



**AGENDA
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, JANUARY 21, 2020
6:30 PM
CITY COUNCIL CHAMBERS**

Public Input: *Citizens may address the Council regarding any item of City business that is not on tonight's agenda. The duration for an individual speaking under Public Input is limited to three minutes. While all comments are welcome, the Council will not take action on any item not on the agenda. If a citizen would like to speak or comment regarding an item that is on tonight's agenda, we ask that you wait until the agenda item is presented to the Council by the Mayor and the public is asked to comment by the Mayor. Once again, each speaker is limited to three minutes.*

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

General Items

1. Laurel Signals Presentation
2. Appointment of Karl Dan Koch to the City/County Planning Board for a two-year term ending June 30, 2021.
3. Mayor's Appointment Memo

Executive Review

4. Resolution - Resolution Calling A Public Hearing To Approve Certain Public Infrastructure Improvements In The Laurel Urban Renewal District As An Urban Renewal Project And To Finance The Project Through The Issuance Of Tax Increment Urban Renewal Bonds; And Making A Reimbursement Declaration In The Event That Tax-Exempt Bond Proceeds Reimburse Original Expenditures Of The City
5. Resolution - A Resolution Of The City Council Accepting An Easement From George M. Fox For The Purpose Of Constructing, Operating, Maintaining, Replacing And Repairing A Sewer Line For Village Subdivision Within The Described Easement.
6. Ordinance No. O20-01: An Ordinance Amending Certain Chapters Of Title 14 Of The Laurel Municipal Code Relating To The Adoption And Enforcement Of Building Codes For The City Of Laurel As Required By The State Of Montana.

Council Issues

7. West Railroad Update
8. Discussion on National Historic Places Registry Designation.

Other Items

Review of Draft Council Agendas

9. Draft City Council Agenda of January 28, 2020.

Attendance at Upcoming Council Meeting

Announcements

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

DATES TO REMEMBER

1ST AVENUE SIGNALS - LAUREL
CMDP-G 4-2(47)54; UPN 9264



OVERVIEW

- Existing Conditions Summary
- Identified Issues
- Intersection Analysis
- Crash Analysis
- Clearance and Pedestrian Times
- Proposed Timing Plans
- Next Steps

EXISTING CONDITIONS

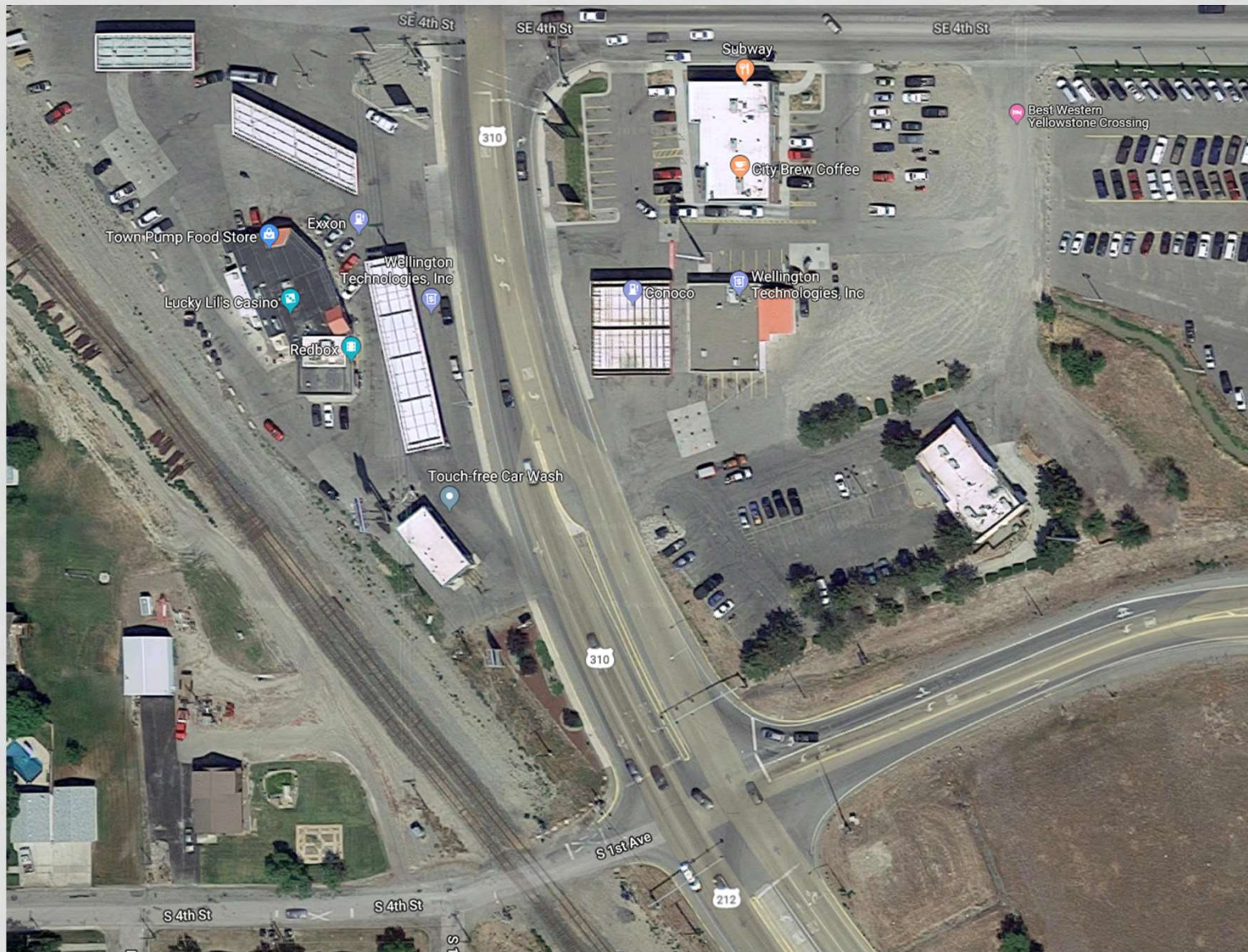
- 3 State Owned Signals
 - No coordination
 - No detection at Main/1st (pre-timed)
 - Nighttime flash at Main only
- Hardware
 - Traconex Controllers
 - Controllers upgrades included with this project

IDENTIFIED ISSUES

- 2010 complaint about lack of pedestrian crosswalks at Main & 1st
- 2013 complaint regarding the time for the NB LT arrow at Main
 - Added 5s of green time to the NB LT noting that the lane configuration may limit the benefit
- 2016 complaint regarding back up onto the interstate at the WB ramp (≈1600' ramp)
 - Added to the HSIP 2016 review site list
 - During field review, no back-ups noted
 - No trains noted either
 - Site dropped – no further info
- June 2018 complaint letter
 - NB backup from Main to I90 - problem for businesses access

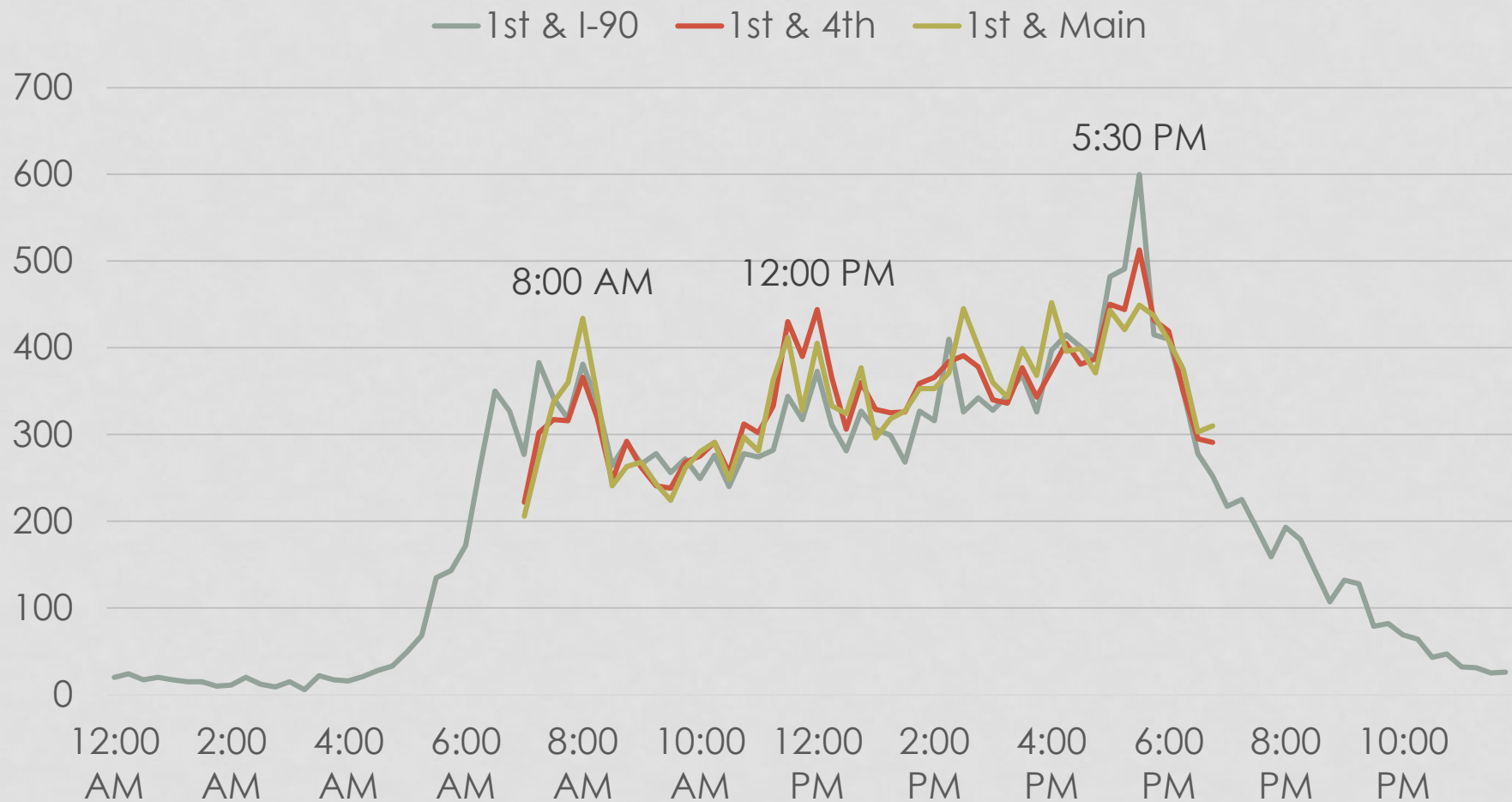
NOTED FIELD ISSUES – MAY 2019

- Backup from Main to the I90 WB ramp in the NB direction during the PM peak
- Intermittent cycle failures for following movements
 - Main
 - NB primarily during PM peak, WB LT all peaks, infrequent SB AM/PM peak
 - 4th
 - SB LT during midday, WB LT midday and PM peak
 - I90WB Ramp
 - EB only after train preempt
- Two trains observed at the I90WB Ramp
 - Long and slow trains, but no risk of backing onto interstate even though one occurred at 5:20pm
 - Clearing EB traffic after preempt can be challenging due to heavy WB right from the ramp, and the NB lane drop at 4th



