Other Items

Nick provided an update on Upcoming meeting items and projects.

Roger: Question on Goldberg Sporting Estates

Dan: Question on Bitterroot Grove PUD?

7. Adjourn

Ron Motioned to Adjourn the meeting.

Roger Seconded.

Motion Carried.

Meeting adjourned at 6:33pm.

Announcements

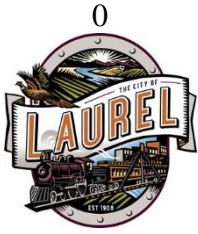
8. Next Meeting: December 15, 2021

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DATES TO REMEMBER

File Attachments for Item:

17. City/County Planning Board Minutes of December 15, 2021.



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**MINUTES
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
WEDNESDAY, DECEMBER 15, 2021
5:35 PM
CITY COUNCIL CHAMBERS**

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.*

1. Roll Call

The Chair called the meeting to order at 5:35PM

Jon Klasna
Ron Benner
Gavin Williams
Evan Bruce
Roger Giese
Dan Koch
Judy Goldsby
Nick Altonaga (City of Laurel)

The Chair announced the agenda change to place Chens Express before the North Western Energy Discussion.

General Items

2. Approve Meeting Minutes: November 17, 2021

Board members reviewed the minutes.

Ron Motioned to Approve the minutes from the meeting on November 17, 2021.
Evan Seconded.
Motion Carried.

3. Public Hearing: Lucky Louie's Special Review

The Chair called for Proponents.
The Chair called for Proponents.

John Johnson, 1917 Rusting Court, Casper, Wyoming.

Owner of the Building, and also a partner of Louis Carrano with Tavern Partners.

Want to speak in favor of the project. Would like to have the 3rd condition of approval be changed to "Have started within 6 months of special review approval."

Another issue with the timeframe is that we still have to have approval by the state. The Department of Justice and the State need to sign off and approve it as well.

Ron: Will there be any food service?

John: Very limited kitchen and food service. Want to make sure that it will be limited to bar and casino and not a bar, casino, restaurant. It will be very limited, not a restaurant with full service. Limited service area of about 8 seats.

Roger: One of the recommendations and discussion items has it as ingress and egress. Will there be additional ingress and egress created to the neighboring site?

None planned at this time. No major site work is being done.

The Bar in this location will be a service bar, not a full-on bar for customers. It will have full beverage service available but limited seating.

Judy: What will the hours of operation be?
Hours of operation will be 8am-12am.

Ron: The Bar downtown will close? What will be done with it?

John: We have a verbal agreement with a gentleman down the street who will take over the space.

The Chair Called for Proponents.

The Chair called for Opponents.
The Chair called for Opponents.
The Chair called for Opponents.

There being none, the Chair closed the public hearing.

Forrest Sanderson, KLJ: Suggest taking up the 1-year limit and impose the ability of an extension.

Board members discussed amending the recommendation of a 1-year development timeframe.

Gavin Motioned to Approve the Special Review for Lucky Louie's with the amended Recommendations as discussed.
Evan Seconded.

Roger Giese Opposed.

Motion Carried.

4. Plan Review: City-Brew / Chen's Express

Nick Presented the amended plan for the City Brew / Chens Express

Ron: Will there be a pedestrian walkway to the ATM? This is very problematic as not everyone has a car. Also problematic for Larger vehicles heading into the parking areas.

Ron: Trash Enclosure? Nick explained the encroachment permit that was approved last night

Ron: Parking issues, ATM Island, and multiple lanes of traffic will be very problematic. I think cars are going to get all over.

Can we put an addendum that the Police won't have to attend to any accidents here? Not sure how they will deal with traffic here.

Where is the overflow parking for large vehicles or how will the developer deal with vehicles with trailers?

Ron Motioned to table the plan review until January and invite the developer to present it then.

Jon Seconded.

Motion Carried.

5. Staff Update

The Planning Director announced that his last day with the city of Laurel will be January 21st, 2022.

Karen Courtney the Building Official will be taking over the day to day items with Forrest Sanderson at KLJ assisting with the larger projects.

6. Discussion: Northwestern Energy Zone Change

Ron Motioned to Adjourn the meeting to hold a work session.

Evan Seconded.

Motion Carried.

Meeting adjourned at 6:05pm.

Ron recommended to send our standing decision back to City Council. We should not be forced to make the decision.

Ron left the meeting due to a prior engagement.

Forrest Sanderson, KLJ. Inc. was present to summarize the findings regarding the NW Energy Zone Change.

You have a comprehensive record. We did not yet address the statutory criteria in the MCA. (Just those in the LMC). We MUST address the items in MCA regarding the zone change. There is no proof that those 11 items were addressed.

In 32 years, it is the first time a AGB has decided to NOT go through the official process and build the record. Through a quick run-back through the record I have prepared a comprehensive list of findings for each. The public is entitled and should be invited to participate in the public process and the findings.

Even through a quick search we have prepared a significant list. I recommended that the City Council remand the review of the item to the Planning Board. We must review the Zone Change criteria and findings and adopt conclusions.

We must prove that we have reviewed the record, we have reviewed the findings, and can state that our decision is based upon those.

Tasking for Nick: Is NWE still interested in the zone change process?
They must affirm or drop the zone change.

If they don't respond to us, assume they are still interested. We must invite them to the Public Hearing in January.

Request to the Board is in two parts:

1. I need you to review the record (Summary of findings)
2. If you have additional findings, SEND THEM TO NICK

We want to have all findings available for the Public Hearing. Charge the public: Review the summary of findings, email Nick with any further findings. We will come to a conclusion for each and every one of those 11 questions.

Next issue to address: After the public hearing, Councilman McGee. Councilman McGee asked the question whether the Council or Commissioners were the appropriate body. Who is the appropriate body? There is a statutory process for amending the zoning jurisdiction and it has not been followed.

Does the City of Laurel have the legal authority to assign zoning?
The City Attorney is going to have to make a decision on that.

It does not matter who the appropriate governing body is, but this is the planning board that has the power over this portion of review process. That is crystal clear. No matter who the governing body is, they will review the findings and conclusions prepared by the Laurel City-County Planning Board. Going through the findings and public process shall show that we completed our requirements.

Does the Board have any questions for it?

Dan: Doesn't the City have authority 1-mile out for zoning?

Forrest: There are some specific prohibitions for zoning outside city limits. There are some specifics for the zoning area.

Dan: Maybe there were some things that were done wrong in the past.

The answers we find for this item.

Our question to Yellowstone County: has YC adopted Zoning under 76-2-2 MCA?

Our record will be complete, defensible, developed through an open, fair, and transparent process, and will be sent to the appropriate governing body.

Judy: The determination of the appropriate governing body would not impact our review of findings?

Forrest: Correct.

Dan: Could the Commissioners override our decisions?

Forrest: Yes

Dan: Then why are we not doing it backwards? To figure out who the appropriate GB is?

Forrest: No, we started the process and must finish it correctly. Assumptions were made during this process that blocked the underlying questions. We are going to find who the appropriate governing body is and shall send our recommendations to them.

We are dealing with Private Property and Private Property rights. This decision directly deals with impacts to private property. Let's navigate the process with this in mind. Dealing with both sides of the issue, both For and Against.

Can we have a meeting before the 19th to meet on the findings?

Must provide notice. Thou shalt not meet in private.

- Make sure the public is aware
- Make sure they are afforded the opportunity to attend
- Ensure that if they are working on their tasking, that you are as well

Want to ensure that things are open, fair, and transparent.

If NW Energy withdraws their application, IN WRITING, we are done. Everything stops.

Evan: Can an EPA or DEQ agent come in and speak with us regarding this issue?

Yes, but the DEQ agent would provide details on a different set of questions than what we have under our review. We would start to mix regulatory mandates, and it is all relevant, but might not all belong as part of this process.

If you believe you have heard testimony that gives you pause, in regard to property values impacted, and the presentation from DEQ would answer that question, they will be required by law to show up and answer your questions. All state agencies are required to attend a meeting when requested in order to answer questions. They are good at attending. But we need to know in advance to invite them.

