



**AGENDA
CITY OF LAUREL
CITY COUNCIL MEETING
TUESDAY, AUGUST 11, 2020
6:30 PM
COUNCIL CHAMBERS**

NEXT RES. NO.
R20-41

NEXT ORD. NO.
O20-03

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 July 28, 2020.

Correspondence

Council Disclosure of Ex Parte Communications

Public Hearing

2. Budget Amendment Resolution Amending Appropriations And Revenues For The Federal Equitable Sharing Fund For Fiscal Year 2019-2020
3. Public Hearing - Special Review.

Consent Items

NOTICE TO THE PUBLIC

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

4. Claims entered through 8/7/2020.
5. Approval of Payroll Register for PPE 7/26/2020 totaling \$171,886.74.

Ceremonial Calendar

6. Swearing in of new Officers Haley Swan and Joshua McFarland.

Reports of Boards and Commissions

7. Budget/Finance Committee Minutes of July 28, 2020.
City/County Planning Board Minutes of July 22, 2020.
Cemetery Commission Minutes of January 28, 2020.
Cemetery Commission Minutes of February 18, 2020.

Audience Participation (Three-Minute Limit)

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

Scheduled Matters

- [8.](#) Appointment of Bill Mountsier to the Public Works Committee.
- [9.](#) Appointment of Bill Mountsier to the Emergency Services Committee.
- [10.](#) Resolution No. R20-41: A Resolution To Authorize The Mayor To Sign An Agreement With Laurel Public Schools, District 7 and 7-70, Continuing The School Resource Officer (SRO) Program For the Laurel High School.
- [11.](#) Resolution - A Resolution To Authorize The Mayor To Sign An Agreement With Laurel Public Schools, District 7 and 7-70, Continuing The School Resource Officer (SRO) Program For the Laurel Middle School.
- [12.](#) Resolution No. R20-43: Budget Amendment Resolution Amending Appropriations And Revenues For The Federal Equitable Sharing Fund For Fiscal Year 2019-2020
- [13.](#) Resolution No. R20-44: A Resolution Of The City Council Approving An Application For Special Review For The Town Pump Located At 312 S. 1st Avenue, City Of Laurel, For The Purpose Of Allowing Replacement Of Manual Reading Board Signs With Electronic Message Boards.
- [14.](#) Resolution R20-45: Resolution Approving Change Order #2 To The City's Contract With Hardrives Construction, Inc. Authorizing Additional Work For City Of Laurel's 2020 Pavement Maintenance Project And To Authorize The Mayor To Sign Change Order Documents On The City's Behalf.
- [15.](#) Ordinance No. O20-03: An Ordinance Amending Title 12 Chapter 12.04 Of The Laurel Municipal Code Relating To The City's Street And Sidewalk Construction And Maintenance.

Items Removed From the Consent Agenda

Community Announcements (One-Minute Limit)

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

Council Discussion

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

Mayor Updates

Unscheduled Matters

Adjournment

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

DATES TO REMEMBER

File Attachments for Item:

Approval of Minutes of July 28, 2020.

MINUTES OF THE CITY COUNCIL OF LAUREL

JULY 28, 2020

A regular meeting of the City Council of the City of Laurel, Montana, was held in the Council Chambers and called to order by Mayor Tom Nelson at 6:31 p.m. on July 28, 2020.

COUNCIL MEMBERS PRESENT:

Bruce McGee	Heidi Sparks
Scot Stokes	Richard Herr
Richard Klose	Irv Wilke
	Don Nelson

COUNCIL MEMBERS ABSENT:

Emelie Eaton

OTHER STAFF PRESENT:

None

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

Mayor Nelson asked the council to observe a moment of silence.

MINUTES:

Motion by Council Member McGee to approve the minutes of the regular meeting of July 14, 2020, as presented, seconded by Council Member Klose. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

CORRESPONDENCE:

- Beartooth RC&D Correspondence

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None.

PUBLIC HEARING:

- Schedule of Fees

Mayor Nelson stated this is the time and place set for the public hearing on the City of Laurel's to adopt an official schedule of fees and charges for the City of Laurel repealing all previous resolution that set fees or charges that conflict with the schedule attached hereto upon its effective date.

Mayor Nelson opened the public hearing and asked Staff to present the item prior to hearing the public comments. There were none.

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

Mayor Nelson asked three times if there were any proponents. There were none.

Mayor Nelson asked three times if there were any opponents. There were none.

Mayor Nelson closed the public hearing.