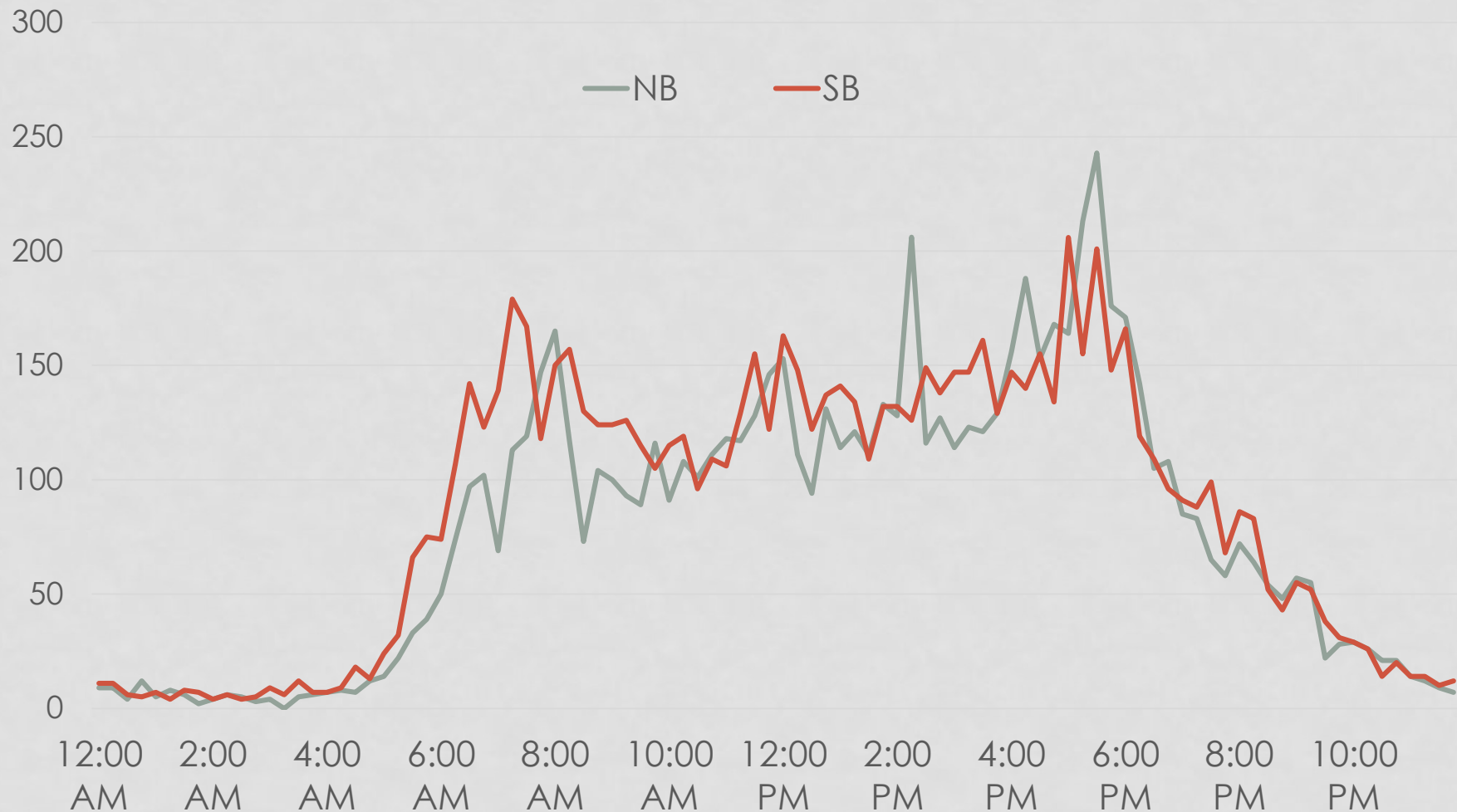
WEEKDAY TOTAL VOLUME

APRIL 2017 DATA



DIRECTIONAL DISTRIBUTION

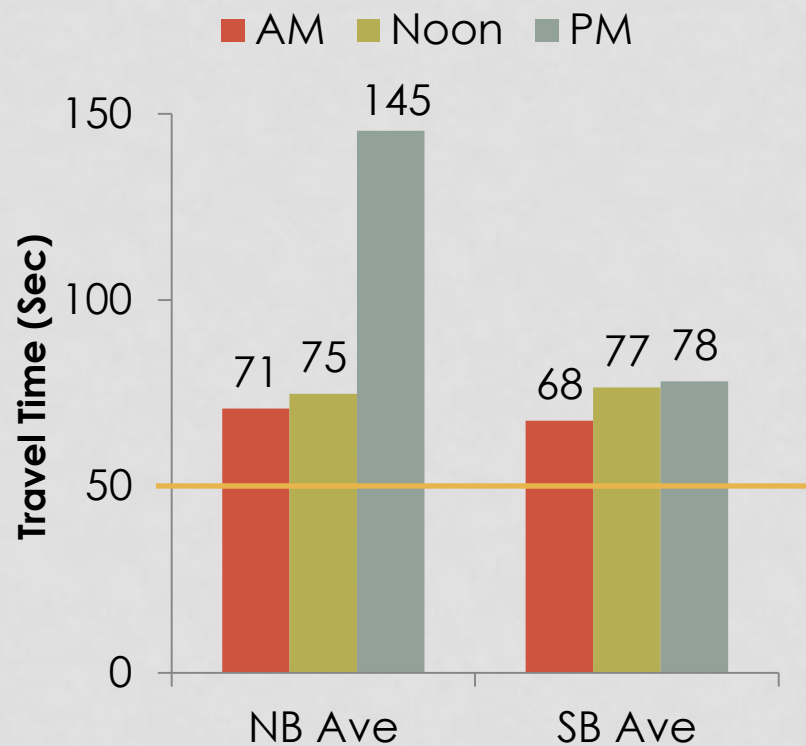
ON 1ST BETWEEN I-90 AND 4TH



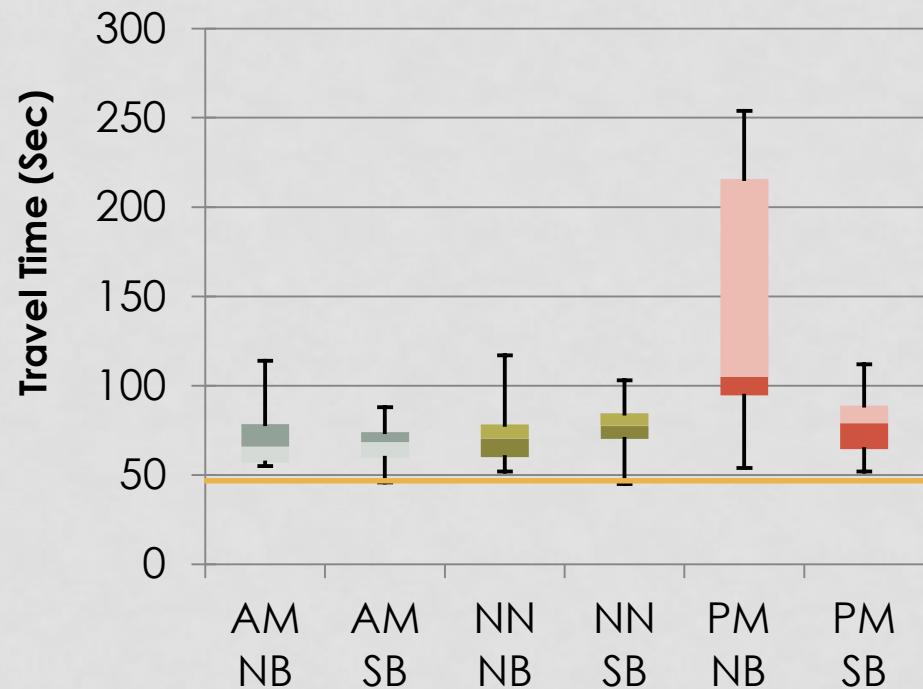
TRAVEL TIME RUNS

APRIL 2017

Average Travel Time (sec)

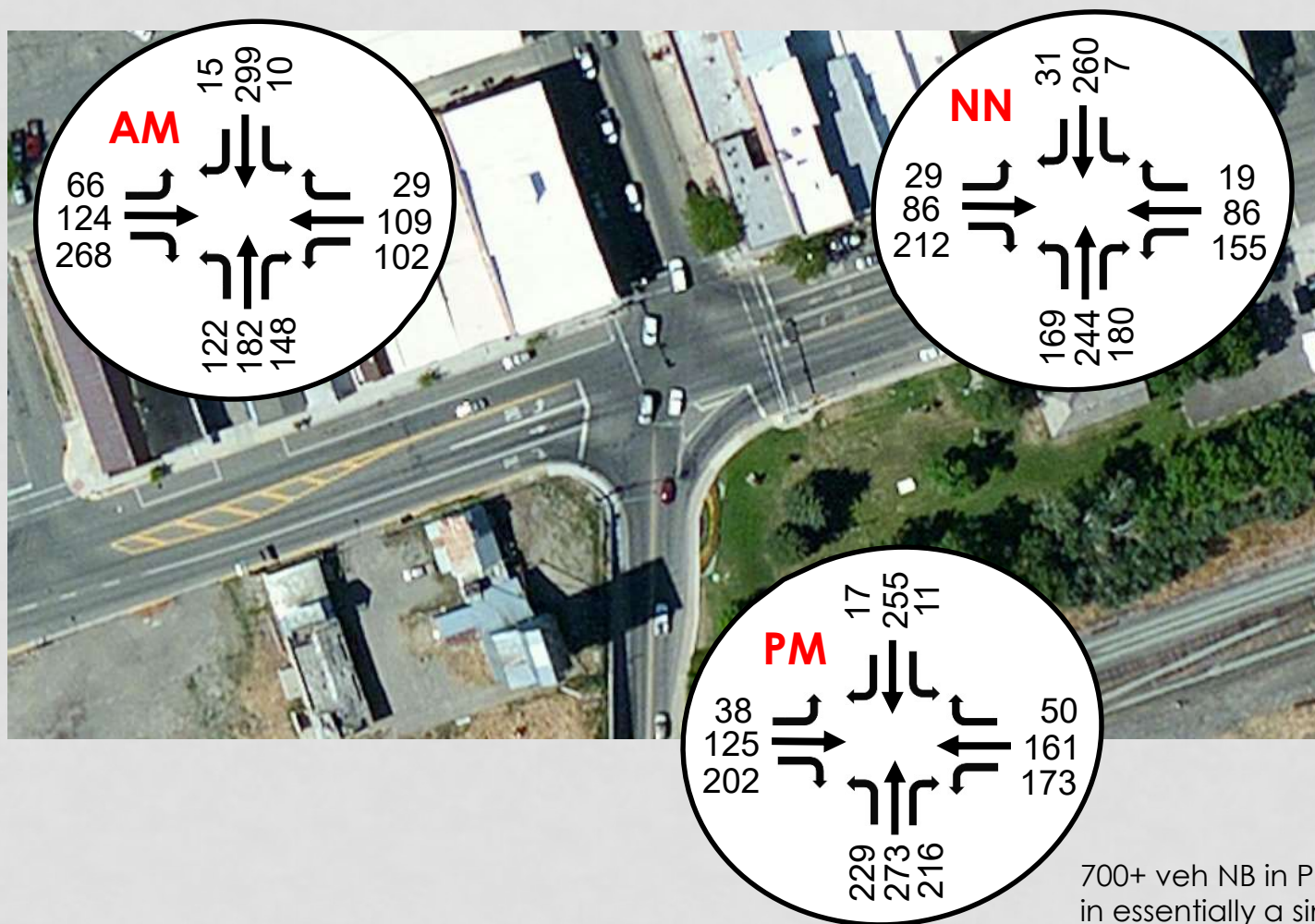


Travel Time Variability (Min, Max, Median, 1st & 3rd Quartiles)



- Zero delay travel time = 50 sec
- Max TT in the PM peak in 2019 was 354s headed NB

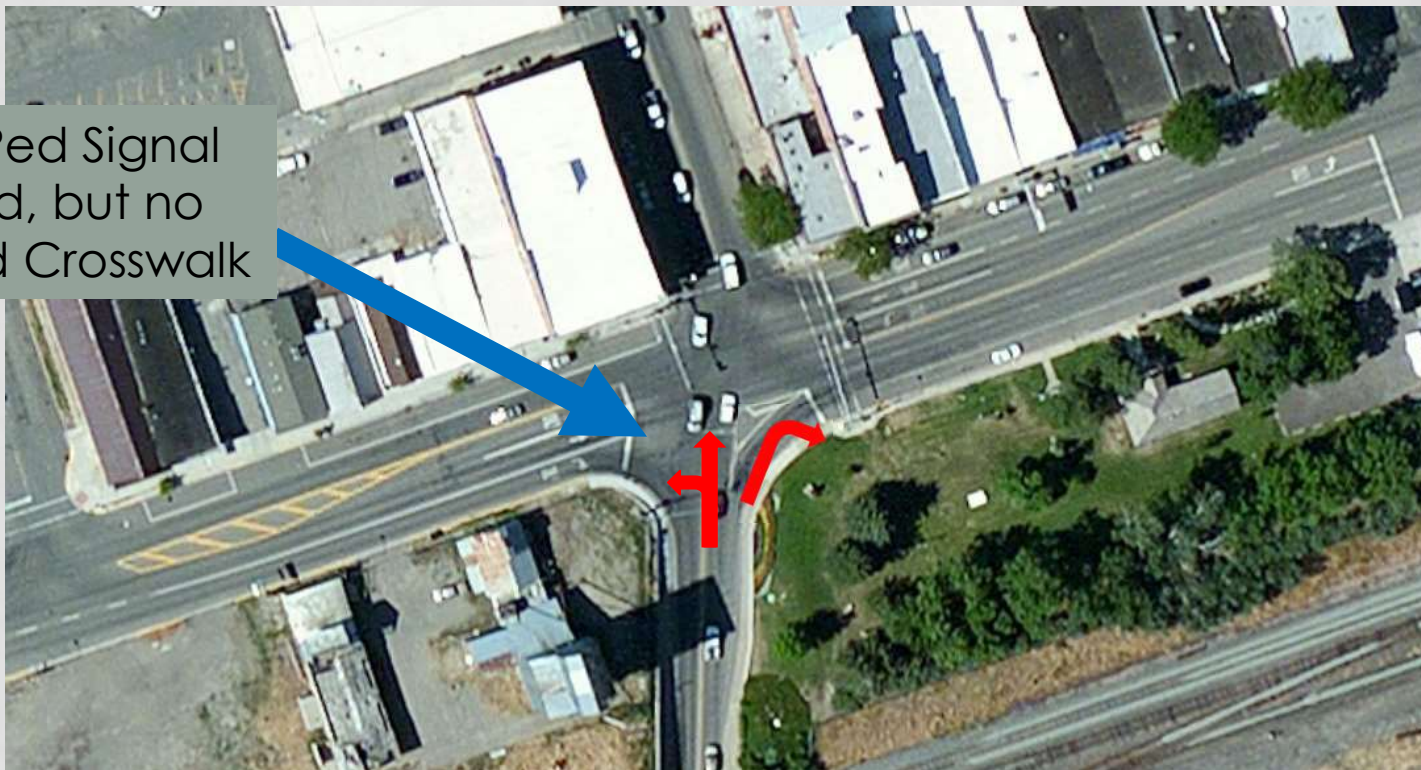
1ST & MAIN



1ST & MAIN

- Prot/Perm NBL (shared thru-left lane)
- Pre-timed Operations (Overnight flash 11pm-7am)
- 75 sec cycle in AM, 80 sec in Noon/PM

Has Ped Signal Head, but no Striped Crosswalk

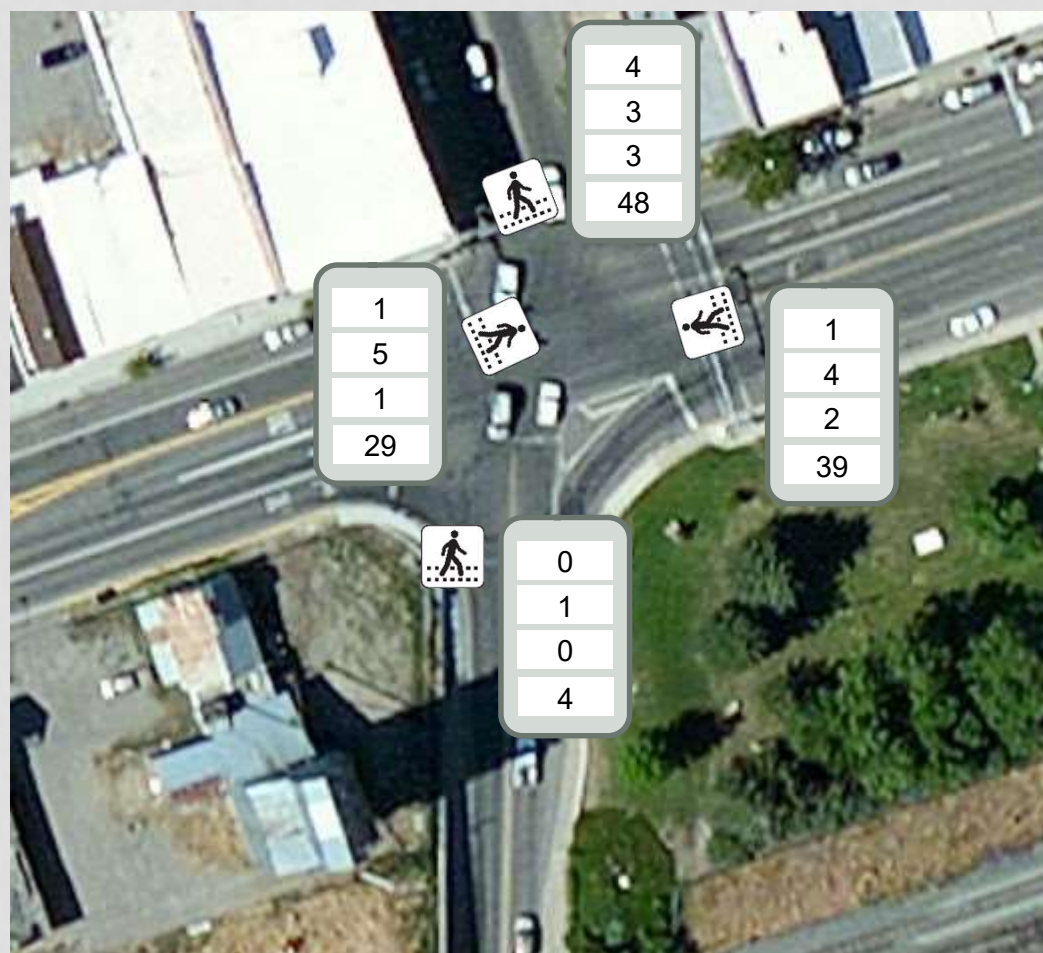


1ST & MAIN

- WBLT vs EB TH/RT volume meets recommendations for a left turn phase in the PM peak
- No WBLT crashes in 5 years



1ST & MAIN PEDESTRIANS



AM
NN
PM
7a-7p

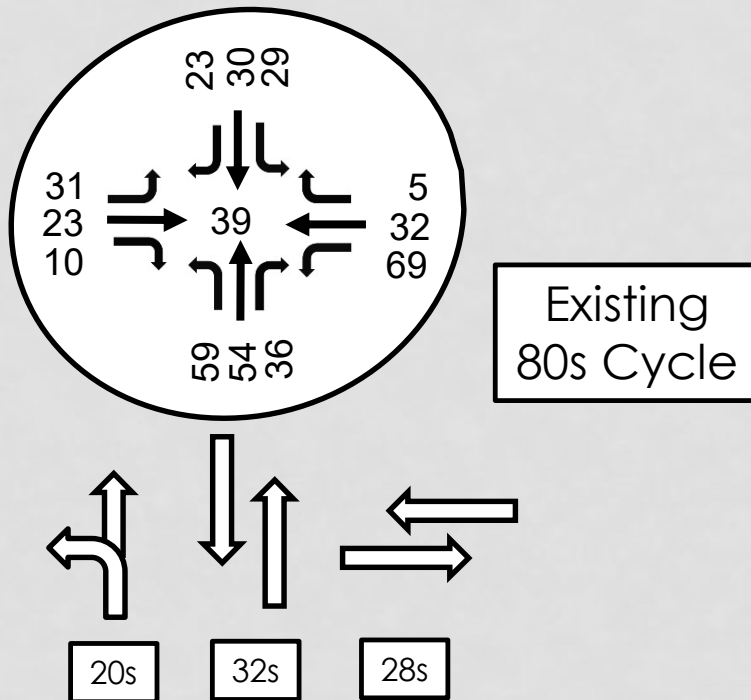
120 total peds
counted with
about ½ of
them counted
between 2p-4p