Dan: There should be a better way of having the public be aware of the hearings and processes. They were not aware of the process and that we did not have sufficient information.

Forrest: We have struggled for years to get people to know about meetings and information. We do more than most communities to get the word out. Follow what the code says, publish the notices.

Dan: The local paper tracks it. It is incumbent upon the public to attend meetings. In all due respect to Dr. Benner, We must deal with this for the city, for the public.

Steve Krum, 249 24th Ave West, Laurel, MT 59044

One thing through the process is that the public has come in and voiced a lot of thoughts and feelings and ideas. It has come through the health and safety and environment.

Dan brought up and I agree that it is the Public's responsibility to attend meetings. The YC News is not the proper location for public notices to be sent. It is not published within the statutory area for the Board. We are missing a big opportunity to reach out to the public by not publishing in the Outlook.

Forrest: The paper of record is set by the Governing Body. We are just living with the decision.

Jon: With that in mind, can we direct someone to request that our notices be put in Laurel's paper?

Nick can forward the request to have our notices in both.

Carol Blades 1805 Denidas Lane.

I DO read the Outlook. I like that you are giving us a second chance for contact on this issue. Asked what is the role for Forrest? Can we contact you directly?

Forrest: No, primary contact is with Nick who then contacts me if necessary.

Jon: Would like to see a specific list of the 11 questions. Where can I find those?

Forrest explained the document with the findings. I-XI findings and conclusions, followed by the 6 questions posed by Nick and Forrest.

The Roman Numerals are the statutory questions, followed by the questions posed by staff.

If we hear about Yellowstone County, WE DO NOT CARE, we only care about our jurisdiction.

To deviate from that puts us on a path that is untenable and indefensible.

Where our decision goes, it does not matter, and has no impact on the decision-making process.

You serve the county and the city of Laurel in equal measure.

We are still going to deal with the application, as we are the appropriate board.

Jon: We need to decide whether NW Energy wants to proceed or they want to withdraw?

If the answer is full-stop, it should be front page above the fold news.

We would want to have a 1-minute comment period per person at the end of the work session. In the interim between the 5th and the 19th, send it in as an email, it is the fastest way to get it into the record.

Carol Blades: Have been prolific in letter writing to the editor, but has not included them with City Council as they were longer than 3 minutes.

New Business

Old Business

Other Items

7. Adjourn

Dan Motioned to adjourn the work session.

Gavin Seconded.

Motion Carried.

Meeting Adjourned at 7:15pm

Announcements

8. Next Meeting: January 19, 2022

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

DATES TO REMEMBER

File Attachments for Item:

19. Resolution No. R22-07: A Resolution Of The City Council Approving An Application For Special Review For J. Johnson Properties Authorizing The Operation Of Lucky Louie's, A Bar And Casino, Within An Existing Structure Located At 305 South 1st Avenue, City Of Laurel.

RESOLUTION NO. R22-07

A RESOLUTION OF THE CITY COUNCIL APPROVING AN APPLICATION FOR SPECIAL REVIEW FOR J. JOHNSON PROPERTIES AUTHORIZING THE OPERATION OF LUCKY LOUIE'S, A BAR AND CASINO, WITHIN AN EXISTING STRUCTURE LOCATED AT 305 SOUTH 1ST AVENUE, CITY OF LAUREL.

WHEREAS, J. Johnson Properties ("Applicant"), submitted a Special Review Application for the above-described property which is currently zoned Highway Commercial (HC) and is located within the Community Entryway Zoning District (CEZD) within the City of Laurel; and

WHEREAS, the Applicant is the property owner who desires to renovate an existing structure located at 305 South 1st Avenue for the purpose of operating a bar and casino to be known as Lucky Louie's; and

WHEREAS, the Laurel Municipal Code authorizes such action upon City Council approval through the Special Review Procedure; and

WHEREAS, the Applicant submitted an application for special review to the Laurel-Yellowstone City-County Planning Board (acting as the Zoning Commission) for review and consideration. The Planning Board (Zoning Commission) recommends the City Council's approval of the application for special review, subject to the following conditions:

1. Any applicable permits, including but not limited to building permits, sign permits, and right-of-way permits must be applied for within twelve (12) months of the approval.
2. A signage plan shall be provided to the Planning and Building Departments that conforms to the requirements of the Laurel Sign Code and signage requirements of the overlay districts wherein the property is located.
3. Construction of any improvements to the site and building must be completed within twelve (12) months of special review approval. Applicant may request an extension if necessary.
4. The operation of the business at the site shall not constitute a nuisance.
5. Any use of the property not specifically included in this approval or allowable within its underlying zoning district shall be deemed a violation of the laurel Zoning Code.
6. Any subsequent use or change of use associated with this special review shall submit additional documentation to the City for subsequent processing and approval or denial.

WHEREAS, a public hearing was held on February 8, 2022 at the City Council Meeting;

WHEREAS, the City Council of the City of Laurel hereby finds, based on the recommendation of the Zoning Commission, Staff recommendation, and public comment gathered at the public hearing, that it is in the best interests of the residents of the City of Laurel to approve the application for special review as provided in the Staff Report and Findings attached hereto, subject to the above stated conditions.

NOW THEREFORE, BE IT RESOLVED that the City Council hereby approves the application for special review to allow the Applicant to operate a bar and casino on the property located at 305 South 1st Avenue, Laurel, Montana; and

BE IT FURTHER RESOLVED, that the approval of the application for special review is site specific to this address, and the approval granted herein is subject to the conditions listed in this resolution and the Staff Report.

FINALLY, BE IT RESOLVED, the Application, Staff Report and all attachments thereto are hereby incorporated as part of this resolution.

Introduced at a regular meeting of the City Council on February 8, 2022, by Council Member

_____.

PASSED and APPROVED by the City Council of the City of Laurel this 8th day of February 2022.

APPROVED by the Mayor this 8th day of February 2022.

CITY OF LAUREL

Dave Waggoner, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

Approved as to form:

Sam S. Painter, Civil City Attorney



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board and Zoning Commission
FROM: Nicholas Altonaga, Planning Director
PROJECT: Special Review Application for Lucky Louie's (305 S. 1st Ave)
DATE: December 3, 2021

DESCRIPTION OF REQUEST

An application for Special Review was submitted by J Johnson Properties for the property at 305 S. 1st Avenue in Laurel. The property owner plans to renovate the currently vacant commercial building to operate a bar and casino. The property is located within the Highway Commercial (HC) zoning district, as well as the Community Entryway Zoning District (CEZD) and the SE 4th Street Overlay District. The Laurel Municipal Code requires all cocktail lounges, restaurants, bars and taverns located in the Highway Commercial (HC) zoning district to go through the Special Review process prior to the start of operations. An approval of the special review application would allow the operation of a cocktail lounge, bar, or tavern on the location in addition to the proposed casino.

Owner: J Johnson Properties LLC
Legal Description: HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 4, Lot 15 - 18, W100' LTS 15-18 & 30' X 100' VAC 3RD ST S
Address: 305 S 1st Ave, Laurel, MT 59044
Parcel Size: 15,000sqft
Existing Land Use: Commercial, currently vacant building
Proposed Land Use: Casino and Bar with full-service liquor license.
Existing Zoning: Highway Commercial (HC), Community Entryway Zoning District (CEZD), SE 4th Street Overlay District

BACKGROUND AND PROCEDURAL HISTORY

- Autumn, 2020: Initial conversations begin between Planning Department and Louie Carranco, of Lucky Louie's (located at 117 E. Main Street) about relocating his business to 305 S. 1st Avenue.

- Intermittent discussions take place between Planning Department and Louie Carranco regarding the requirements for relocating his business to 305 S. 1st Ave.
- Planning Department review codes and provide clarification to Louie regarding the procedural requirements.
- September 8, 2021: Planning Department contacted by assistant for developer regarding the land use requirements of the property at 305 S. 1st Ave.
- September 9, 2021: Planning Department provide the codes and forms regarding the special review procedure including the application form, commercial zoning and use requirements, and schedule of fees.
- October 20, 2021: Special Review Application submitted to the Laurel Planning Department.
- December 15, 2021: Public Hearing scheduled at the Planning Board and Zoning Commission for the Special Review.