1ST & MAIN

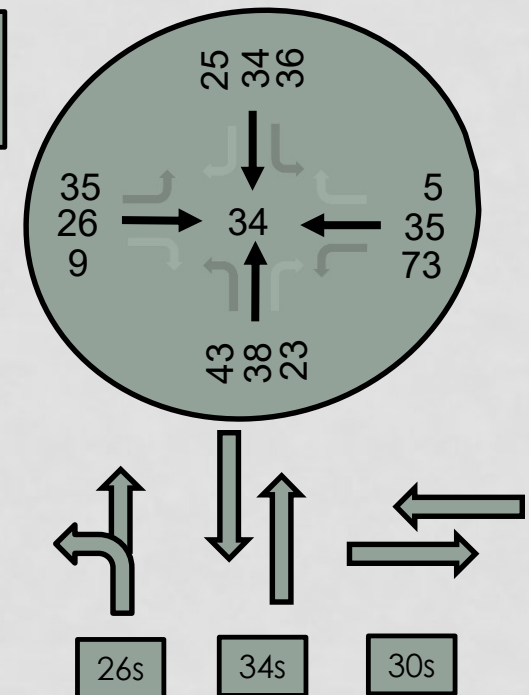
- This project
 - Optimize signal within the existing geometric and signal hardware constraints
 - Unlikely to “fix” queuing issues that exist
- Future recommendations
 - Possible interim project – MACI potentially?
 - Add detection and upgrade signal (FYA, backplates, APS)
 - Detection will be most useful outside of peak hours, may help limit congested periods but will likely have little effect in peaks
 - Add WB left turn phase
 - Will need to be short to limit further exacerbating NB queues within the existing NB lane configuration
 - Major reconstruction of the intersection
 - Possible roundabout? October meeting - NO
 - Reconstruction of the NB leg to include LT/TH/RT lanes?
 - Long term project and long term plans for Laurel?

1ST & MAIN - PM DELAYS

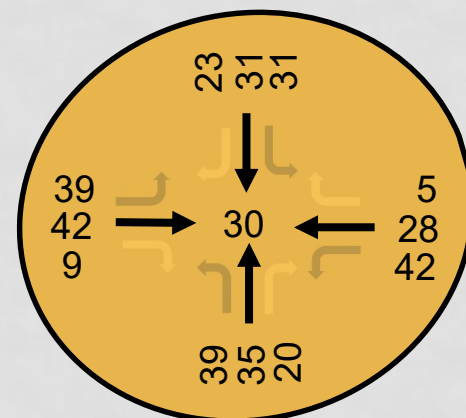
2017 VOLUMES



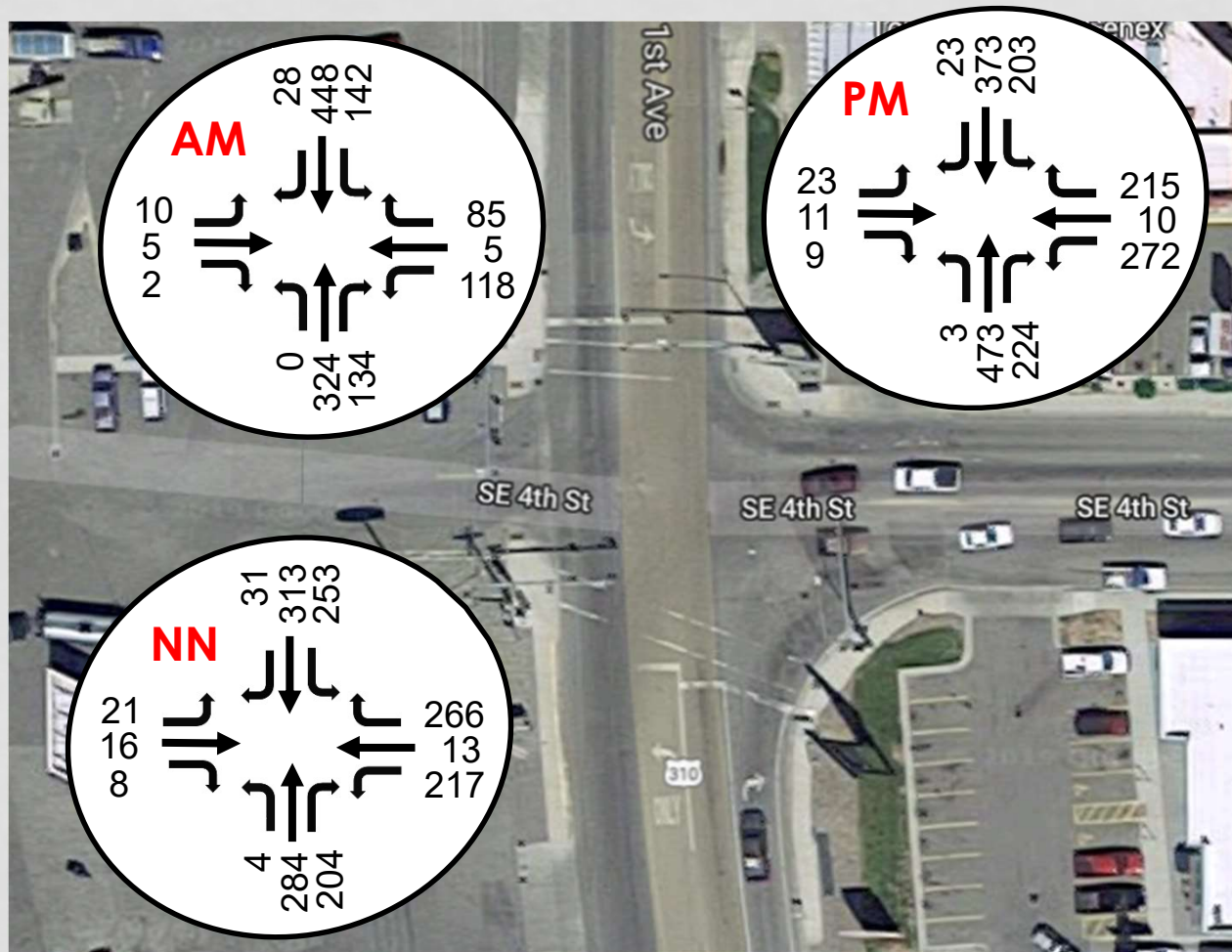
Proposed Timings
90s Cycle



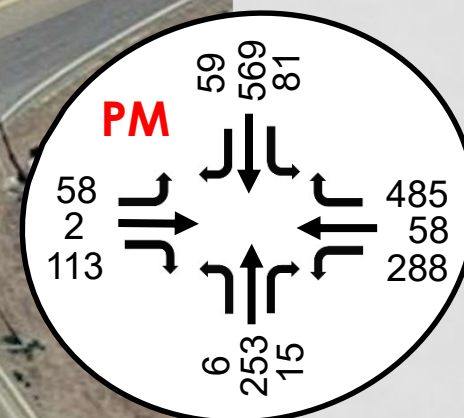
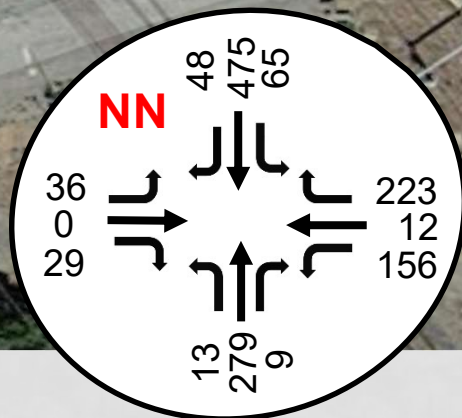
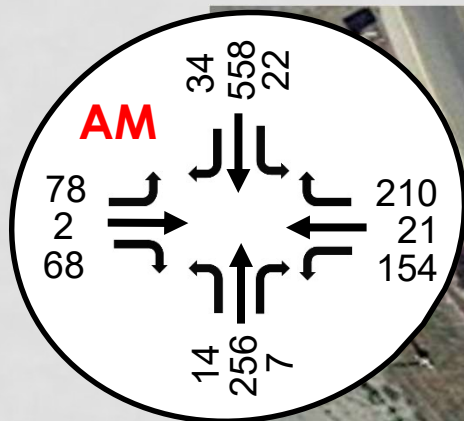
Add Detection and
WB Left Turn Phase
90s Max Cycle



1ST & 4TH

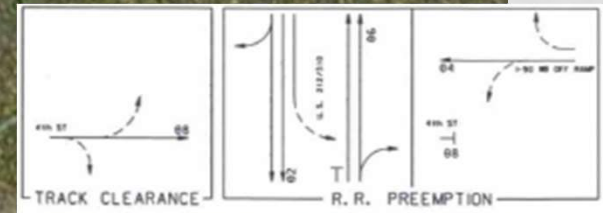


1ST & I90 WB



RAILROAD PREEMPTION (1ST & I-90)

- Tracks 70 feet west of stop bar
- Railroad advanced preemption
- 20 Preemption activations per 24 hour period
 - Will interfere regularly with any proposed coordination



I90 WB RAMP

- Back up onto interstate reported
 - Possibly related to train operations and preemption?
 - Train schedule – 20 preempts a day
- Lane configuration
 - Heavy right turn volumes in all periods
 - Interim – possibly look at changing lane configuration - NO
- Long term – possibly consider
 - Adding a lane for exclusive lanes for all movements to prevent through vehicles from blocking heavy movement turning vehicles during preemption
 - Adding a dual right turn lane
 - Possible queue detector on ramp – won't override a train though and if through vehicles are waiting for a train causing back up, it may not help
 - Effects of West Laurel Interchange opening on traffic patterns

CRASH ANALYSIS

- 5 Year Crash Analysis (2014-2018)
- Crash Severity:

Intersection	Fatal	Injury	PDO	Total
I-90 / 1 st	0	4	13	17
4 th / 1 st	0	2	18	20
Main / 1 st	0	9	21	30
Total	0%	22%	78%	100%

CRASH TYPES – 5 YEAR HISTORY

Intx	Rear End				Left-turning/Thru				Side Swipe	Right Angle	Ped Bike	Fixed Obj	Roll-over	Tot
	NB	EB	SB	WB	NBL	EBL	SBL	WBL						
I-90	0	0	0	4	1	0	5*	0	2	4	0	0	1	17
4 th	5	0	4	5	0	0	2	0	3	1	0	0	0	20
Main	11	0	2	3	4!	0	0	0	3	3**	3^	1	0	30
Total	51%				18%				12%	12%	4%	1%	1%	-

*Does not exceed FHWA crash threshold (4 crashes in 1 year) for P/P phasing

!Does not exceed FHWA crash threshold (6 crashes in 1 year) for protected only phasing

**One right angle crash during nighttime flash

^Ped/bike at Main

NB LT vs ped in west xwalk

SB bike FTY to WB vehicle

NB RT vs bike in east xwalk

YELLOW + ALL RED TIMES

Intx	Speed mph	ϕ	DIR	Exist Y	Prop Y	Exist Red	Prop Red	Change Y+AR
I-90	35	2/6	NB/SB	3.6	3.6	2	2.2	0.2
	25/35	4/8	EB/WB	3	3.6	3	3	0.6
4th	25	1	SBL	3	3	1	1	-
	35	2	NB/SB	3.6	3.6	2.4	2.7	0.3
	25	4	EB/WB	3	3	2	2.6	0.6
Main	25	1	NBL	3	3	1	1	-
	25	2	NB/SB	3	3	2	3	1.0
	25	4	EB/WB	3	3	2	2.6	0.6

$$\text{All Red} = \frac{w+20ft}{v}$$

PEAK HOUR PED VOLUMES



PEDESTRIAN TIMES

Intx	ϕ	DIR	Exist W	Prop W	Exist FDW	Prop FDW	Change W+FDW
I-90	-	-	-	-	-	-	-
4 th	2	NB/SB	7	7	18	15	-3
	4	EB/WB	7	7	20	17	-3
Main	2	NB/SB	7	7	20	21	1
	4	WB	10	7	13	12	-4



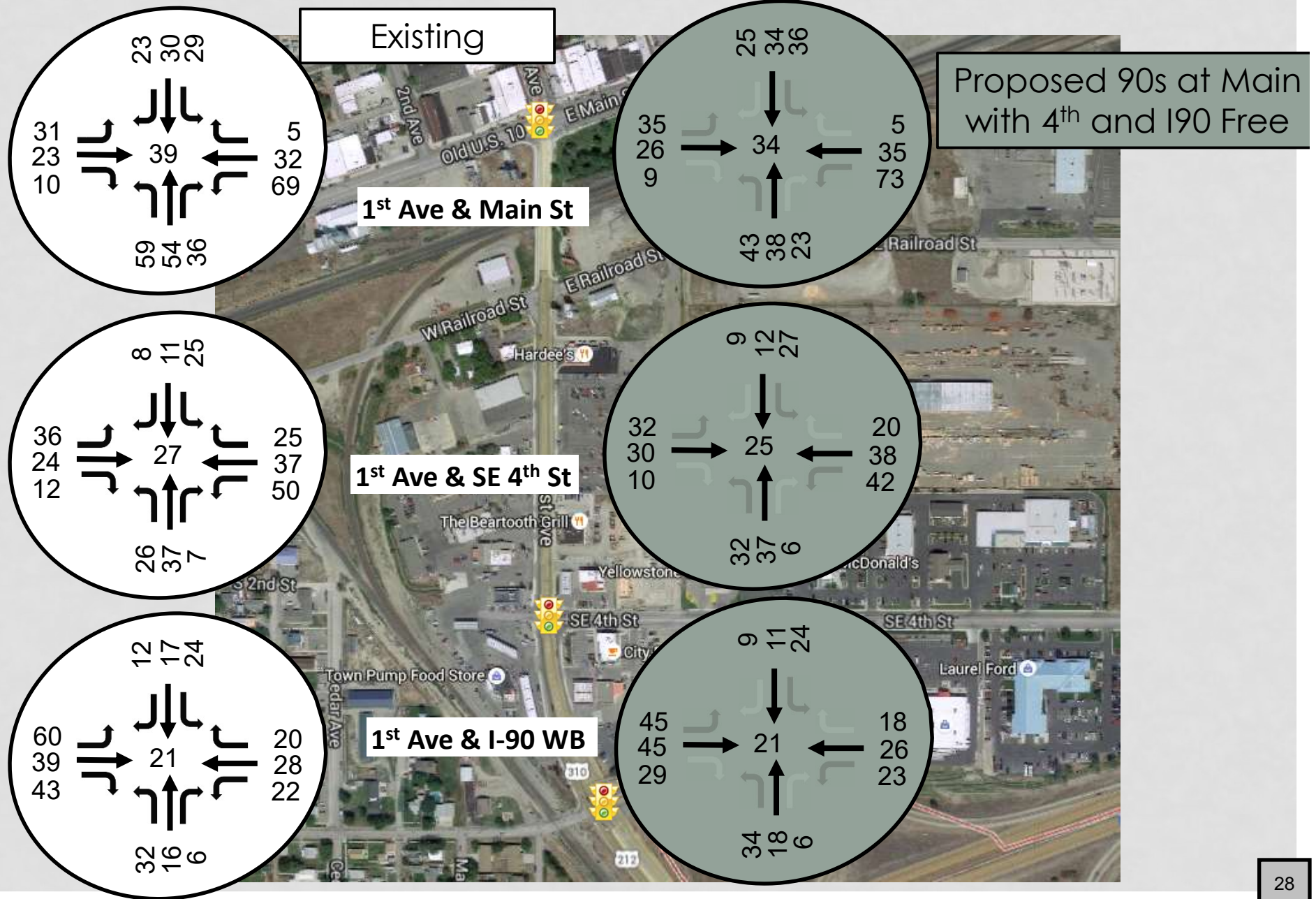
Flash Don't Walk =
 $(\text{Distance}/3.5) - (Y + AR)$