STAFF FINDINGS

- The applicant has submitted an application for the operation of a bar and tavern at the property of 305 S 1st Avenue in conjunction with the operation of a casino.
- The application contains all the necessary information to move forward to review by Planning Board and City Council.
- The proposed used of the building as a bar and/or tavern conforms with a previous use as a restaurant that offered beer and wine to customers.
- The building is located in close proximity to other establishments operating as casinos with beverage licenses.
- The applicant seeks to relocate their current gaming and bar operation from 117 E. Main St. to 305 S. 1st Ave.
- The applicant seeks to renovate a currently vacant commercial building and place it into productive use.

PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

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

- A. *After presentation to the zoning commission of the request for special review by the applicant, the zoning commission shall make a recommendation to the city council to:*
 1. *Grant the application for special review;*
 2. *Deny the application;*
 3. *Delay action on the application for a period not to exceed thirty days; or*
 4. *Grant the application subject to conditions and recommendations and give the reasons therefor.*
- B. *Before approving a special review use, the zoning commission shall find that the contemplated use(s):*

1. *Complies with all requirements of this section;*
2. *Is consistent with the objectives and purposes of this title and the Laurel comprehensive planning process;*
3. *Is compatible with surrounding land use or is otherwise screened and separated from adjacent land in such a way as to minimize adverse effects;*
4. ***Further the zoning commission shall consider and may impose modifications or conditions concerning, but not limited to the following:***
 - a. ***Street and road capacity,***
 - b. ***Ingress and egress to adjoining streets,***
 - c. ***Off-street parking,***
 - d. ***Fencing, screening and landscaping,***
 - e. ***Building bulk and location,***
 - f. ***Usable open space,***
 - g. ***Signs and lighting,***
 - h. ***Noise, vibration, air pollution and similar environmental influences.***

The following actions are to be taken by City Council:

17.68.50 - *City council action.*

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

RECOMMENDATIONS

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

1. Any applicable permits, including but not limited to building permits, sign permits, and right-of-way permits must be applied for within twelve (12) months of special review approval.
2. A signage plan shall be provided to the Planning Department and Building Department that conforms to the requirements of the Laurel Sign Code and signage requirements of the overlay districts wherein the property is located.
3. Construction of any improvements to the site and building must be completed within twelve (12) months of special review approval with the ability to request an extension.
4. The operation of the site shall not be done in such a manner as to be a nuisance.

5. Any use of the property not specifically included in this approval or allowable within its underlying zoning district shall be deemed a violation of the laurel Zoning Code.
6. Any subsequent use or change of use associated with this special review shall submit additional documentation to the City for subsequent processing and approval or denial.

ATTACHMENTS

1. *Special Review Application Packet and Form*
2. *Site Overview*
3. *Adjacent Property Owners List (300ft)*
4. *Adjacent Property Owners Map (300ft)*
5. *Mailing Labels*
6. LMC 17.68 – Special Review Procedures
7. Public Notice for Special Review Public Hearing

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

City of Laurel

P.O. Box 10
Laurel, Montana 59044



Office of the City Planner

Application for Special Review

The undersigned as owner or agent of the following described property requests a Special Review as outlined in Chapter 17 of the Laurel Municipal Code.

Applicant: Tavern Partners, Inc. dba Lucky Louie's Tavern and Casino
Legal Description: HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 4, Lot 15 - 18, W100' LTS 15-18 & 30' X 100' VAC 3RD ST S
General Address: 305 S 1st Ave; Laurel, MT 59044
Owner of Tract: J Johnson Properties, LLC
Mailing Address: PO Box 50630; Casper, WY 82605-0630
Phone Number: 307-265-3029
Email Address: accounting@jrgrestaurants.com

General Description of the requested Special Review:

We want to relocate our business from 117-1/2 E. Main St; Laurel, MT 59044 to 305 S. 1st Ave; Laurel, MT 59044. Our business includes a Liquor license and a Gambling license.

Timeline for development:

Once this zoning issue has been settled, the remodel of the property will begin. The remodel will take approximately 6 months to complete.

Attachments:

- ☒ Site Map (printed on at least 11"x17" in paper size showing dimensions, acreage and location of tracts in question)
- ☒ Site Plan (printed on at least 11"x17" paper size including: property boundaries and lot line dimensions, the location of proposed/existing structures, off-street parking, site elevations, service and refuse areas, means of ingress and egress, landscaping, screening, signs and open space areas, and latitude and longitude of the site.
- ☒ Justification letter describing the special review requested and reasoning
- ☒ Map of all properties within 300 feet of the property
- ☒ List of the names and addresses of the property owners and/or agents for all parcels within 300 feet of the parcel under Special Review. (City staff can assist with this process)
- ☒ Special Review fee as per Laurel Schedule of Fees.

Applicant Signature: _____

Date: _____

John W. Johnson
10/20/21

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

City of Laurel

P.O. Box 10
Laurel, Montana 59044



Office of the City Planner

Instructions for Special Review Applications

Special Review applications are reviewed by the Laurel City-County Planning Board, which acts as the City Zoning Commission for Special Reviews. The Zoning Commission shall make a recommendation to the Laurel City Council for final approval, approval with conditions, or denial of the application. The City Council has the final authority to grant or deny application requests.

1. Applications must be received on or before the 1st of the month to be considered at the following month's meeting.
2. Application forms and supporting documents must be completely filled out, printed legibly or typed, with sufficient detail for the Zoning Commission and City Council to make a decision on the matter.
3. If new construction or a change in the use of the property is contemplated, building and/or development plans shall be submitted with the application.
4. Applications must be submitted to the Planning Department with the applicable fee as noted in the most recent Schedule of Fees.
5. A public hearing is required to be held for all Special Review applications.
6. The City will notify all property owners listed within the 300-foot radius and a legal ad will be published at least 15 days prior to the public hearing.
7. The Laurel Zoning Commission meets the 3rd Wednesday of the month at 5:35PM at the Laurel City Council Chambers. The applicant or a representative of the applicant must be present at the public hearing.
8. Recommendations of the Laurel City-County Planning Board shall be provided to the Laurel City Council for their review and final Approval, Conditional Approval, or Denial of the application.

October 20, 2021

City of Laurel

Application For Special Review for Tavern Partners, Inc. dba Lucky Louie's Tavern & Casino

RE: Justification Letter

In regard to the attached Application for Special Review for the City of Laurel, MT, we request that the zoning with respect to the property located at 305 S. 1st Ave, Laurel, MT 59044 be reviewed. We understand that the zoning for the property currently allows gambling establishments, but does not allow alcoholic beverage businesses. We ask that the zoning be updated to allow alcoholic beverage businesses.

Tavern Partners, Inc. dba Lucky Louie's Tavern & Casino currently operates at 117-1/2 E. Main St, Laurel, MT 59044. The operation consists of alcoholic beverage service and operates 14 gaming machines on the premises. The property is leased from 117 Properties, LLC.