PM ANALYSIS

SIM TRAFFIC

Network	Existing	90s All Coord	90s Main Only
Total Delay (hr)	46.9	59.5	44.7
Total Stops	4277	4559	4144
I90 Total Delay (hr)	12.0	22.1	12.9
4 th Total Delay (hr)	14.7	16.6	13.9
Main Total Delay (hr)	19.0	19.5	16.7
NB Arterial Travel Time (s)	144	141	124
SB Arterial Travel Time (s)	77	74	77
95 th % Queue NB @ Main (ft)	983	971	697

PM PEAK HOUR DELAYS



NOON ANALYSIS

Mainline	Existing	90s All Coord	90s Main Only
Total Delay (hr)	11	11	11
Total Stops	1422	1391	1433
Performance Index	15.2	14.6	15.2

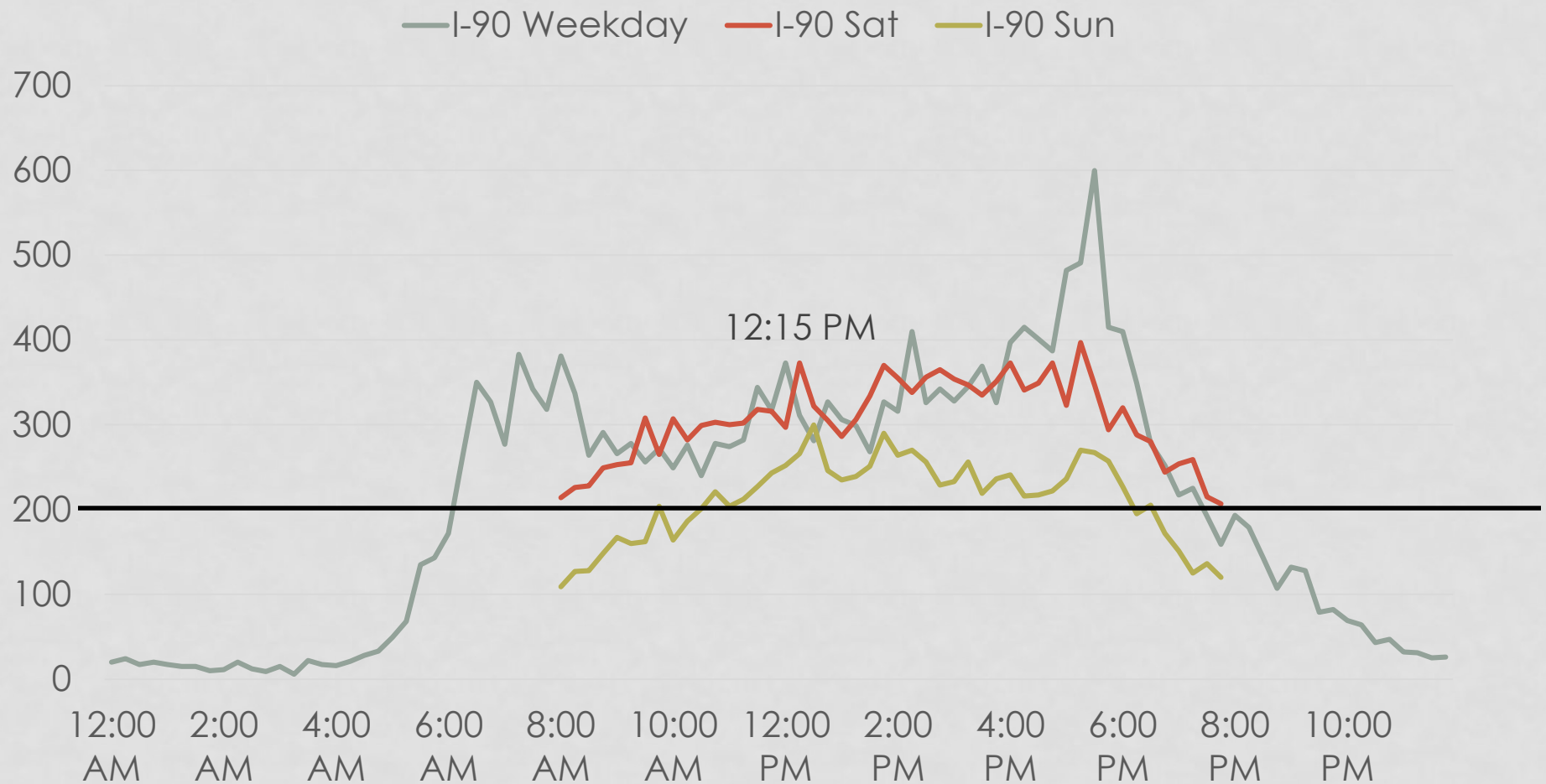
Network	Existing	90s All Coord	90s Main Only
Total Delay (hr)	21	21	21
Total Stops	2192	2165	2200
Performance Index	27.2	27.0	27.2

AM ANALYSIS

Mainline	Existing	90s All Coord	90s Main Only
Total Delay (hr)	10	9	9
Total Stops	1385	1150	1341
Performance Index	14.3	11.7	12.8

Network	Existing	90s All Coord	90s Main Only
Total Delay (hr)	18	19	18
Total Stops	2110	1912	2084
Performance Index	24.1	24.0	23.7

WEEKDAY VS. WEEKEND



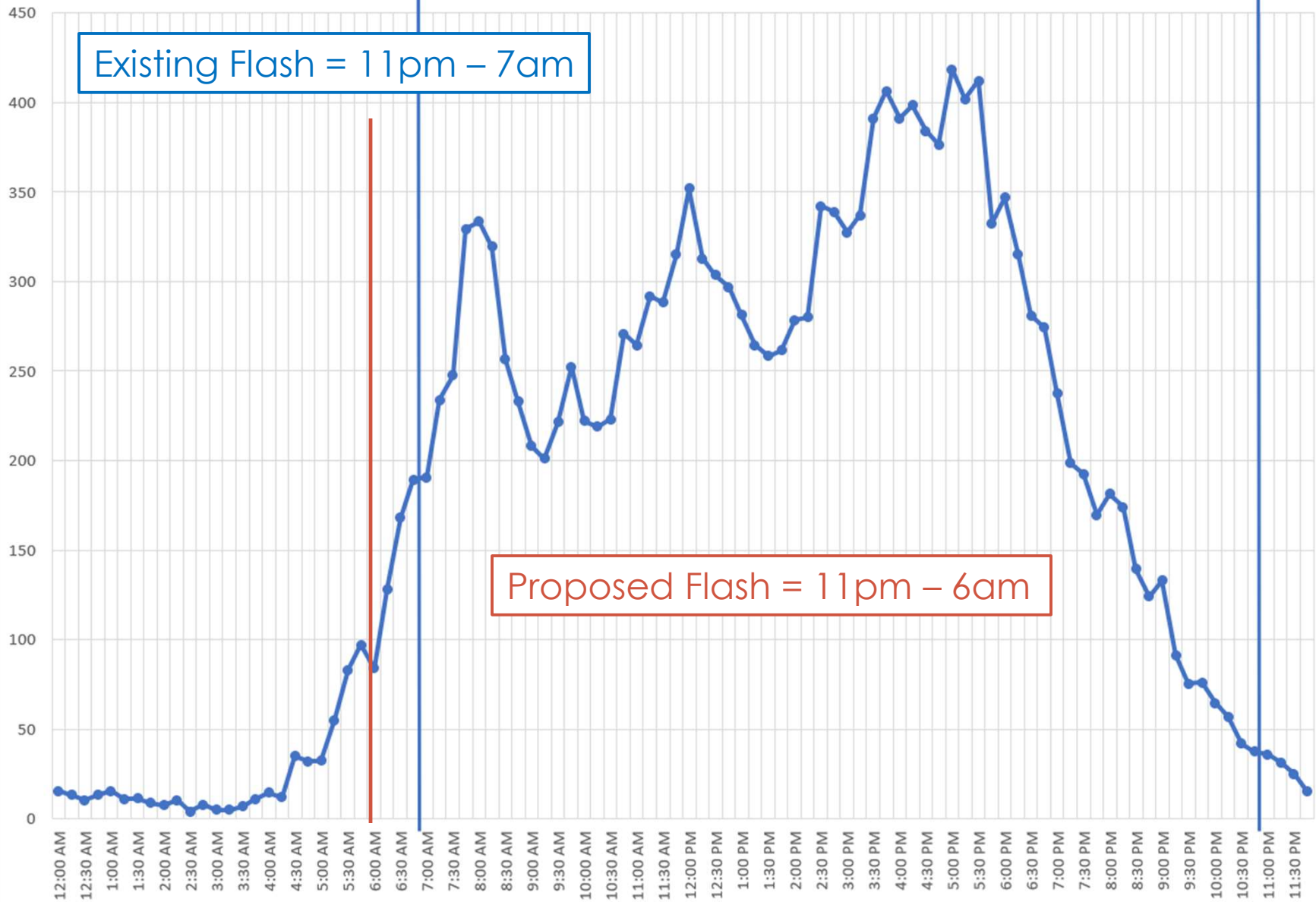
NIGHTTIME FLASH

- One right angle PDO crash during nighttime flash in 5 years
- No detection at 1st & Main
 - Minimum overnight cycle that can be run is 59s if we omit NB LT
- Moving away from nighttime flash due to safety concerns including pedestrians
- No nighttime flash at other two signals – consistency?
- Keep flash until possible signal upgrade with detection
 - Recommend changing hours

Main & 1st TEV - May 2014

Existing Flash = 11pm – 7am

Proposed Flash = 11pm – 6am



NEXT STEPS

- Implement Timings in January 2020 with new controllers
- Signal upgrades in Laurel to be evaluated as a potential MACI project
 - Timeline dependent on prioritization and funding

Item Attachment Documents:

2. Appointment of Karl Dan Koch to the City/County Planning Board for a two-year term ending June 30, 2021.

City of Laurel

P.O. Box 10

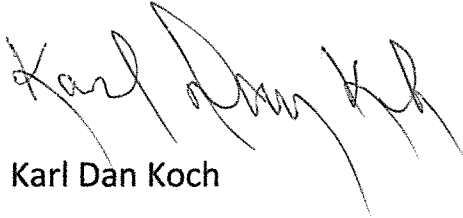
Laurel, Mt. 59044

12-31-19

Mayor Tom Nelson,

Please accept my application to be a member of the City of Laurel on the City/County Planning Board. I am look forward to hearing from you.

Respectfully,

A handwritten signature in black ink, appearing to read 'Karl Dan Koch', with a stylized flourish at the end.

Karl Dan Koch

320 Colorado Av.

Laurel, Mt. 59044

406-670-4990

Item Attachment Documents:

3. Mayor's Appointment Memo

CITY HALL

115 W. 1st. St.

PUB WORKS: 628-4796

PWD FAX: 628-2241

WATER OFFICE: 628-7431

WTR FAX: 628-2289

MAYOR: 628-8456

City of Laurel

P.O. Box 10
Laurel, Montana 59044

MEMORANDUM

DEPARTMENT

To: City Council
From: Mayor Thomas Nelson
Date: January 17, 2020
Re: Mayoral Appointments

Please be advised that I am making the following council committee appointments via this memorandum in order to enable the committees to begin meeting prior to the next regular city council meeting. Please note the appointments will be on the next council agenda under Scheduled Matters. I will ask the City Council to approve all the appointments contained in this memorandum retroactive to today's date. I contacted the City Attorney who advised this action can be legally taken under Montana law and is the best option to enable the council committees to be created and begin work on city business.

As the duly appointed and sworn Mayor, I am appointing the following Council Members to the following Committees:

- a. Budget/Finance Committee: Emelie Eaton, Bruce McGee, Scott Stokes and Richard Klose.
- b. Emergency Services: Richard Klose, Irv Wilke, Bruce McGee and Heidi Sparks.
- c. Public Works Committee: Irv Wilke, Don Nelson, Richard Herr and Heidi Sparks.
- d. Cemetery Commission: Richard Klose and Richard Herr
- e. Park Board: Scott Stokes, Irv Wilke and Richard Herr
- f. Tree Board: Richard Herr
- g. Health Insurance: Bruce McGee and Heidi Sparks

If you have any questions or concerns, please feel free to contact me at City Hall.

Dated this 17th day of January 2020.

Thomas C. Nelson, Mayor

Item Attachment Documents:

4. Resolution - Resolution Calling A Public Hearing To Approve Certain Public Infrastructure Improvements In The Laurel Urban Renewal District As An Urban Renewal Project And To Finance The Project Through The Issuance Of Tax Increment Urban Renewal Bonds; And Making A Reimbursement Declaration In The Event That Tax-Exempt Bond Proceeds Reimburse Original Expenditures Of The City

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Laurel, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. _____, entitled: "RESOLUTION CALLING A PUBLIC HEARING TO APPROVE CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS IN THE LAUREL URBAN RENEWAL DISTRICT AS AN URBAN RENEWAL PROJECT AND TO FINANCE THE PROJECT THROUGH THE ISSUANCE OF TAX INCREMENT URBAN RENEWAL BONDS; AND MAKING A REIMBURSEMENT DECLARATION IN THE EVENT THAT TAX-EXEMPT BOND PROCEEDS REIMBURSE ORIGINAL EXPENDITURES OF THE CITY" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a meeting on January 28, 2020, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Council Members voted in favor thereof: _____; voted against the same: _____; abstained from voting thereon: _____; or were absent: _____.

WITNESS my hand officially this 28th day of January, 2020.

City Clerk-Treasurer

RESOLUTION NO. _____

RESOLUTION CALLING A PUBLIC HEARING TO APPROVE
CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS IN
THE LAUREL URBAN RENEWAL DISTRICT AS AN URBAN
RENEWAL PROJECT AND TO FINANCE THE PROJECT
THROUGH THE ISSUANCE OF TAX INCREMENT URBAN
RENEWAL BONDS; AND MAKING A REIMBURSEMENT
DECLARATION IN THE EVENT THAT TAX-EXEMPT BOND
PROCEEDS REIMBURSE ORIGINAL EXPENDITURES OF
THE CITY

BE IT RESOLVED by the City Council (the “Council”) of the City of Laurel, Montana (the “City”), as follows:

Section 1. Recitals.

1.01. Under the provisions of Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended (the “Act”), the City is authorized to create urban renewal areas, prepare and adopt an urban renewal plan therefor and amendments thereto, undertake urban renewal projects therein, provide for the segregation and collection of tax increment with respect to property taxes collected in such areas, and apply tax increment revenues derived from projects undertaken within the urban renewal area to pay eligible costs.

1.02. Pursuant to the Act and Ordinance No. 007-11, adopted by the Council on November 20, 2007, as amended by Ordinance Nos. 008-09, 09-04 and 012-01, adopted by the Council on October 21, 2008, April 21, 2009 and March 6, 2012 (collectively, the “Ordinance”), the City has created the Laurel Urban Renewal District (the “District”) as an urban renewal district and has approved the Laurel Urban Renewal Plan (the “Plan”) as an urban renewal plan in accordance with the Act, which Plan provides for the segregation and collection of tax increment revenues with respect to the District.