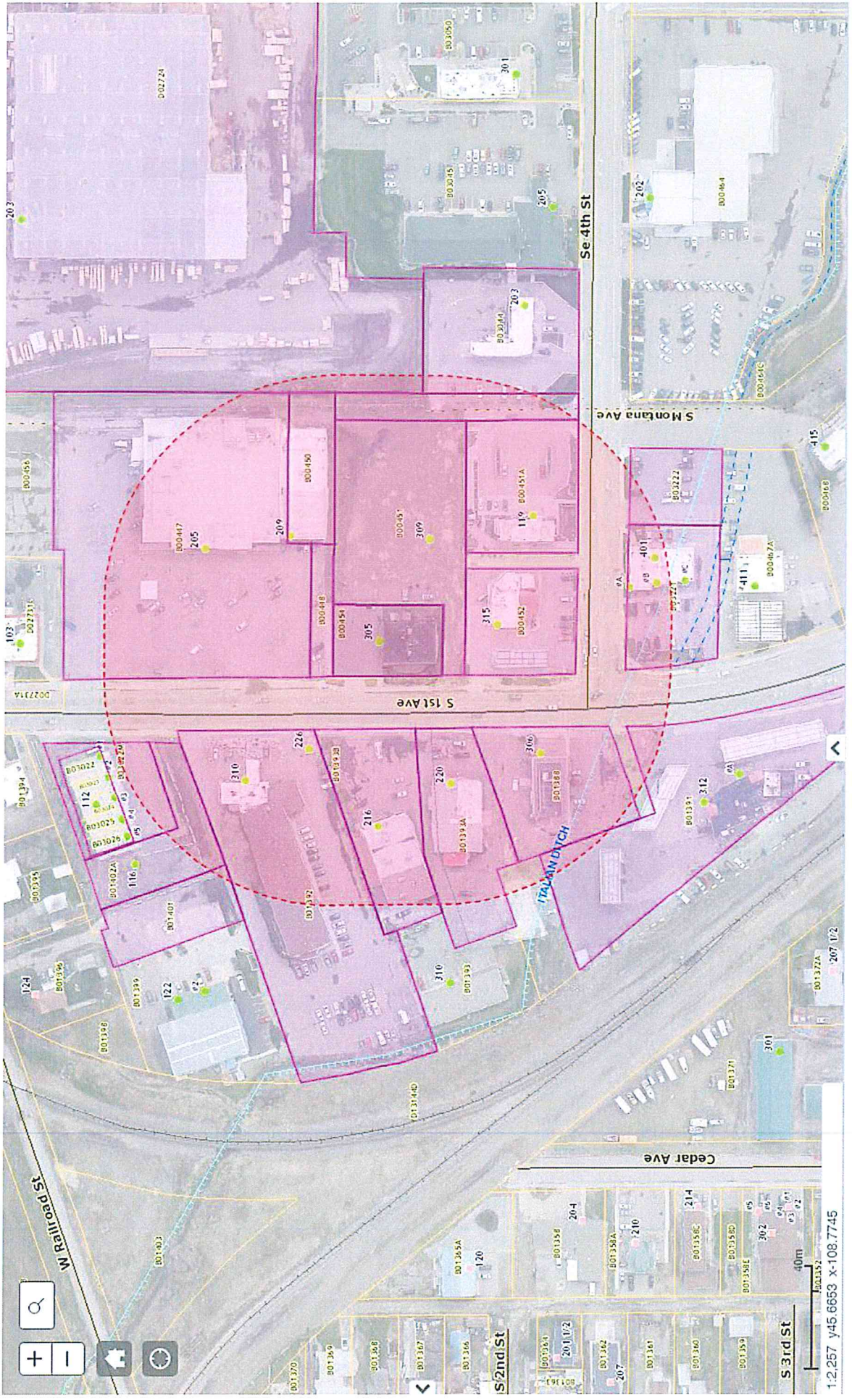
Tavern Partners would like to relocate its business to the 305 S. 1st Ave property, owned by J Johnson Properties, LLC. However, to do so, the property zoning needs to allow alcoholic beverage service. We believe the new property is in a better location and will help increase business revenues.

Ownership of the businesses in question are as follows:

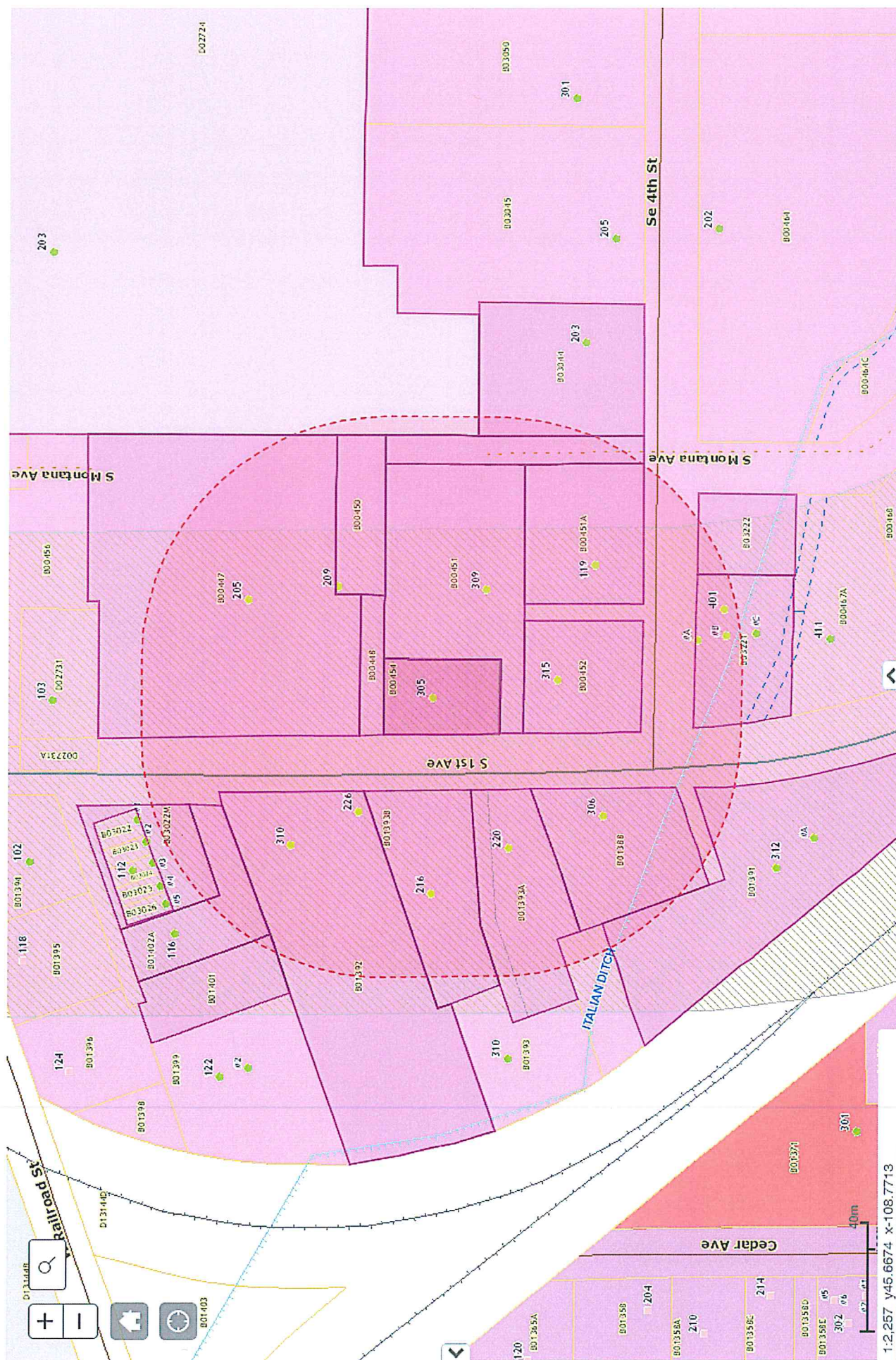
- 1) Tavern Partners, Inc. dba Lucky Louie's Tavern & Casino
 - a. Louis J. Carranco – 50%
2233 Interlachen
Billings, MT 59105
 - b. John D. Johnson – 50%
1917 Rustic Ct
Casper, WY 82609
- 2) J Johnson Properties, LLC (100% owner of 305 S. 1st Ave., Laurel, MT 59044)
 - a. John D. Johnson – 50%
1917 Rustic Ct
Casper, WY 82609
- 3) 117 Properties, LLC (100% owner of 117 E. Main St., Laurel, MT 59044)
 - a. Louis J. Carranco – 50%
2233 Interlachen
Billings, MT 59105
 - b. John D. Johnson – 50%
1917 Rustic Ct
Casper, WY 82609

Thank you.