1.03. In addition, by the Ordinance the City created the Laurel Urban Renewal Agency (the “Agency”). The Agency exercises urban renewal powers assigned by resolution of the Council from time to time, and acts in an advisory capacity.

1.04. As set forth in the Plan, tax increment financing is to be used to further the goals and objectives in the Plan, which include improving the pedestrian environment by adding well-designed streetscape and sidewalks and having state of the art, updated utilities and infrastructure.

Section 2. The Project.

2.01. The Council is pursuing the design, engineering and construction of various public infrastructure improvements within the District, generally consisting of reconstruction of Washington, Idaho and Ohio Avenues, East First and East Fourth Streets, generally bound by Wyoming and Alder Avenues, Main and East Fourth Streets, including sidewalks, curb and gutter, pedestrian ramps, driveway approaches and new asphalt pavement; replacement of

existing water mains, including valves, fittings, fire hydrants and other appurtenances; replacement of existing sanitary sewer main; installation of a new storm drain system, including inlets, manholes and appurtenances; and related improvements (such public infrastructure improvements, collectively, the “Project”).

2.02. The engineering, design and construction of the Project is expected to cost approximately \$4,658,000. If, following the public hearing called for herein, the Project is approved as an urban renewal project under the Act and the Plan, the Council intends to issue its tax increment revenue bonds (the “Bonds”), payable from tax increment revenues of the District, to finance all or a portion of the costs of the Project and, if necessary or desirable, costs of issuance of the Bonds and associated costs of the financing.

Section 3. Preliminary Findings. The Council hereby finds, as a preliminary matter, with respect to the Project as follows:

- a. no persons will be displaced from their housing by the Project;
- b. the Plan and the Project conform to the Laurel Growth Plan or parts thereof for the City as a whole;
- c. the Plan and the Project will afford maximum opportunity, consistent with the needs of the City as a whole, for the rehabilitation or redevelopment of the District by private enterprise;
- d. there is expected to be a sound and adequate financial program for the financing of the Project; and
- e. the Project constitutes an urban renewal project within the meaning of the Act and the Plan.

Section 4. Public Hearing; Notice. A public hearing is hereby called and shall be held on February 11, 2020 at 6:30 p.m., in Council Chambers, at 115 West First Street, in Laurel, Montana, on the approval of the Project and the City’s proposed issuance of the Bonds. Notice of the public hearing shall be published in the *Yellowstone County News* on January 31, 2020 and February 7, 2020, in substantially the form attached as Exhibit A hereto (which is incorporated by reference and made a part hereof).

Section 5. Reimbursement Expenditures.

5.01. Regulations. The United States Department of Treasury has promulgated regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for project expenditures paid by the City prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the “Regulations”) require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the “small issuer” exception from the arbitrage rebate requirement) after the later of

(i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the “small issuer” exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

5.02. Prior Expenditures. Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iii) expenditures in a “de minimus” amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Project have been paid by the City before the date 60 days before the date of adoption of this Resolution.

5.03. Declaration of Intent. The City reasonably expects to reimburse the expenditures made for costs of the Project out of the proceeds of Bonds in an estimated maximum aggregate principal amount of \$4,800,000 after the date of payment of all or a portion of the costs of the Project. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

5.04. Budgetary Matters. As of the date hereof, there are no City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project, other than pursuant to the issuance of the Bonds. The statement of intent contained in this Resolution, therefore, is determined to be consistent with the City’s budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

5.05. Reimbursement Allocations. The City Clerk-Treasurer shall be responsible for making the “reimbursement allocations” described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the City to make prior payment of the costs of the Project. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the Bonds or the Project and shall specifically identify the actual original expenditure being reimbursed.

ADOPTED by the City Council of the City of Laurel, Montana, this 28th day of January, 2020.

Mayor

Attest:

City Clerk-Treasurer

EXHIBIT A

NOTICE OF PUBLIC HEARING TO APPROVE CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS IN THE LAUREL URBAN RENEWAL DISTRICT AS AN URBAN RENEWAL PROJECT AND TO FINANCE THE PROJECT THROUGH THE ISSUANCE OF TAX INCREMENT REVENUE BONDS

NOTICE IS HEREBY GIVEN that the City Council (the “Council”) of the City of Laurel, Montana (the “City”) will hold a public hearing on February 11, 2020 at 6:30 p.m., in Council Chambers, at 115 West First Street, in Laurel, Montana, on the approval of the following project in the Laurel Urban Renewal District as an urban renewal project: the design, engineering and construction of various public infrastructure improvements within the District, generally consisting of reconstruction of Washington, Idaho and Ohio Avenues, East First and East Fourth Streets, generally bound by Wyoming and Alder Avenues, Main and East Fourth Streets, including sidewalks, curb and gutter, pedestrian ramps, driveway approaches and new asphalt pavement; replacement of existing water mains, including valves, fittings, fire hydrants and other appurtenances; replacement of existing sanitary sewer main; installation of a new storm drain system, including inlets, manholes and appurtenances; and related improvements (such public infrastructure improvements, collectively, the “Project”). The Project is expected to cost approximately \$4,658,000. It is proposed that the City will issue and sell its urban renewal tax increment revenue bonds to finance all or a portion of the costs of the Project and, if necessary or desirable, to pay costs of issuance of the bonds and associated costs of the financing.

Any interested persons may appear and will be heard or may file written comments with the City Clerk-Treasurer prior to such hearing.

DATED this 28th day of January, 2020.

City Clerk-Treasurer

Publication Dates: January 31, 2020

February 7, 2020

Item Attachment Documents:

5. Resolution - A Resolution Of The City Council Accepting An Easement From George M. Fox For The Purpose Of Constructing, Operating, Maintaining, Replacing And Repairing A Sewer Line For Village Subdivision Within The Described Easement.

RESOLUTION NO. R2020-__

**A RESOLUTION OF THE CITY COUNCIL ACCEPTING AN EASEMENT FROM
GEORGE M. FOX FOR THE PURPOSE OF CONSTRUCTING, OPERATING,
MAINTAINING, REPLACING AND REPAIRING A SEWER LINE FOR VILLAGE
SUBDIVISION WITHIN THE DESCRIBED EASEMENT.**

WHEREAS, a “Grant of Easement” was issued in favor of the City of Laurel by Property Owner George M. Fox; and

WHEREAS, said easement will allow the City to construct, install, maintain and repair a sewer line to serve Village Subdivision which was annexed into and part of the City of Laurel; and

WHEREAS, acceptance of the easement, which is attached hereto, is in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby accepts the attached Grant of Easement and authorizes the Mayor to execute and record the same.

Introduced at a regular meeting of the City Council on _____, 2020, by Council Member _____.

PASSED and APPROVED by the City Council of the City of Laurel, Montana, this __ day of _____, 2020.

APPROVED by the Mayor this __ day of _____, 2020.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, City Clerk/Treasurer

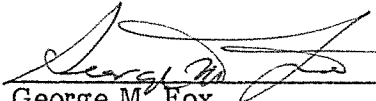
Approved as to form:

Sam S. Painter, Civil City Attorney

GRANT OF EASEMENT

George M. Fox grants to the City of Laurel, Montana, an easement over, on, and under the real property described on Exhibit A hereto, for the purpose of locating the existing forced sewer main which was constructed to serve Village Subdivision of the City of Laurel. Pursuant to this easement, the City of Laurel shall have in perpetuity the right to maintain the line within the easement and to enter upon the property in order to maintain, service, or reconstruct the said line and to do all acts necessary for the purposes of operating and maintaining the existing forced main.

DATED this 20th day of March, 1984.



George M. Fox

STATE OF MONTANA)
 :SS.
County of Yellowstone)

On this 20th day of March, 1984, before me, the undersigned, a Notary Public for the State of Montana, personally appeared GEORGE M. FOX, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial seal the day and year first above written.

(SEAL)


Notary Public for the State of Montana
Residing at Billings, Montana
My Commission expires: 3-18-86

20' WIDE EASEMENT FOR A SANITARY SEWER FORCE MAIN

A strip of land 20 feet in width lying Northerly of and parallel & adjacent the North Right-of-Way line of Highway 10 and lying between the West Right-of-Way line of Milwaukee Road, Plat of Village Subdivision, 1st Filing and the East line of Maryland Lane, Plat of Village Subdivision 1st Filing and between the West Right-of-Way line of Maryland Lane, Plat of Village Subdivision 1st Filing and the East Right-of-Way line of Yard Office Road, Plat of Village Subdivision 1st Filing.



80' YARD OFFICE ROAD

60' W. 1/4 SECTION 34 AND 35

SEE PLAT OF VILLAGE SUB'D. 1ST. FILING

60' MILWAUKEE ROAD

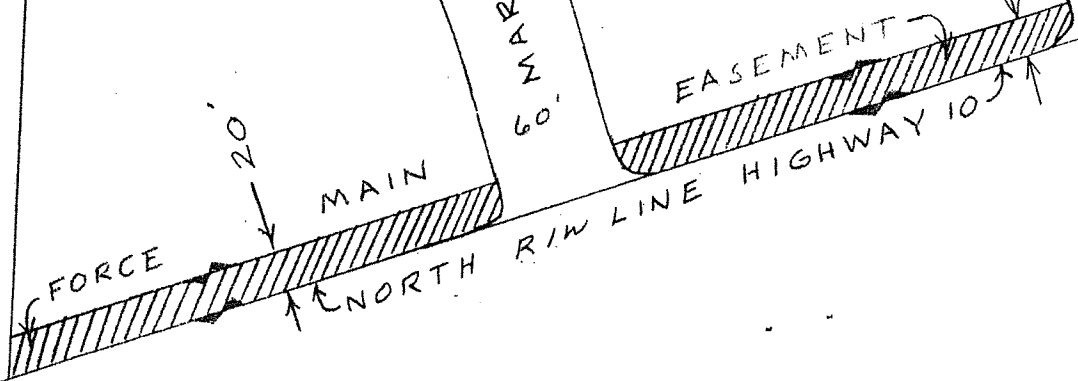


Exhibit A to SCALE 1"=100'
EASEMENT DATED 3/20/84

Item Attachment Documents:

6. Ordinance No. O20-01: An Ordinance Amending Certain Chapters Of Title 14 Of The Laurel Municipal Code Relating To The Adoption And Enforcement Of Building Codes For The City Of Laurel As Required By The State Of Montana.

ORDINANCE NO O20-01

AN ORDINANCE AMENDING CERTAIN CHAPTERS OF TITLE 14 OF THE LAUREL MUNICIPAL CODE RELATING TO THE ADOPTION AND ENFORCEMENT OF BUILDING CODES FOR THE CITY OF LAUREL AS REQUIRED BY THE STATE OF MONTANA.

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

WHEREAS, the City's Public Works Department Staff worked with Building Officials from the State of Montana to prepare the amendments to the Laurel Municipal Code to remain consistent and in accordance with the rules adopted by the State of Montana, Building Codes Bureau.

WHEREAS, City Staff prepared, reviewed, and approved the following amendments to the existing Title 14 as noted herein and hereby recommends the same to the City Council for their full approval.

Title 14 BUILDINGS AND CONSTRUCTION

Chapters:

14.03 City Fees for Building, Remodel, ~~Plumbing~~ and Construction Projects

14.04 Construction Board of Appeals

14.12 International Building Code, ~~2003-2018~~ Edition

14.16 International Residential Building Code, ~~2003-2018~~ Edition

14.18 International Existing Building Code, ~~2003-2018~~ Edition

~~14.20 Uniform Plumbing Code~~

14.22 International Energy Conservation Code, 2012 Edition

14.23 International Swimming Pool and Spa Code, 20158 Edition

14.03.010 - City fees for building, remodel, ~~plumbing~~ and construction projects.

The city council shall establish reasonable fees and/or charges for all building, remodel, ~~plumbing~~ and/or construction permits for projects within the city by annual resolution after a public hearing.

(Ord. 07-06 (part), 2007)

14.12.010 - Adoption.

~~The International Building Code, 2012 Edition, is adopted by and declared to be the building code of the city for the purpose of regulating the erection, construction, demolition, occupancy, equipment, use, height, area, remodeling and maintenance of all buildings and other structures within the municipality or within the city building inspector's jurisdictional area as may hereafter be established and approved by the state of Montana and adopted by the city.~~

The City of Laurel hereby adopts by reference, pursuant to MCA Section 50-60-301 (1)(a), the International Building Code, 2018 Edition as provided by the Administrative Rules of Montana (ARM) 24.301.131 (1) through (3) with Appendix Chapter C (Group U- Agricultural Buildings) and modified through ARM 24.301.146 (1) through (44), as required ~~by~~ to be adopted by the Department of Labor and Industry, Building and Commercial Measurements Bureau.

~~One full printed copy of the code shall be available in the offices of the city. The International Building Code, is adopted by reference and made a part of this chapter as fully, and for all intents and purposes, as though set forth herein at length. It shall be known and designated as the "International Building Code" of the city.~~

NEW SECTION: 14.12.020 - Updated References

The International Building Code cited in this Chapter may be amended by resolution or administrative order of the Mayor as authorized by MCA Section 50-60-301 (1) (b).

(Ord. 05-15 (part), 2005)

(Admin. Order AO-15-01 § 1, 2-24-2015)

Chapter 14.16 - INTERNATIONAL RESIDENTIAL BUILDING CODE, ~~2012 EDITION~~

14.16.010 - Adoption.

~~The International Residential Building Code, 2012 Edition, is adopted by and declared to be the International Residential Building Code of the city for the purpose of regulating the fabrication, erection, construction, enlargement, alteration, repair, location, use and remodeling of detached one- and two-family dwellings, their appurtenances and accessory structures within the municipality or within the city building inspector's jurisdictional area as may hereafter be established and approved by the state of Montana and adopted by the city.~~

The City of Laurel hereby adopts by reference pursuant to MCA Section 50-60-301 (1)(a), MCA the International Residential Code, 2018 Edition as modified by the Administrative Rules of Montana (ARM) 24.301.154 (1) through (24) with Appendix Q Tiny Houses as permitted by ARM 24.301.154 (2) (a), as required ~~by~~ to be adopted by the Department of Labor and Industry, Building and Commercial Measurements Bureau.

Ordinance No. O20-01 LMC Title 14 Building and Construction Amendments

One full printed copy of the code shall be available in the offices of the city. ~~The International Residential Building Code, 2012 Edition, is adopted by reference and made a part of this chapter as fully, and for all intents and purposes, as though set forth herein at length. It shall be known and designated as "International Residential Building Code" of the city.~~

NEW SECTION: 14.16.020 - Updated References

The International Residential Building Code described in Section 14.16.010 of this Chapter may be amended by resolution or administrative order of the Mayor as authorized by MCA Section 50-60-301 (1) (b).

(Ord. 05-15 (part), 2005)
(Admin. Order AO15-01, § 2, 2-24-2015)

Chapter 14.18 - INTERNATIONAL EXISTING BUILDING CODE, ~~2012 EDITION~~

14.18.010 - Adoption.

A. ~~The International Existing Building Code, 2012 Edition, is adopted by and declared to be the building conservation code of the city. The City of Laurel hereby adopts by reference pursuant to MCA Section 50-60-301 (1)(a), the International Existing Building Code, 2018 Edition as provided by the Administrative Rules of Montana (ARM) 24.301.171 (1) through (4), as required by to be adopted by the Department of Labor and Industry, Building and Commercial Measurements Bureau.~~

B. ~~One full printed copy of the code shall be available in the offices of the city. The International Existing Building Code, 2012 Edition, is adopted by reference and made a part of this chapter as fully, and for all intents and purposes, as though set forth herein at length. It shall be known and designated as the "International Existing Building Code" of the city.~~

NEW SECTION: 14.18.020 - Updated References

The International Existing Building Code described in Section 14.18.010 of this Chapter may be amended by resolution or administrative order of the Mayor as authorized by MCA Section 50-60-301 (1) (b) MCA.

(Ord. 05-15 (part), 2005)
(Admin. Order AO15-01, § 3, 2-24-2015)

~~Chapter 14.20 - UNIFORM PLUMBING CODE~~

~~14.20.010 - Adoption.~~

~~A. The Uniform Plumbing Code, 2012 Edition, is adopted by and declared to be the plumbing code of the city for the purpose of regulating the installation, alteration or repair of plumbing and drainage systems, and the inspection thereof. B. One full printed copy of the code shall be available in the offices of the city. The Uniform Plumbing Code, 2012 Edition, is adopted by reference and made a part of this chapter as fully, and for all intents and purposes, as though set forth herein at length. It shall be known and designated as the "Uniform Plumbing Code" of the city.~~

~~(Ord. 05-15 (part), 2005)
(Admin. Order AO15-01, § 4, 2-24-2015)~~

Chapter 14.22 - INTERNATIONAL ENERGY CONSERVATION CODE

NEW SECTION: 14.22.020 - Updated References

The International Energy Conservation Code described in Section 14.22.010 of this Chapter may be amended by resolution or administrative order of the Mayor as authorized by MCA Section 50-60-301 (1) (b).

NEW SECTION: Chapter 14.23 – International Swimming Pool and Spa Code, 2018 Edition

14.23.010 – Adoption.

A. The City of Laurel hereby adopts by reference pursuant to MCA Section 50-60-301 (1)(a), MCA and Administrative Rules of Montana (ARM) 24.301.175 (2) the Swimming Pool and Spa Code, 2018 Edition as modified by the Administrative Rules of Montana (ARM) 24.301.175 (1) through (6), as required to be adopted by the Department of Labor and Industry, Building and Commercial Measurements Bureau.

14.23.020 – Updated References.

The International Swimming Pool and Spa Code described in Section 14.23.010 of this Chapter may be amended by resolution or administrative order of the Mayor as authorized by MCA Section 50-60-301 (1) (b).

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

Introduced and passed on first reading at a regular meeting of the City Council on January 14, 2020, by Council Member _____.

PASSED and ADOPTED by the Laurel City Council on second reading this 28th day of January 2020, upon motion of Council Member _____.

APPROVED BY THE MAYOR this 28th day of January 2020.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

APPROVED AS TO FORM:

Sam Painter, Civil City Attorney

Ordinance No. O20-01 LMC Title 14 Building and Construction Amendments

Title 14 - BUILDINGS AND CONSTRUCTION

Chapters:

Chapter 14.03 - CITY FEES FOR BUILDING, REMODEL, ~~PLUMBING~~ AND CONSTRUCTION PROJECTS

Sections:

14.03.010 - City fees for building, remodel, ~~plumbing~~ and construction projects.

The city council shall establish reasonable fees and/or charges for all building, remodel, ~~plumbing~~ and/or construction permits for projects within the city by annual resolution after a public hearing.

(Ord. 07-06 (part), 2007)

Chapter 14.04 - CONSTRUCTION BOARD OF APPEALS

Sections:

14.04.010 - Board created.

- A. There is created a board of appeals consisting of five qualified persons appointed by the mayor, who shall hold office for a two-year term.
- B. All board of appeals provided in any uniform code adopted by the city under this title or referenced elsewhere in this code, are replaced by the board described in subsection A of this section.

(Ord. 05-15 (part), 2005)

14.04.020 - Duties.

The board of appeals shall:

- A. Hear, make findings and decide all appeals arising out of the enforcement of the codes;
- B. Adopt rules and regulations for conducting its investigations;
- C. Render all decisions and findings in writing to the enforcing officer of the particular code with a duplicate copy to the appellant;
- D. Recommend to the mayor such new legislation as is consistent with its findings and decisions;
- E. Notify the appellant that failure to comply with the board's decision within ten days or within a reasonable time set by the board, will result in the filing of a complaint in the city court to compel compliance;
- F. Limitations of Authority. The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

(Ord. 05-15 (part), 2005)

14.04.030 - Ex officio members.

The official designated in the uniform code as an ex officio member of the board provided in said uniform code shall be an ex officio member of the board established under this title.

(Ord. 05-15 (part), 2005)

14.04.040 - Failure to comply.

Once the board of appeals has made its decision, the appellant shall comply with such decision. Upon failure to comply, a complaint may be filed with the enforcing official in the city court.

(Ord. 05-15 (part), 2005)

Chapter 14.12 - INTERNATIONAL BUILDING CODE, ~~2012 EDITION~~

Sections:

14.12.010 - Adoption.

~~The City of Laurel hereby adopts by reference per Section 50-60-301 (1)(a), MCA the International Building Code, 2018 Edition as provided by the Administrative Rules of Montana (ARM) 24.301.131 (1) through (3) with Appendix Chapter C (Group U- Agricultural Buildings) and modified through ARM 24.301.146 (1) through (44), as required to be adopted by the Department of Labor and Industry, Building and Commercial Measurements Bureau. The International Building Code, 2012 Edition, is adopted by and declared to be the building code of the city for the purpose of regulating the erection, construction, demolition, occupancy, equipment, use, height, area, remodeling and maintenance of all buildings and other structures within the municipality or within the city building inspector's jurisdictional area as may hereafter be established and approved by the state of Montana and adopted by the city.~~

~~One full printed copy of the code shall be available in the offices of the city. The International Building Code, is adopted by reference and made a part of this chapter as fully, and for all intents and purposes, as though set forth herein at length. It shall be known and designated as the "International Building Code" of the city.~~

14.12.020 - Updated References

~~The International Building Code described in Section 14.12.010 of this Chapter may be amended by resolution or administrative order of the Mayor as authorized by Section 50-60-301 (1) (b), MCA.~~

(Ord. 05-15 (part), 2005)

(Admin. Order AO-15-01 § 1, 2-24-2015)

Chapter 14.16 - INTERNATIONAL RESIDENTIAL BUILDING CODE, ~~2012 EDITION~~

Sections:

14.16.010 - Adoption.

~~The City of Laurel hereby adopts by reference per Section 50-60-301 (1)(a), MCA the International Residential Code, 2018 Edition as modified by the Administrative Rules of Montana (ARM) 24.301.154 (1) through (24) with Appendix Q Tiny Houses as permitted by ARM 24.301.154 (2) (a), as required to be adopted by the Department of Labor and Industry, Building and Commercial Measurements Bureau. The International Residential Building Code, 2012 Edition, is adopted by and declared to be the International Residential Building Code of the city for the purpose of regulating the fabrication, erection, construction, enlargement, alteration, repair, location, use and remodeling of detached one- and two-family dwellings, their appurtenances and accessory structures within the municipality or within the city building inspector's jurisdictional area as may hereafter be established and approved by the state of Montana and adopted by the city.~~

~~One full printed copy of the code shall be available in the offices of the city. The International Residential Building Code, 2012 Edition, is adopted by reference and made a part of this chapter as fully, and for all intents and purposes, as though set forth herein at length. It shall be known and designated as "International Residential Building Code" of the city.~~

14.16.020 - Updated References

~~The International Residential Building Code described in Section 14.16.010 of this Chapter may be amended by resolution or administrative order of the Mayor as authorized by Section 50-60-301 (1) (b), MCA.~~

(Ord. 05-15 (part), 2005)

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(Admin. Order AO15-01, § 2, 2-24-2015)

Chapter 14.18 - INTERNATIONAL EXISTING BUILDING CODE, ~~2012 EDITION~~

Sections:

~~14.18.010 – Adoption.~~

- A. ~~The City of Laurel hereby adopts by reference per Section 50-60-301 (1)(a), MCA the International Existing Building Code, 2018 Edition as provided by the Administrative Rules of Montana (ARM) 24.301.171 (1) through (4), as required to be adopted by the Department of Labor and Industry, Building and Commercial Measurements Bureau. The International Existing Building Code, 2012 Edition, is adopted by and declared to be the building conservation code of the city.~~
- B. ~~One full printed copy of the code shall be available in the offices of the city. The International Existing Building Code, 2012 Edition, is adopted by reference and made a part of this chapter as fully, and for all intents and purposes, as though set forth herein at length. It shall be known and designated as the "International Existing Building Code" of the city.~~

~~14.18.020 - Updated References~~

~~The International Existing Building Code described in Section 14.18.010 of this Chapter may be amended by resolution or administrative order of the Mayor as authorized by Section 50-60-301 (1) (b), MCA.~~

(Ord. 05-15 (part), 2005)

(Admin. Order AO15-01, § 3, 2-24-2015)

~~Chapter 14.20 – UNIFORM PLUMBING CODE~~

Sections:

~~14.20.010 – Adoption.~~

- A. ~~The Uniform Plumbing Code, 2012 Edition, is adopted by and declared to be the plumbing code of the city for the purpose of regulating the installation, alteration or repair of plumbing and drainage systems, and the inspection thereof.~~
- B. ~~One full printed copy of the code shall be available in the offices of the city. The Uniform Plumbing Code, 2012 Edition, is adopted by reference and made a part of this chapter as fully, and for all intents and purposes, as though set forth herein at length. It shall be known and designated as the "Uniform Plumbing Code" of the city.~~

(Ord. 05-15 (part), 2005)

(Admin. Order AO15-01, § 4, 2-24-2015)

Chapter 14.22 - INTERNATIONAL ENERGY CONSERVATION CODE

Sections:

14.22.010 - Adoption.

- A. The International Energy Conservation Code, 2012 Edition, is adopted by and declared to be the energy conservation code of the city for the purpose of providing minimum requirements for the design of new buildings and structures and additions to existing buildings, regulating their exterior envelopes and selection of their heating, ventilating, air conditioning, service water heating, electrical distribution and illuminating systems, and equipment for effective use of energy.
- B. One full printed copy of the code shall be available in the offices of the city. The International Energy Conservation Code, 2012 Edition, is adopted by reference and made a part of this chapter as fully, and for all

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intents and purposes, as though set forth herein at length. It shall be known and designated as the "Energy Conservation Code" of the city.

(Ord. 07-04, 2007)

(Admin. Order, § 5, 2-24-2015)

14.22.020 - Updated References

The International Energy Conservation Code described in Section 14.22.010 of this Chapter may be amended by resolution or administrative order of the Mayor as authorized by Section 50-60-301 (1) (b), MCA.

Chapter 14.23 – International Swimming Pool and Spa Code, 2018 Edition

Sections:

14.23.010 – Adoption.

A. The City of Laurel hereby adopts by reference pursuant to MCA Section 50-60-301 (1)(a), MCA and Administrative Rules of Montana (ARM) 24.301.175 (2) the Swimming Pool and Spa Code, 2018 Edition as modified by the Administrative Rules of Montana (ARM) 24.301.175 (1) through (6), as required to be adopted by the Department of Labor and Industry, Building and Commercial Measurements Bureau.

14.23.020 – Updated References.

The International Swimming Pool and Spa Code described in Section 14.23.010 of this Chapter may be amended by resolution or administrative order of the Mayor as authorized by MCA Section 50-60-301 (1) (b).

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Item Attachment Documents:

8. Discussion on National Historic Places Registry Designation.

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 17, 2020

Regarding the Recommendation of Riverside Park for Inclusion on the National Registry of Historic Places

Mr. Mayor,

After reviewing the federal guidelines, resources, and information available regarding inclusion on the National Registry of Historic Places I am in support of placing Riverside Park on the National Registry of Historic Places (NRHP). There have been many concerns about the NRHP designation previously raised regarding:

- Floodplain regulations,
- Design and improvement constraints, and
- Federal oversight of local efforts.

The National Floodplain Insurance Program (NFIP) has specific regulations for structures regarding substantial improvement for both upgrades and repairing damage. Historic structures do not have to meet floodplain management requirements so long as they maintain their historic structure designation (44 CFR 49.1). The NFIP provides exemptions and variances for historic structures that localities can implement for their jurisdictions. The NFIP recommends considering improved construction and mitigation measures during rehabilitation despite their exemption from floodplain management requirements. The Laurel Floodplain Hazard Management Regulations updated in 2018 presents a basic variance process for historically designated structures which matches the NFIP program. This is described in Section 12.4.2.2.

Inclusion on the National Register of Historic Places does not overlay restrictions on a property owner nor does it mandate the preservation of that property in the future. Activities such as demolition, structural upgrades, replacement of features, and rehabilitation are all allowable by the building or site owner.

Communities have the option of choosing to adopt provisions for addressing the unique needs of “historic structures” and their improvement and alternation. Unless Federal funding is secured to improve/upgrade the site, direct oversight of activities will remain low. Inclusion of a site in the NHRP does not place undue burdens upon the owner in regards to color, removal and replacement of features, and site improvements unless federal licenses, funding, and permits are involved which would elicit review and compliance through Section 106 of the National Historic Preservation Act.

I support the inclusion of Riverside Park on the National Register of Historic Places. I have provided some documentation that supports my position on the matter. Please review the attached and annotated FEMA and Code of Federal Regulations documents for further information. Please let me know if you have any questions or comments on this item. Thank you for your time and consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Nick Altonaga', with a long horizontal flourish extending to the right.

Nick Altonaga
Planning Director



National Flood Insurance Program (NFIP)

Floodplain Management Bulletin

Historic Structures

FEMA P-467-2

May 2008



FEMA

Floodplain Management Bulletin

Historic Structures

This Floodplain Management Bulletin addresses how the National Flood Insurance Program (NFIP) treats historic structures. This bulletin also identifies mitigation measures that can be taken to protect historic structures from floods. The bulletin addresses the following topics:

Introduction	2
Background on the NFIP	2
The NFIP and Historic Structures	3
Definition of “Historic Structures”	3
Floodplain Management Requirements that Provide Relief for Historic Structures	4
Historic Structures in the Floodway	5
New Construction and Non-contributing Structures in Historic Districts	6
Substantial Improvements to Existing Structures in Historic Districts	7
Flood Insurance for Historic Structures	8
Minimizing the Impacts of Flooding on Historic Structures	9
Protection Measures for Historic Structures	9
Hazard Mitigation Planning Can Benefit Historic Structures	19
Further Information	20
State and Local Mitigation Planning “How-To” Guides	20
Other Mitigation Documents	21
Comments	22
Ordering Information	22

Introduction

The National Flood Insurance Program (NFIP) gives special consideration to the unique value of one of our Nation's most significant resources – its historic buildings, landmarks, and sites. It does so in two ways.

First, the NFIP floodplain management regulations provide significant relief to historic structures. Historic structures do not have to meet the floodplain management requirements of the program as long as they maintain their historic structure designation. They do not have to meet the new construction, substantial improvement, or substantial damage requirements of the program. This exclusion from these requirements serves as an incentive for property owners to maintain the historic character of the designated structure (44 CFR §60.3). It may also serve as an incentive for an owner to obtain historic designation of a structure.

Secondly, a designated historic structure can obtain the benefit of subsidized flood insurance through the NFIP even if it has been substantially improved or substantially damaged so long as the building maintains its historic designation. The amount of insurance premium charged the historic structure may be considerably less than what the NFIP would charge a new non-elevated structure built at the same level. Congress requires that the NFIP charge actuarial rates for all new construction and substantially improved structures (National Flood Insurance Act of 1968, 42 U.S.C. 4015).

Although the NFIP provides relief to historic structures from having to comply with NFIP floodplain management requirements for new construction, communities and owners of historic structures should give consideration to mitigation measures that can reduce the impacts of flooding on historic structures located in Special Flood Hazard Areas (44 CFR §60.3). Mitigation measures to minimize future flood damages should be considered when historic structures are rehabilitated or are repaired following a flood or other hazard event. Qualified professionals such as architects, historic architects, and engineers who have experience in flood mitigation techniques can help identify measures that can be taken to minimize the impacts of flooding on a historic structure while maintaining the structure's historic designation.