Regards.....Louis J. Carranco and John D. Johnson



1:2,257 y45.6653 x-108.7745



Owner name	Tax Code	Legal Description	Address
MARVIN DEVELOPMENT OF MONTANA LLC	B00451A	HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 4, Lot 6 - 9, & LT 19 BLK 4 HAGEMAN SUB *	119 SE 4TH ST
J JOHNSON PROPERTIES LLC	B00454	HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 4, Lot 15 - 18, W100' LTS 15-18 & 30' X*	305 S 1ST AVE
TOWN & COUNTRY SUPPLY ASSOCIATION	B00452	HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 4, Lot 10 - 13, & LT 20 BLK 4 HAGEMAN S*	315 S 1ST AVE
WENDAUREL LLC	B00451	HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 4, Lot 1 - 5, LT14, E40' LTS15-18, VAC A*	309 S 1ST AVE
SUPERPUMPER INC	B00448	HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 1, Lot 3, AMD	S 1ST AVE
WELLS, COLLEEN A &	B00450	S16, T02 S, R24 E, C.O.S. 1752, PARCEL B, & C	209 S 1ST AVE
ABS MT-O LLC	B00447	HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 1, Lot 1 - 2, & LT 4 AMD (I-656 LOCATED*	205 S 1ST AVE
FOX LUMBER SALES INC	D02724	S16, T02 S, R24 E, C.O.S. 1423, PARCEL A1A1, AMND A1A 19.120 ACRES	203 E RAILROAD ST
S&G COMMERCIAL HOLDINGS LLC	B03044	CANYON CREEK STATION SUBD, S16, T02 S, R24 E, Lot 1, (98)	203 SE 4TH ST
INNOVATIVE PROPERTIES LLC	B03221	HAGEMAN SUBD 5TH FIL (07), S16, T02 S, R24 E, BLOCK 1, Lot 1, 22000 SQUARE FEET	401 S 1ST AVE
INNOVATIVE PROPERTIES LLC	B03222	HAGEMAN SUBD 5TH FIL (07), S16, T02 S, R24 E, BLOCK 1, Lot 2, 11887 SQUARE FEET	S 1ST AVE
LAUREL 1 RE2 LLC	B01391	EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 29, Lot 7 - 21, ADJ VAC ALLEY &*	312 S 1ST AVE
LAUREL 2 RE LLC	B01388	EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 29, Lot 1 - 6, & ADJ 30 FT ABND*	306 S 1ST AVE
PEKOVICH, GREG & BECKY	B01393B	EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 30, Lot 37, AMD (09) (I00791)*	216 S 1ST AVE
LOCOMOTIVE INN & CASINO INC	B01392	EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 30, Lot 18A, (09)	310 S 1ST AVE
JOE-JOE'S LLC	B01393A	EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 30, Lot 27A, & LT 35 AMND & W30*	220 S 1ST AVE
LOCOMOTION FITNESS CENTER INC	B01401	EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 31, Lot 26 - 28, & N30 FT ABND *	
STOKKE, SAMUEL & LORNA	B01402A	EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 31, Lot B, AMD & ADJ VAC S 2ND *	116 S 1ST AVE
PIONEER PLAZA CONDOMINIUM	B03022M	PIONEER PLAZA CONDOS (84), S16, T02 S, R24 E, MASTER CARD LOC @ LT A BLK 31 E*	112 S FIRST AVE

NOTE: This is the list of all properties within 300 feet of our property at 305 S. 1st Ave., Laurel, MT 59044. It was prepared by Nick Altonaga, the Planning Director for the City of Laurel.

Jim Hinton

From: John Atkinson <john@atarchitecture.com>
Sent: Thursday, September 30, 2021 9:11 AM
To: Jim Hinton
Cc: John Johnson
Subject: Re: City of Laurel Special Review
Attachments: FloorPlan.pdf; SitePlan.pdf

Hi Jim,

Attached are the plan on 8.5x11 and the site plan on 11x17 that are requested. This should be good for the site map/site plan mentioned. Usually the city provides the names and addresses of the property owners within 300', so I would check with them on that.

I'm not a surveyor, so I'm not sure I can do anything with the survey affidavit. Please let me know if I can help with anything else.

thanks,

John Atkinson
AT Architecture
p 406.245.2724
cell 406.697.0651
john@atarchitecture.com

On 9/28/2021 1:15 PM, Jim Hinton wrote:

John,

I have attached all the documents our attorney needs us to have completed.

On page 1, I have completed what I could. I do not yet know the "Timeline for development", but will have that later.

This page says we need a "Site Map", "Site Plan", "Map of properties within 300 feet", and "Names and addresses of these property owners".

Page 3 is the "Certified Survey Affidavit".

Pages 4 through 10 are printouts that I got on the Yellowstone County Assessor's website concerning the property we will be moving to – 305 S. 1st Ave.

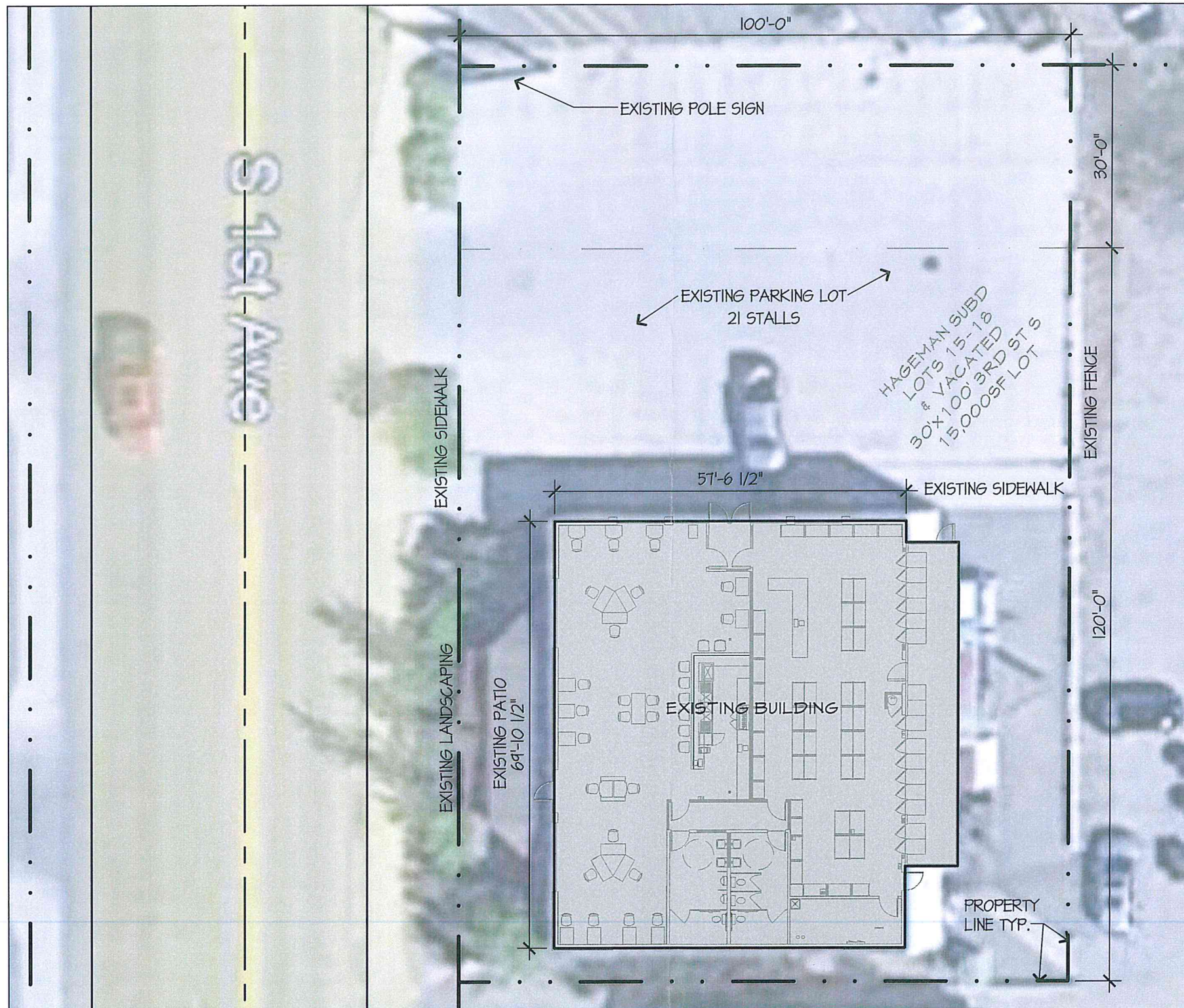
Page 11 states that we need a floor plan (I will take care of the lease).