The purpose of this floodplain management bulletin is to explain how the NFIP defines historic structure and how it gives relief to historic structures from NFIP floodplain management requirements (44 CFR §60.3). This bulletin also provides guidance on mitigation measures that can be taken to minimize the devastating effects of flooding to historic structures.

Background on the NFIP

Congress created the NFIP in 1968 to provide federally supported flood insurance coverage, which generally was not available from private companies. The NFIP is based on a mutual agreement with communities that have been identified as having Special Flood Hazard Areas. The Federal Emergency Management Agency (FEMA) will make flood insurance coverage available in a

community provided that it adopts and enforces floodplain management regulations that meet or exceed the minimum requirements of the NFIP (44 CFR §60.3). This is accomplished through local floodplain management regulations.

The NFIP minimum building and development regulations that communities must adopt require that new and substantially improved and substantially damaged residential buildings be elevated so that the lowest floor is at or above the Base Flood Elevation (BFE) determined for the site. Non-residential buildings have the option of elevation or dry floodproofing to the BFE [44 CFR §60.3(c)(2), (c)(3), and (e)(4)]. Dry floodproofing means making a building watertight, substantially impermeable to floodwaters to the BFE.

Substantial improvement means “any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed.”

Substantial improvement also includes the repair of buildings that have been substantially damaged. *Substantial damage means “damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.”*

In summary, structures that are “substantially improved” and “substantially damaged” must be brought into compliance with the community’s floodplain management requirements [44 CFR §60.3(c)(2), (c)(3), and (e)(4)].

The NFIP and Historic Structures

This section provides information on the NFIP definition of “historic structure” and the floodplain management requirements that will be included in community floodplain management ordinances.

Definition of “Historic Structures”

The definition section of the NFIP [Code of Federal Regulations (CFR) 44 Part 59], defines “historic structure” as “any structure that is:

- (1) *Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (This includes structures that are determined to be eligible for listing by the Secretary of the Interior as a historic structure. A determination of “eligibility” is a decision by the Department of the Interior that a district, site, building, structure or object meets the National Register criteria for evaluation although the property is not formally listed in the National Register.)*

- (2) *Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;*
- (3) *Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or*
- (4) *Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:*
 - (a) *By an approved state program as determined by the Secretary of the Interior or*
 - (b) *Directly by the Secretary of the Interior in States without approved programs."*

This definition was coordinated with the Department of Interior when it was added to the NFIP Regulations in 1989.

The purpose of this definition is to provide NFIP communities with criteria to distinguish between "historic structures" and the other existing buildings which remain subject to NFIP floodplain management requirements (44 CFR §60.3). While it is important to preserve historic structures and other cultural resources, it is also critical to ensure that other existing flood-prone structures are protected from flood damage when they are substantially improved or substantially damaged.

Floodplain Management Requirements that Provide Relief for Historic Structures

The NFIP floodplain management requirements contain two provisions that are intended to provide relief for "historic structures" located in Special Flood Hazard Areas:

- (1) The definition of "substantial improvement" at 44 CFR 59.1 includes the following exclusion for historic structures,

"Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as an "historic structure".

The same exemption also applies to "historic structures" that have been "substantially damaged".

This provision exempts historic structures from the substantial improvement and substantial damage requirements of the NFIP.

- (2) The other provision of the NFIP floodplain management regulations that provides relief for "historic structures" is the variance criteria at 44 CFR 60.6(a). This provision states:

"Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure."

Under the variance criteria, communities can place conditions to make the building more flood resistant and minimize flood damages, but such conditions should not affect the historic

character and design of the building. *See* the section on Minimizing the Impacts of Flooding on Historic Structures for ideas on conditions that could be established to make the building more flood resistant and to minimize flood damages.

Communities have the option of using either provision for addressing the unique needs of “historic structures”. Communities should adopt only one option to address “historic structures.” Some communities have chosen to adopt an ordinance that requires variances for improvements or repairs to “historic structures” and do not exclude such improvements from the substantial improvement definition in their ordinance. Other communities include the “historic structures” exemption as part of their “substantial improvement” definition. In either case, “historic structures” can be excluded from the NFIP elevation and floodproofing requirements. Whether a community exempts a “historic structure” under the substantial improvement definition or through the variance process, the exemption of the “historic structure” from the NFIP floodplain management requirements should be documented and maintained in the community permit files.

However, if plans to substantially improve a “historic structure” or repair a substantially damaged “historic structure” would result in loss of its designation as an “historic structure”, the structure no longer qualifies for the exemption and would be required to meet the NFIP floodplain management regulations (44 CFR §60.3). This determination needs to be made in advance of issuing a permit. This provides an incentive to the property owner to maintain the structure’s historic designation rather than altering the structure in such a way that it loses its designation as a “historic structure”.

Even if a “historic structure” is exempted from the substantial improvement and substantial damage requirements, consideration should be given to mitigation measures that can reduce the impacts of future flooding. There are mitigation measures that can reduce flood damages to historic structures without affecting the structure’s historic designation. *See* the section on Minimizing the Impacts of Flooding on Historic Structures.

Historic buildings may also be subject to the local building codes. Many States and communities use the International Codes as the basis for their buildings codes. The International Codes contain provisions for addressing historic buildings in a manner consistent with the NFIP.

Historic Structures in the Floodway

The NFIP floodplain management requirements could apply to an addition to a “historic structure”, if the structure or addition is located in a floodway. The floodway includes the channel of the river and the adjacent floodplain that must be reserved in an unobstructed condition in order to discharge the base flood without increasing flood levels by more than one foot (44 CFR § 59.1, “regulatory floodway”). All structures and improvements to structures, including additions to “historic structures”, must comply with the floodway encroachment provisions of 44 CFR § 60.3(c)(10) and (d)(3) of the NFIP Regulations.

44 CFR § 60.3(c)(10) applies to rivers and streams where FEMA has established BFEs, but has not provided the community with the data necessary to designate a floodway:

Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM [Flood Insurance Rate Map], unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

§ 60.3(d)(3) applies to rivers and streams where FEMA has provided both established BFEs and provided the community with the data necessary to designate a floodway:

Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

As an example, an addition, or any portion thereof, to a “historic structure” that expands the square footage of the structure beyond its footprint into the floodway must comply with the regulatory floodway criteria [44 CFR §60.3(c)(10) and (d)(3)]. These additions can obstruct flood flows and increase flood stages. Under 44 CFR § 60.3(d)(3), such an addition would be prohibited if any rise in the flood level would result from the addition. FEMA defines “any” as meaning a zero increase.

New Construction and Non-contributing Structures in Historic Districts

Generally, registered historic districts contain a mix of buildings. In addition to structures that contribute to the historic significance of the district, there will generally be structures in historic districts that have no historical significance and which do not contribute to the historic significance of a registered historic district (called “non-contributing” structures). In addition, there may be sites in these districts that are undeveloped or vacant land. Whole districts cannot be exempt from floodplain management regulations and a blanket variance cannot be issued for all land within these districts. The non-contributing structures and vacant lots in historic districts remain subject to all of the floodplain management requirements that apply to new construction and substantial improvements (44 CFR §60.3).

Some communities have argued that they should be allowed to grant variances for new buildings or for substantial improvements to non-contributing buildings in historic districts. They claim that requiring that the new structures or substantially improved structures be elevated to BFE could be harmful to the historic significance of the district. FEMA maintains that this would be contrary to the purposes of the NFIP and could result in greatly increased flood damages and, in some instance,

even result in loss of life. There are ways to elevate or floodproof new structures and substantially improve non-contributing structures so that they comply with the NFIP regulations, but that are still in harmony with the historic nature of the district. While the NFIP requires protection to the BFE, it does not specify the means (44 CFR §60.3). An architect should be able to design a new building that is both compliant with NFIP floodplain management requirements and compatible with the historic nature of the district. For example, the protection does not have to be achieved by unsightly mounds of dirt or bare pilings or other elevated foundations. The structure could be elevated on pilings or other foundation elements and the lower area then covered by an architecturally pleasing façade that will not impair the aesthetics of a historic district. The foundation could be camouflaged with landscaping, porches, or staircases (*See* the examples in latter sections of this bulletin).

The NFIP was specifically established by Congress to reduce threats to lives and the potential for damages to new construction in flood hazard areas in exchange for providing flood insurance. Exempting new construction from the NFIP elevation requirements in historic districts would be contrary to the National Flood Insurance Act of 1968, as amended, and it would create a significant flood risk to structures and to the health and safety of the population. Potentially thousands of buildings would be placed in harms way, if new or non-contributing structures are not protected.

Substantial Improvements to Existing Structures in Historic Districts

Some property owners have wanted to substantially improve a non-contributing structure in a historic district, so that it can become a contributing structure to the historical significance of the registered historic district. For example, this type of improvement could involve removal of modern additions to the building, replacement of modern siding or roofing materials with historic materials, and other actions to restore the historic nature of the structure. If the improvement is a substantial improvement to a non-contributing structure, the structure still could qualify for relief from the NFIP floodplain management requirements in the following ways (44 CFR §60.3):

- The property owner could apply through their State Historic Preservation Officer or Tribal Historic Preservation Officer for contributing status for the structure as is, prior to any improvements. If the building qualifies as “contributing to the historical significance of a registered historic district”, the community can grant a variance or exclude the improvements from the NFIP substantial improvement requirement depending on which provision the community has adopted [44 CFR §60.3(c)(2), (c)(3), and (e)(4)].
- The property owner could undertake the minimum work necessary to make the building a contributing structure, as long as the work is less than a substantial improvement. Once the structure is designated as “contributing”, any additional improvements including a substantial improvement could qualify for relief from the NFIP floodplain management requirements, so long as those improvements do not interfere with the designation as “contributing to the historical significance of a registered historic district” (44 CFR §60.3).
- If the property owner chooses to undertake a substantial improvement of the building all at once or the owner needs to undertake the substantial improvement in order for the building

to qualify as “contributing to the historical significance of a registered historic district”, the owner should contact the community for guidance on how they might qualify for relief from the NFIP substantial improvement requirement [44 CFR §60.3(c)(2), (c)(3), and (e)(4)]. In this situation, the community would have to issue a variance from the floodplain management ordinance. The community should obtain documentation for assurance that the improvements being proposed would qualify the building for “contributing” status before signing off on permits that would grant them relief under the NFIP. The owner should seek guidance from their State Historic Preservation Officer or Tribal Historic Preservation Officer on proposed improvements and on what documentation is needed to obtain preliminary approval. This information should be shared with the community.

In all cases, the property owner should discuss their proposed plans with the community and seek guidance from the State Historic Preservation Officer or Tribal Historic Preservation Officer before undertaking any improvements to make sure the proposed work would qualify the building for the designation as a contributing structure. For any of the options described above, the community should also encourage the property owner to undertake flood damage reduction measures as part of the improvement, as long as measures do not interfere with its designation as a “historic structure”.

Flood Insurance for Historic Structures

In addition to the relief from the NFIP floodplain management requirements described above, owners of “historic structures” can obtain and maintain flood insurance at subsidized rates. Flood insurance coverage is required for most mortgage loans and for obtaining Federal grants and other financial assistance. The ability to obtain flood insurance coverage is also important to ensuring that historic structures can be repaired and restored after a flood event.

The National Flood Insurance Act of 1968, as amended, requires that FEMA charge actuarial rates reflecting the flood risk to buildings built or substantially improved on or after the effective date of the initial Flood Insurance Rate Map (FIRM) for the community or after December 31, 1974, whichever is later. Actuarial rating assures that the risks associated with buildings in flood prone areas are borne by those located in such areas and not by the taxpayers at large. These buildings are referred to as Post-FIRM. The NFIP flood insurance rates are based on the degree of the flood risk. The flood insurance premium calculations take into account a number of factors including the flood risk zone shown on the FIRM, elevation of the lowest floor above or below the BFE, the type of building, the number of floors, and the existence of a basement or an enclosure. The NFIP floodplain management requirements not only are designed to protect buildings constructed in floodplains from flood damages; they also help keep flood insurance premiums affordable (44 CFR §60.3). Buildings not properly elevated will be charged a much higher flood insurance premium due to the increased flood risk. If substantially improved historic structures were not elevated and made subject to these rates, the annual insurance premiums could be many thousands of dollars a year. Allowing historic structures to continue to be insured at subsidized rates, even when they are substantially improved or substantially damaged, represents a significant financial benefit to these building owners.

Flood insurance at subsidized rates is available whether the “historic structure” is exempt from the NFIP substantial improvement requirement or is granted a variance under the variance provision. “Historic structures” are considered Pre-FIRM under the NFIP and are charged subsidized rates similar to existing structures. As long as a historic structure meets the definition of “historic structure” under the NFIP, it will not be actuarially rated (44 CFR §59.1).

If a “historic structure” is substantially improved such that it loses its historic designation without meeting the elevation requirements of the NFIP, it will be actuarially rated as a Post-FIRM structure. This can be significantly higher than the subsidized rate on a “historic structure.” Thus, the subsidized flood insurance rate on “historic structures” also serves as an incentive to maintain the historic designation of the structure.

Property owners of historic structures are encouraged to purchase NFIP flood insurance. Flood losses are not covered by homeowner’s insurance. Disaster assistance will not take care of all the financial needs, if the historic structure is damaged by flood. Even if disaster assistance is available, it is often in the form of a low-interest loan which has to be repaid, and it is only available if the President formally declares a disaster. Flood insurance compensates for all covered losses and is the best form of financial protection against the devastating effects of floods. Flood insurance policies purchased by individual property owners help them recover from flooding more quickly.

Increased Cost of Compliance (ICC) coverage is not available to a historic structure that is exempt from the floodplain management requirements if a historic structure is substantially damaged (44 CFR §60.3). ICC coverage provides for the payment of a claim for the cost to comply with State or community floodplain management laws or ordinances after a direct physical loss by floods. When a building covered by a State or community declares the building to be substantially or repetitively damaged, ICC will help pay up to \$30,000 for the cost to elevate, floodproof, demolish, or relocate the building. However, if an exemption is granted administratively through the community’s variance process, and conditions are placed in the variance requiring one of the mitigation measures that meet the local floodplain management criteria, ICC will be available if the structure is declared substantially damaged or repetitively damaged.

Minimizing the Impacts of Flooding on Historic Structures

Protection Measures for Historic Structures

The primary damage to historic buildings in a flood disaster is from immersion of building materials in floodwaters and the moving force of floodwaters that can cause structural collapse. Storm and sanitary sewer backup during flooding is also a major cause of flood damage to buildings. In addition, floods may cause a fire due to ruptured utility lines; result in the growth of mold and mildew; and lead to swelling, warping, and disintegration of materials due to prolonged presence of moisture.

- 12.4.1.4 Any enclosure including a crawl space must meet the requirements of Section 10.2.14, Wet Flood Proofing if the enclosure interior grade is at or below the Base Flood Elevation;
- 12.4.1.5 Granting of a variance will not result in increased flood heights to existing buildings, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances;
- 12.4.1.6 The proposed use is adequately flood proofed;
- 12.4.1.7 The variance is the minimum necessary, considering the flood hazard, to afford relief;
- 12.4.1.8 Reasonable alternative locations are not available;
- 12.4.1.9 An encroachment does not cause an increase to the Base Flood Elevation that is beyond that allowed in these regulations; and
- 12.4.1.10 All other criteria for a Floodplain permit besides the specific development standard requested by variance are met.

12.4.2 An exception to the variance criteria may be allowed as follows:

- 12.4.2.1 For either new construction of a structure outside of the Floodway only or for substantial improvements or an alteration of a structure, on a lot of one-half acres or less that is contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation; or
- 12.4.2.2 For Historic Structures – variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum relief necessary to preserve the historic character and design of the structure. The historic nature of the building must be designated as a preliminary or historic structure by U.S. Secretary of Interior or an approved state or local government historic preservation program.