The remaining pages came from our attorney, including ordinances and fees, for your information.

Let me know if you have any questions for me or John Johnson.

Thank you.

Regards,



ABS MT-O LLC
B00447
205 S 1ST AVE
LAUREL, MT 59044

ABS MT-O LLC
B00447
205 S 1ST AVE
LAUREL, MT 59044

ABS MT-O LLC
B00447
205 S 1ST AVE
LAUREL, MT 59044

FOX LUMBER SALES INC
D02724
203 E RAILROAD ST
LAUREL, MT 59044

FOX LUMBER SALES INC
D02724
203 E RAILROAD ST
LAUREL, MT 59044

FOX LUMBER SALES INC
D02724
203 E RAILROAD ST
LAUREL, MT 59044

INNOVATIVE PROPERTIES LLC
B03221 B03222
2040 CLAIM CREEK RD
BOZEMAN, MT 59715-6718

INNOVATIVE PROPERTIES LLC
B03221 B03222
2040 CLAIM CREEK RD
BOZEMAN, MT 59715-6718

INNOVATIVE PROPERTIES LLC
B03221 B03222
2040 CLAIM CREEK RD
BOZEMAN, MT 59715-6718

J JOHNSON PROPERTIES LLC
B00454
305 S 1ST AVE
LAUREL, MT 59044

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B00454
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LAUREL, MT 59044

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LAUREL, MT 59044

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LAUREL, MT 59044

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LAUREL 1 RE2 LLC
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LAUREL, MT 59044

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B01391
312 S 1ST AVE
LAUREL, MT 59044

LAUREL 1 RE2 LLC
B01391
312 S 1ST AVE
LAUREL, MT 59044

LAUREL 2 RE LLC
B01388
306 S 1ST AVE
LAUREL, MT 59044

LAUREL 2 RE LLC
B01388
306 S 1ST AVE
LAUREL, MT 59044

LAUREL 2 RE LLC
B01388
306 S 1ST AVE
LAUREL, MT 59044

LOCOMOTION FITNESS CENTER INC
B01401
122 S 1ST AVE
LAUREL, MT 59044

LOCOMOTION FITNESS CENTER INC
B01401
122 S 1ST AVE
LAUREL, MT 59044

LOCOMOTION FITNESS CENTER INC
B01401
122 S 1ST AVE
LAUREL, MT 59044

LOCOMOTIVE INN & CASINO INC
B01392
310 S 1ST AVE
LAUREL, MT 59044

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LAUREL, MT 59044

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B01392
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MARVIN DEVELOPMENT OF MONTANA
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119 SE 4TH ST
LAUREL, MT 59044

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B00451A
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LAUREL, MT 59044

MARVIN DEVELOPMENT OF MONTANA
B00451A
119 SE 4TH ST
LAUREL, MT 59044

PEKOVICH, GREG & BECKY
B01393B
216 S 1ST AVE
LAUREL, MT 59044

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LAUREL, MT 59044

PEKOVICH, GREG & BECKY
B01393B
216 S 1ST AVE
LAUREL, MT 59044

PIONEER PLAZA CONDOMINIUM
B03022M
112 S FIRST AVE
LAUREL, MT 59044

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B03022M
112 S FIRST AVE
LAUREL, MT 59044

PIONEER PLAZA CONDOMINIUM
B03022M
112 S FIRST AVE
LAUREL, MT 59044

S&G COMMERCIAL HOLDINGS LLC
B03044
203 SE 4TH ST
LAUREL, MT 59044

S&G COMMERCIAL HOLDINGS LLC
B03044
203 SE 4TH ST
LAUREL, MT 59044

S&G COMMERCIAL HOLDINGS LLC
B03044
203 SE 4TH ST
LAUREL, MT 59044

STOKKE, SAMUEL & LORNA
B01402A
116 S 1ST AVE
LAUREL, MT 59044

STOKKE, SAMUEL & LORNA
B01402A
116 S 1ST AVE
LAUREL, MT 59044

STOKKE, SAMUEL & LORNA
B01402A
116 S 1ST AVE
LAUREL, MT 59044

SUPERPUMPER INC
B00448
411 S 1ST AVE
LAUREL, MT 59044

SUPERPUMPER INC
B00448
411 S 1ST AVE
LAUREL, MT 59044

SUPERPUMPER INC
B00448
411 S 1ST AVE
LAUREL, MT 59044

TOWN & COUNTRY SUPPLY ASSOCIATION
B00452
315 S 1ST AVE
LAUREL, MT 59044

TOWN & COUNTRY SUPPLY ASSOCIATION
B00452
315 S 1ST AVE
LAUREL, MT 59044

TOWN & COUNTRY SUPPLY ASSOCIATION
B00452
315 S 1ST AVE
LAUREL, MT 59044

WELLS, COLLEEN A &
B00450
209 S 1ST AVE
LAUREL, MT 59044

WELLS, COLLEEN A &
B00450
209 S 1ST AVE
LAUREL, MT 59044

WELLS, COLLEEN A &
B00450
209 S 1ST AVE
LAUREL, MT 59044

WENDAUREL LLC
B00451
309 S 1ST AVE
LAUREL, MT 59044

WENDAUREL LLC
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309 S 1ST AVE
LAUREL, MT 59044

WENDAUREL LLC
B00451
309 S 1ST AVE
LAUREL, MT 59044

Laurel Planning Department
115 W. 1st St.
Laurel, MT 59044

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PUBLIC HEARING NOTICE

The Laurel City-County Planning Board and Zoning Commission will conduct a public hearing on a Special Review Application submitted by Tavern Partners, DBA Lucky Louie's Tavern and Casino. The Planning Board has scheduled the public hearing for **5:35 P.M., in the City Council Chambers at City Hall, 115 West 1st Street, Laurel, Montana, on Wednesday, December 15, 2021.**

Tavern Partners plans to relocate the current Lucky Louie's Tavern from its location at 117 E. Main Street to 305 S. 1st Avenue. A Special Review Approval by the City Council is required for any cocktail lounge, restaurant, bar, or tavern within the Highway Commercial (HC) zoning district that the property in questions is located.

Additionally, the City Council shall schedule a subsequent public hearing to make a final decision on the Special Review application after Planning Board has met and submitted their recommendations to the City Council.

Public comment is encouraged and can be provided in person at the public hearing on **December 15th.** Public comment can also be made via email to the Planning Director, or via letter to the Planning Department office at 115 West 1st Street Laurel, MT 59044. A copy of the Special Review Application and supporting documentation is available for review upon request at the Planning Department office. Questions regarding this public hearing may be directed to the Planning Director at 628.4796 ext. 5302, or via email at cityplanner@laurel.mt.gov.

Chapter 17.68 - SPECIAL REVIEW PROCEDURE

Sections:

17.68.010 - Purpose of provisions.

Although each zoning district is primarily intended for a predominant type of use, there are a number of uses which may or may not be appropriate in a particular district depending upon all the circumstances of the individual case. For example, the location, nature of the proposed use, the character of the surrounding development, traffic capacities of adjacent streets, and potential environmental effects, all may indicate that the circumstances of the development should be individually reviewed. It is the intent of this section to provide a system of review of such uses so that the community is assured that the uses are compatible with their locations and with surrounding land uses, and will further the purpose of this title and the objectives of the Laurel comprehensive planning process.