12.5 DECISION

12.5.1 The City Council shall:

- 12.5.1.1 Evaluate the Floodplain permit application and Variance application using the criteria in Section 12.4, and the application requirements and minimum development standards in Section 9 and 10;

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be made payable to: *National Park Services*. A certification decision will not be issued on an application until the appropriate remittance is received. Fees are nonrefundable.

(c) The fee for review of proposed or ongoing rehabilitation projects for projects over \$20,000 is \$250. The fees for review of completed rehabilitation projects are based on the dollar amount of the costs attributed solely to the rehabilitation of the certified historic structure as provided by the owner in the Historic Preservation Certification Application, Request for Certification of Completed Work (NPS Form 10-168c), as follows:

Fee	Size of rehabilitation
\$500	\$20,000 to \$99,999
\$800	\$100,000 to \$499,999
\$1,500	\$500,000 to \$999,999
\$2,500	\$1,000,000 or more

If review of a proposed or ongoing rehabilitation project had been undertaken by the Secretary prior to submission of Request for Certification of Completed Work, the initial fee of \$250 will be deducted from these fees. No fee will be charged for rehabilitations under \$20,000.

(d) In general, each rehabilitation of a separate certified historic structure will be considered a separate project for purposes of computing the size of the fee.

(1) In the case of a rehabilitation project which includes more than one certified historic structure where the structures are judged by the Secretary to have been functionally related historically to serve an overall purpose, the fee for preliminary review is \$250 and the fee for final review is computed on the basis of the total rehabilitation costs.

(2) In the case of multiple building projects where there is no historic functional relationship among the structures and which are under the same ownership; are located in the same historic district; are adjacent or contiguous; are of the same architectural type (e.g., rowhouses, loft buildings, commercial buildings); and are submitted by the owner for review at the same time, the fee for preliminary review is \$250 per structure to a maximum of \$2,500 and the fee for final re-

view is computed on the basis of the total rehabilitation costs of the entire multiple building project to a maximum of \$2,500. If the \$2,500 maximum fee was paid at the time of review of the proposed or ongoing rehabilitation project, no further fee will be charged for review of a Request for Certification of Completed Work.

PART 68—THE SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES

Sec.

68.1 Intent.

68.2 Definitions.

68.3 Standards.

AUTHORITY: The National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 *et seq.*); sec. 2124 of the Tax Reform Act of 1976, 90 Stat. 1918; EO 11593, 3 CFR part 75 (1971); sec. 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

SOURCE: 60 FR 35843, July 12, 1995, unless otherwise noted.

§ 68.1 Intent.

The intent of this part is to set forth standards for the treatment of historic properties containing standards for preservation, rehabilitation, restoration and reconstruction. These standards apply to all proposed grant-in-aid development projects assisted through the National Historic Preservation Fund. 36 CFR part 67 focuses on "certified historic structures" as defined by the IRS Code of 1986. Those regulations are used in the Preservation Tax Incentives Program. 36 CFR part 67 should continue to be used when property owners are seeking certification for Federal tax benefits.

§ 68.2 Definitions.

The standards for the treatment of historic properties will be used by the National Park Service and State historic preservation officers and their staff members in planning, undertaking and supervising grant-assisted projects for preservation, rehabilitation, restoration and reconstruction. For the purposes of this part:

(a) *Preservation* means the act or process of applying measures necessary to sustain the existing form, integrity

and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

(b) *Rehabilitation* means the act or process of making possible an efficient compatible use for a property through repair, alterations and additions while preserving those portions or features that convey its historical, cultural or architectural values.

(c) *Restoration* means the act or process of accurately depicting the form, features and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

(d) *Reconstruction* means the act or process of depicting, by means of new construction, the form, features and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

§ 68.3 Standards.

One set of standards—preservation, rehabilitation, restoration or reconstruction—will apply to a property undergoing treatment, depending upon the property's significance, existing physical condition, the extent of documentation available and interpretive goals, when applicable. The standards will be applied taking into consideration the economic and technical feasibility of each project.

(a) *Preservation*. (1) A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features,

spaces and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.

(2) The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.

(3) Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.

(4) Changes to a property that have acquired historic significance in their own right will be retained and preserved.

(5) Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.

(6) The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color and texture.

(7) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

(8) Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

(b) *Rehabilitation*. (1) A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.

(2) The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.

(3) Each property will be recognized as a physical record of its time, place and use. Changes that create a false

sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

(4) Changes to a property that have acquired historic significance in their own right will be retained and preserved.

(5) Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.

(6) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

(7) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

(8) Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

(9) New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

(10) New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(c) *Restoration.* (1) A property will be used as it was historically or be given a new use that interprets the property and its restoration period.

(2) Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces and spatial relationships that characterize the period will not be undertaken.

(3) Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.

(4) Materials, features, spaces and finishes that characterize other historical periods will be documented prior to their alteration or removal.

(5) Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.

(6) Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials.

(7) Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.

(8) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

(9) Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

(10) Designs that were never executed historically will not be constructed.

(d) *Reconstruction.* (1) Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture and such reconstruction is essential to the public understanding of the property.

(2) Reconstruction of a landscape, building, structure or object in its historic location will be preceded by a thorough archeological investigation

to identify and evaluate those features and artifacts that are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.

(3) Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.

(4) Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color and texture.

(5) A reconstruction will be clearly identified as a contemporary recreation.

(6) Designs that were never executed historically will not be constructed.

PART 71—RECREATION FEES

Sec.

- 71.1 Application.
- 71.2 Types of Federal recreation fees.
- 71.3 Designation.
- 71.4 Posting.
- 71.5 Golden Eagle Passport.
- 71.6 Golden Age Passport.
- 71.7 Entrance fees for single-visit permits.
- 71.8 Validation and display of entrance permits.
- 71.9 Establishment of recreation use fees.
- 71.10 Special recreation permits and special recreation permit fees.
- 71.11 Collection of Federal recreation fees.
- 71.12 Enforcement.
- 71.13 Exceptions, exclusions, and exemptions.
- 71.14 Public notification.
- 71.15 The Golden Eagle Insignia.

AUTHORITY: Sec. 4, Land and Water Conservation Fund Act of 1965 (16 U.S.C.A. 4601-6a (Supp., 1974)), as amended by Pub. L. 93-303; and sec. 3, Act of July 11, 1972, 86 Stat. 461; sec. 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

SOURCE: 39 FR 33217, Sept. 16, 1974. Redesignated at 44 FR 7143, Feb. 6, 1979, and 46 FR 34329, July 1, 1981; correctly redesignated at 46 FR 43045, Aug. 26, 1981, unless otherwise noted.

§ 71.1 Application.

This part is promulgated pursuant to section 4, Land and Water Conservation Fund Act of 1965, 16 U.S.C.A. 4601-6a (Supp., 1974), and section 3, Act of July 11, 1972, 86 Stat. 461. Any Federal recreation fee charged by any bureau of the Department of the Interior shall be charged according to criteria set forth in this part.

§ 71.2 Types of Federal recreation fees.

There shall be three types of Federal recreation fees:

(a) Entrance fees, charged either on an annual or single-visit basis, for admission to any Designated Entrance Fee Area;

(b) Daily recreation use fees for the use of specialized sites, facilities, equipment or services furnished at Federal expense; and

(c) Special recreation permit fees for specialized recreation uses, such as, but not limited to, group activities, recreation events, and the use of motorized recreation vehicles.

§ 71.3 Designation.

(a) An area or closely related group of areas shall be designated as an area at which entrance fees shall be charged (hereinafter "Designated Entrance Fee Area") if the following conditions are found to exist concurrently:

(1) The area is a unit of the National Park System administered by the Department of the Interior;

(2) The area is administered primarily for scenic, scientific, historical, cultural, or recreation purposes;

(3) The area has recreation facilities or services provided at Federal expense; and

(4) The nature of the area is such that entrance fee collection is administratively and economically practical.

(b) Any specialized site, facility, equipment or service related to outdoor recreation (hereinafter "facility") shall be designated as a facility for which a recreation use fee shall be charged (hereinafter "Designated Recreation Use Facility") if:

(1) For each Designated Recreation Use Facility, at least one of the following criteria is satisfied:

(i) A substantial Federal investment has been made in the facility,

FAQs about the National Register of Historic Places

If the following questions and answers leave you still wondering, please feel free to call us at the Montana State Historic Preservation Office. We are always glad to talk with you on the phone or in person about the National Register if there is something you'd like clarified. Please write us or give us a call: 1301 E Lockey, P.O. Box 201202, Helena, MT 59620-1202, (406) 444-7715.

1. What is the National Register of Historic Places?

The National Register is the official list of the Nation's historic buildings and archaeological sites that are considered to be worthy of preservation. The Register was established in 1966 to help property owners, communities and neighborhoods recognize their important historic properties, to offer realistic incentives for preservation, and to insure that Federal actions do not harm these properties without alternatives being considered. The National Register was not designed as a major regulatory program nor as just an honor roll. The Register was intended to be broad rather than exclusive and includes many different kinds of properties important to the Nation, the State, a region or a local community.

2. If I list my home or business in the National Register, what restrictions will be placed on my rights to modify or sell the property?

Listing in the National Register in of itself does not interfere with an owner's right to manage their property as they see fit. You may paint, remodel, administer, sell, or even demolish your property. You may alter your building at any time, unless you use Federal funds or the Federal tax incentives to rehabilitate it, in which case the alterations are reviewed by the agency in consultation with the State Historic Preservation Office (this is true not only for National Register properties but also for those eligible for listing—see Section 106 of the National Historic Preservation Act). Placing a property in the Register also does not obligate an owner to make any repairs or improvements. Moreover, the State or Federal government will not attach restrictive covenants to properties or seek to acquire them as a result of National Register-listing. Local governments may adopt, design, or review zoning ordinances affecting properties listed in the National Register of Historic Places. Please check with your local preservation office or planning office to see if your community has adopted such provisions.

3. Does Register listing mean that my property must be opened to the public on a regular basis?

As the owner of a property listed in the Register, you will not be required to open your house, place of business, or historic site for public visitation. Your private property rights are in no way changed by Register listing, unless, again, you have accepted Federal funds for rehabilitation, in which case the public must be allowed to visit the property for a few days each year.

4. Can I get money to fix up my historic building if it is listed in the Register?

National Register property owners may apply for Federal grants for buildings rehabilitation when Congress appropriates such funds. However, these funds are extremely limited and most property owners will not receive such funding. If you are a Community Cultural Organization, we encourage you to check with the Montana Arts Council (444-6430) to determine whether the project you are considering would qualify for Cultural and Aesthetic Grant monies appropriated biennially by the Montana Legislature.

5. Is there some kind of tax credit I can get if I plan to repair my historic building?

Yes. If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 allows you to credit 20 per cent of the rehabilitation costs against your federal tax liability for the substantial rehabilitation of income-product properties such as commercial, farm, industrial, and residential rental buildings. Work must meet certain standards and be reviewed and approved by the State Historic Preservation Office and the National Park Service. Because tax provisions are complicated, individuals should consult their accountants for assistance in determining the tax consequences of the above provisions.

6. So what are the results of listing my property in the Register? Why should I consider doing so?

Recognition

Most of all, Register listing provided your property **recognition** for its historic value and rewards you for your efforts in preserving it. Listing of a building, site or district also afford it prestige that can enhance its value and raise community awareness and pride. While National Register properties do not have to be preserved, listing does insure that preservation is taken to be an important consideration whenever a building's or site's future is in question

Technical Assistance

Owners of Register properties are also able to seek advice from the Montana Historic Preservation Office on appropriate methods to maintain and rehabilitate older buildings or sites.

Signs

Owners of listed properties may apply for funds to obtain Montana's official National Register interpretive plaque to mount on a stand or hang on an outside wall of their building. The applicant pays only a \$35.00 shipping and handling fee or \$55.00, depending upon the type of sign, the balance coming from the Montana Historical Society.

Government Agency Compliance Review

The National Historic Preservation Act and the Montana State Antiquities Act require federal and state agencies to consider the impacts of all projects occurring on public lands, or with federal funding, that affect historic properties eligible for or listed in the National Register. In addition, the Surface Mining and Control Act of 1977 requires consideration of historic values in the decision to issue surface coal mining permits.

7. How do you decide whether something is significant enough to be listed in the National Register?

The National Register carefully evaluates the quality of significance of each property being considered for listing. To be eligible for the Register designation, a property must meet one of more of the following criteria:

- A. Be associated with events that have made a significant contribution to the broad patterns of our history; or
- B. Be associated with the lives of persons significant in our past; or
- C. Embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. Have yielded, or may likely to yield, information important in prehistory or history.

In addition, properties must possess a high degree of integrity to qualify for listing in the Register – in other words, they must be relatively unchanged in appearance from the historic period.

Generally speaking, a property must be at least 50 years old to be considered for the Register, unless it is of exceptional significance, or if it is an integral part of a historic district. Non-historic properties that are located within the boundaries of historic districts are also listed in the Register as “non-contributing” components of those historic districts.

Who can nominate properties to the Register?

Anyone can prepare a nomination for listing a historic property on the National Register -- from private owners to local historians to public lands manager to historic preservation professionals. Important properties worthy of listing are identified by people across Montana, who frequently are most familiar with their local history and properties deserving recognition. Eligible properties may also be identified by federal and state lands agencies, which must routinely consider historic resources as a part of their permitting and project activities. The owner of a private property must concur in the nomination of a private property to be listed in the National Register of Historic Places. In the case of multiple owners and historic districts, the majority of private owners must object for an approved property not to be listed.

Item Attachment Documents:

9. Draft City Council Agenda of January 28, 2020.



**AGENDA
CITY OF LAUREL
CITY COUNCIL MEETING
TUESDAY, JANUARY 28, 2020
6:30 PM
CITY COUNCIL CHAMBERS**

NEXT RES. NO.
R18-XX

NEXT ORD. NO.
O18-XX

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

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

Pledge of Allegiance

Roll Call of the Council

Approval of Minutes

1. Approval of Minutes of January 14, 2020.

Correspondence

Council Disclosure of Ex Parte Communications

Public Hearing

Consent Items

NOTICE TO THE PUBLIC

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

2. Claims for the month of January 2020.
3. Clerk/Treasurer Financial Statements for the month of December 2019.
4. Approval of Payroll Register for PPE 1/12/2020 totaling \$197,101.50.
5. Approval of Council Workshop minutes of January 21, 2020.

Ceremonial Calendar

Reports of Boards and Commissions

6. Budget/Finance Committee minutes of January 14, 2020.
Public Works Committee minute of December 16, 2020.
Tree Board minutes of December 19, 2020.
Emergency Services Committee minutes of October 28, 2019.

Audience Participation (Three-Minute Limit)

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

Scheduled Matters

7. Appointment of Karl Dan Koch to the City/County Planning Board for a two-year term ending June 30, 2021.
8. Mayor's Appointment Memo
9. Resolution - Resolution Calling A Public Hearing To Approve Certain Public Infrastructure Improvements In The Laurel Urban Renewal District As An Urban Renewal Project And To Finance The Project Through The Issuance Of Tax Increment Urban Renewal Bonds; And Making A Reimbursement Declaration In The Event That Tax-Exempt Bond Proceeds Reimburse Original Expenditures Of The City
10. Resolution - A Resolution Of The City Council Accepting An Easement From George M. Fox For The Purpose Of Constructing, Operating, Maintaining, Replacing And Repairing A Sewer Line For Village Subdivision Within The Described Easement.
11. Ordinance No. O20-01: An Ordinance Amending Certain Chapters Of Title 14 Of The Laurel Municipal Code Relating To The Adoption And Enforcement Of Building Codes For The City Of Laurel As Required By The State Of Montana.

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