(Prior code § 17.88.010)

17.68.020 - Application requirements.

An application for a special review may be filed by the property owner, contract purchaser, or his authorized agent. The application shall be filed with the zoning commission secretary and shall be submitted under the following conditions:

- A. The application shall include, but not be limited to the following information:
 - 1. A legal and general description of the tract(s) upon the special review use is sought;
 - 2. A map showing the dimensions, acreage and location of the tract(s);
 - 3. The name and addresses of the owner(s) of the tract(s) and their agents, if any and the names and addresses of property owners of record within three hundred feet of the property for which a special review has been requested; such list of property owners shall be so certified by the county clerk and recorder's office;
 - 4. A site plan showing major details of the proposed development including but not limited to, the location of proposed and existing buildings and structures; off-street parking and loading; service and refuse areas; means of ingress and egress; landscaping; screening; signs and open space areas;
 - 5. A time schedule for development;
 - 6. Any other information the applicant believes will support his request.
- B. An application for a special review shall be made on or before five p.m. of the first day of the month preceding the date of the public hearing before the zoning commission. When the date of submittal falls on a weekend or holiday, the submittal shall be on the following day before five p.m.

(Ord. 94-15, 1994; prior code § 17.88.020)

17.68.030 - Evaluation responsibility—Consultation—Notification.

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

- A. Consult with other departments of the city or county to fully evaluate the impact of any special review upon public facilities and services including, but not limited to schools, drainage, traffic and related facilities;
- B. Study each application with reference to its appropriateness and effect on existing and proposed land use, and references to the comprehensive plan;
- C. Advertise twice in a newspaper of general circulation in the jurisdictional of the Laurel-Yellowstone city-county planning board at least fifteen days in advance of the time and place of the public hearing;
- D. Notify, by mail, the applicant or his authorized agent at least five days prior to the date of the public hearing of the time and place of such hearing;
- E. Notify, by mail, all property owners within three hundred feet of the exterior boundaries of the property subject to the special review of the time, date, place of the public hearing and the existing and proposed classification. Further, he may notify property owners within a radius of more than three hundred feet if he determines that the proposed use of the property would have a substantial environmental impact on surrounding land uses;
- F. After the public hearing and as part of the public record, the planning director shall report his findings, conclusions and recommendations to the zoning commission.

(Ord. 94-16, 1994; prior code § 17.88.030)

17.68.040 - Zoning commission action.

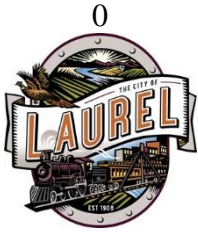
- A. After presentation to the zoning commission of the request for special review by the applicant, the zoning commission shall make a recommendation to the city council to:
 - 1. Grant the application for special review;
 - 2. Deny the application;
 - 3. Delay action on the application for a period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

(Ord. 94-17, 1994; Ord. 953, 1989; prior code § 17.88.040)

17.68.050 - City council action.

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

(Ord. 94-18, 1994; prior code § 17.88.050)



**MINUTES
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
WEDNESDAY, DECEMBER 15, 2021
5:35 PM
CITY COUNCIL CHAMBERS**

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.*

1. Roll Call

The Chair called the meeting to order at 5:35PM

Jon Klasna
Ron Benner
Gavin Williams
Evan Bruce
Roger Giese
Dan Koch
Judy Goldsby
Nick Altonaga (City of Laurel)

The Chair announced the agenda change to place Chens Express before the North Western Energy Discussion.

General Items

2. Approve Meeting Minutes: November 17, 2021

Board members reviewed the minutes.

Ron Motioned to Approve the minutes from the meeting on November 17, 2021.
Evan Seconded.
Motion Carried.

3. Public Hearing: Lucky Louie's Special Review

The Chair called for Proponents.
The Chair called for Proponents.

John Johnson, 1917 Rusting Court, Casper, Wyoming.

Owner of the Building, and also a partner of Louis Carrano with Tavern Partners.

Want to speak in favor of the project. Would like to have the 3rd condition of approval be changed to "Have started within 6 months of special review approval."

Another issue with the timeframe is that we still have to have approval by the state. The Department of Justice and the State need to sign off and approve it as well.

Ron: Will there be any food service?

John: Very limited kitchen and food service. Want to make sure that it will be limited to bar and casino and not a bar, casino, restaurant. It will be very limited, not a restaurant with full service. Limited service area of about 8 seats.

Roger: One of the recommendations and discussion items has it as ingress and egress. Will there be additional ingress and egress created to the neighboring site?

None planned at this time. No major site work is being done.

The Bar in this location will be a service bar, not a full-on bar for customers. It will have full beverage service available but limited seating.

Judy: What will the hours of operation be?
Hours of operation will be 8am-12am.

Ron: The Bar downtown will close? What will be done with it?

John: We have a verbal agreement with a gentleman down the street who will take over the space.

The Chair Called for Proponents.

The Chair called for Opponents.
The Chair called for Opponents.
The Chair called for Opponents.

There being none, the Chair closed the public hearing.

Forrest Sanderson, KLJ: Suggest taking up the 1-year limit and impose the ability of an extension.

Board members discussed amending the recommendation of a 1-year development timeframe.

Gavin Motioned to Approve the Special Review for Lucky Louie's with the amended Recommendations as discussed.
Evan Seconded.

Roger Giese Opposed.

Motion Carried.

4. Plan Review: City-Brew / Chen's Express

Nick Presented the amended plan for the City Brew / Chens Express

Ron: Will there be a pedestrian walkway to the ATM? This is very problematic as not everyone has a car. Also problematic for Larger vehicles heading into the parking areas.

Ron: Trash Enclosure? Nick explained the encroachment permit that was approved last night

Ron: Parking issues, ATM Island, and multiple lanes of traffic will be very problematic. I think cars are going to get all over.

Can we put an addendum that the Police won't have to attend to any accidents here? Not sure how they will deal with traffic here.

Where is the overflow parking for large vehicles or how will the developer deal with vehicles with trailers?

Ron Motioned to table the plan review until January and invite the developer to present it then.

Jon Seconded.

Motion Carried.

5. Staff Update

The Planning Director announced that his last day with the city of Laurel will be January 21st, 2022.

Karen Courtney the Building Official will be taking over the day to day items with Forrest Sanderson at KLJ assisting with the larger projects.

6. Discussion: Northwestern Energy Zone Change

Ron Motioned to Adjourn the meeting to hold a work session.

Evan Seconded.

Motion Carried.

Meeting adjourned at 6:05pm.

Ron recommended to send our standing decision back to City Council. We should not be forced to make the decision.

Ron left the meeting due to a prior engagement.

Forrest Sanderson, KLJ. Inc. was present to summarize the findings regarding the NW Energy Zone Change.

You have a comprehensive record. We did not yet address the statutory criteria in the MCA. (Just those in the LMC). We MUST address the items in MCA regarding the zone change. There is no proof that those 11 items were addressed.

In 32 years, it is the first time a AGB has decided to NOT go through the official process and build the record. Through a quick run-back through the record I have prepared a comprehensive list of findings for each. The public is entitled and should be invited to participate in the public process and the findings.

Even through a quick search we have prepared a significant list. I recommended that the City Council remand the review of the item to the Planning Board. We must review the Zone Change criteria and findings and adopt conclusions.

We must prove that we have reviewed the record, we have reviewed the findings, and can state that our decision is based upon those.

Tasking for Nick: Is NWE still interested in the zone change process?
They must affirm or drop the zone change.

If they don't respond to us, assume they are still interested. We must invite them to the Public Hearing in January.

Request to the Board is in two parts:

1. I need you to review the record (Summary of findings)
2. If you have additional findings, SEND THEM TO NICK

We want to have all findings available for the Public Hearing. Charge the public: Review the summary of findings, email Nick with any further findings. We will come to a conclusion for each and every one of those 11 questions.

Next issue to address: After the public hearing, Councilman McGee. Councilman McGee asked the question whether the Council or Commissioners were the appropriate body. Who is the appropriate body? There is a statutory process for amending the zoning jurisdiction and it has not been followed.

Does the City of Laurel have the legal authority to assign zoning?
The City Attorney is going to have to make a decision on that.

It does not matter who the appropriate governing body is, but this is the planning board that has the power over this portion of review process. That is crystal clear. No matter who the governing body is, they will review the findings and conclusions prepared by the Laurel City-County Planning Board. Going through the findings and public process shall show that we completed our requirements.

Does the Board have any questions for it?

Dan: Doesn't the City have authority 1-mile out for zoning?

Forrest: There are some specific prohibitions for zoning outside city limits. There are some specifics for the zoning area.

Dan: Maybe there were some things that were done wrong in the past.

The answers we find for this item.

Our question to Yellowstone County: has YC adopted Zoning under 76-2-2 MCA?

Our record will be complete, defensible, developed through an open, fair, and transparent process, and will be sent to the appropriate governing body.

Judy: The determination of the appropriate governing body would not impact our review of findings?

Forrest: Correct.

Dan: Could the Commissioners override our decisions?

Forrest: Yes

Dan: Then why are we not doing it backwards? To figure out who the appropriate GB is?

Forrest: No, we started the process and must finish it correctly. Assumptions were made during this process that blocked the underlying questions. We are going to find who the appropriate governing body is and shall send our recommendations to them.

We are dealing with Private Property and Private Property rights. This decision directly deals with impacts to private property. Let's navigate the process with this in mind. Dealing with both sides of the issue, both For and Against.

Can we have a meeting before the 19th to meet on the findings?

Must provide notice. Thou shalt not meet in private.

- Make sure the public is aware
- Make sure they are afforded the opportunity to attend
- Ensure that if they are working on their tasking, that you are as well

Want to ensure that things are open, fair, and transparent.

If NW Energy withdraws their application, IN WRITING, we are done. Everything stops.

Evan: Can an EPA or DEQ agent come in and speak with us regarding this issue?

Yes, but the DEQ agent would provide details on a different set of questions than what we have under our review. We would start to mix regulatory mandates, and it is all relevant, but might not all belong as part of this process.

If you believe you have heard testimony that gives you pause, in regard to property values impacted, and the presentation from DEQ would answer that question, they will be required by law to show up and answer your questions. All state agencies are required to attend a meeting when requested in order to answer questions. They are good at attending. But we need to know in advance to invite them.

Dan: There should be a better way of having the public be aware of the hearings and processes. They were not aware of the process and that we did not have sufficient information.

Forrest: We have struggled for years to get people to know about meetings and information. We do more than most communities to get the word out. Follow what the code says, publish the notices.

Dan: The local paper tracks it. It is incumbent upon the public to attend meetings. In all due respect to Dr. Benner, We must deal with this for the city, for the public.

Steve Krum, 249 24th Ave West, Laurel, MT 59044

One thing through the process is that the public has come in and voiced a lot of thoughts and feelings and ideas. It has come through the health and safety and environment.

Dan brought up and I agree that it is the Public's responsibility to attend meetings. The YC News is not the proper location for public notices to be sent. It is not published within the statutory area for the Board. We are missing a big opportunity to reach out to the public by not publishing in the Outlook.

Forrest: The paper of record is set by the Governing Body. We are just living with the decision.

Jon: With that in mind, can we direct someone to request that our notices be put in Laurel's paper?

Nick can forward the request to have our notices in both.

Carol Blades 1805 Denidas Lane.

I DO read the Outlook. I like that you are giving us a second chance for contact on this issue. Asked what is the role for Forrest? Can we contact you directly?

Forrest: No, primary contact is with Nick who then contacts me if necessary.

Jon: Would like to see a specific list of the 11 questions. Where can I find those?

Forrest explained the document with the findings. I-XI findings and conclusions, followed by the 6 questions posed by Nick and Forrest.

The Roman Numerals are the statutory questions, followed by the questions posed by staff.

If we hear about Yellowstone County, WE DO NOT CARE, we only care about our jurisdiction.

To deviate from that puts us on a path that is untenable and indefensible.

Where our decision goes, it does not matter, and has no impact on the decision-making process.

You serve the county and the city of Laurel in equal measure.

We are still going to deal with the application, as we are the appropriate board.

Jon: We need to decide whether NW Energy wants to proceed or they want to withdraw?

If the answer is full-stop, it should be front page above the fold news.

We would want to have a 1-minute comment period per person at the end of the work session. In the interim between the 5th and the 19th, send it in as an email, it is the fastest way to get it into the record.

Carol Blades: Have been prolific in letter writing to the editor, but has not included them with City Council as they were longer than 3 minutes.

New Business

Old Business

Other Items

7. Adjourn

Dan Motioned to adjourn the work session.

Gavin Seconded.

Motion Carried.

Meeting Adjourned at 7:15pm

Announcements

8. Next Meeting: January 19, 2022

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

DATES TO REMEMBER

File Attachments for Item:

20. Resolution No. R22-08: A Resolution Of The City Council Authorizing The Mayor To Sign An Agreement With Meridian Law PLLC For The Provision Of Civil City Attorney Legal Services For The City Of Laurel.

RESOLUTION NO. R22-08

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE MAYOR TO
SIGN AN AGREEMENT WITH MERIDIAN LAW PLLC FOR THE PROVISION OF
CIVIL CITY ATTORNEY LEGAL SERVICES FOR THE CITY OF LAUREL.**

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

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

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

Introduced at a regular meeting of the City Council on February 8, 2022, by Council Member _____.

PASSED and APPROVED by the City Council of the City of Laurel this 8th day of February 2022.

APPROVED by the Mayor this 8th day of February 2022.

CITY OF LAUREL

Dave Waggoner, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

Approved as to form:

Sam S. Painter, Civil City Attorney

CIVIL CITY ATTORNEY CONTRACT

THIS AGREEMENT, made and entered into by and between the City of Laurel, hereinafter referred to as Client, and Meridian Law, PLLC hereinafter referred to as "Attorney."

ATTORNEY CLIENT RELATIONSHIP: Client hereby employs Attorney to exercise and perform the civil duties of the City Attorney for Client, which includes all civil matters assigned and directed by Client. Client's Mayor shall be the primary contact for Attorney and shall assign and direct the Attorneys' provision of services. Attorney agrees to provide his/her own office, staff, and equipment at no additional charge to Client.

FEES AND BILLING: For services performed for Client by Attorney, Client agrees to pay Attorney \$6,000 per month, to be billed bi-monthly by the first and third Thursday of each month. Invoice must include Client name, invoice number, dates of service covered, amount billed, and date of invoice. In addition to fees provided herein, Client agrees to reimburse Attorney for costs as defined below. Attorney agrees to provide Client an itemized invoice, separate from the fee invoice, for costs incurred.

COSTS: Costs are defined as all filing fees, court costs, subpoena costs, certified driving records for defendants, mailing costs, copies of video-taped or DVD evidence, depositions, court report charges, expert witness fees, expert reports, witness statements, travel expenses except as set forth herein, and any other disbursements or expenses incurred by Attorneys while representing Client. Photocopies shall be reimbursed at \$.05 per page. These costs may be billed monthly by Attorneys and, if unpaid, shall bear interest at the rate of one percent (1%) per month.

Travel costs beyond local travel shall be undertaken only upon Client's request. Client shall reimburse Attorney his/her actual costs of travel (other than local) and pay per diem at rates established by the State of Montana.

DURATION: This contract shall immediately commence on February 8th, 2022 and continue until terminated by the Parties.

MODIFICATION AND TERMINATION: This contract or any provision thereof may be modified at any time upon mutual consent expressed in a mutually signed writing. The contract may be terminated at any time by either party with a 30 (thirty) day written notice.

DATED this 8th day of February 2022.

CITY OF LAUREL

Dave Waggoner, Mayor

ATTEST.

Bethany Langve, Clerk/Treasurer

ATTORNEY:

Michele Braukmann, Meridian Law, PLLC