CONSENT ITEMS:

- **Claims entered through 7/24/2020 for June 2020 in the amount of \$629,751.98 and for July 2020 in the amount of \$82,285.60.**
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Clerk/Treasurer Financial Statements for the month of May 2020.**
- **Approval of Payroll Register for PPE 7/12/2020, totaling \$205,013.55.**

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

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

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS:

- Budget/Finance Committee Minutes of July 7, 2020, were presented.
- Budget/Finance Committee Minutes of July 14, 2020, were presented.
- Tree Board Minutes of June 18, 2020, were presented.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Appointment of Evan Bruce to the City/County Planning Board for a two-year term ending June 30, 2022.**

Motion by Council Member Herr to approve the Mayor's appointment of Evan Bruce to the City/County Planning Board for a two-year term ending June 30, 2022, seconded by Council Member Sparks. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R20-40: A Resolution To Adopt An Official Schedule Of Fees And Charges For The City Of Laurel, Repealing All Previous Resolutions That Set Fees Or Charges That Conflict With The Schedule Attached Hereto Upon Its Effective Date.**

Motion by Council Member Sparks to approve Resolution No. R20-40, seconded by Council Member McGee. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Council requested a discussion on traffic patterns. In particular at the intersection of W. Main and 5th Avenue.

Council noted how nice the railroad crossing at 5th Avenue.

Council requested an update on West Railroad at the next Workshop.

MAYOR UPDATES:

Mayor Nelson stated he would put the replacement and depreciation discussion on the next Workshop agenda.

UNSCHEDULED MATTERS: None.

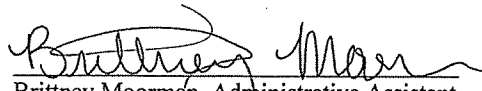
ADJOURNMENT:

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

There being no further business to come before the council at this time, the meeting was adjourned at 6:47 p.m.

DRAFT

Council Minutes of July 28, 2020


Brittney Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 11th day of August 2020.

Thomas C. Nelson, Mayor

Attest:

Bethany Langve, Clerk/Treasurer

File Attachments for Item:

7. Budget/Finance Committee Minutes of July 28, 2020.

City/County Planning Board Minutes of July 22, 2020.

Cemetery Commission Minutes of January 28, 2020.

Cemetery Commission Minutes of February 18, 2020.



**MINUTES
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
WEDNESDAY, JULY 22, 2020
5:35 PM
LAUREL CITY COUNCIL CHAMBERS**

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

1. Roll Call

The Chair called the meeting to order at 5:37PM

Gavin Williams
Ron Benner
Dan Koch
Roger Geise
Evan Bruce (non-voting)
Judy Goldsby
Nick Altonaga (City of Laurel)

General Items

1. Approve Meeting Minutes: February 26, 2020
2. Approve Meeting Minutes: June 24, 2020

The Chair shifted the approval of meeting minutes to prior to the scheduled public hearing. Members reviewed the meeting minutes from February 26, 2020 and June 24, 2020.

Ron motioned to approve the minutes from the meeting on February 26, 2020.
Dan seconded.
Motion carried.

Dan Koch motioned to approve the minutes from June 24, 2020.
Ron seconded.
Motion carried.

3. Public Hearing: Special Review for Town Pump Sign Replacement

The Chair opened the public hearing.

Planning Director Nick Altonaga provided a general overview of the application and its contents including the prepared staff report. He has provided certain conditions of approval if the Board would recommend approval.

Members asked about the standards for singular signs per parcel. Nick went over the requirements of the signage standards in the Community Entryway District. Discussion also took place regarding the parameters for properties coming into compliance with the Zoning Code requirements.

Roger asked if there would be any height or width changes for the sign?

- Mark Lynde, the representative for the applicant was on hand and reported that there would be no physical changes in size or height.

There were no proponents or opponents present at the public hearing.

Ron Benner motioned to approve the Special Review Application inclusive of the staff conditions presented in the Staff Report.

Gavin seconded.

Unanimous vote in favor.

Motion carried.

New Business

4. CENEX Sign Review

Nick presented the application for a sign update for the CENEX property.

Ron questioned the updates and if they violate the codes.

- Nick remarked that he believes that the sign does not meet the threshold for needing to come into full compliance to the code as it is just a refacing of signs. The replacement of the electronic reader keeps the sign in its current state, without any upgrades or changes.

Members discussed the requirements of the code and the difficulty to enforce some sections.

- Nick plans to specifically target the Community Entryway Zoning District for major changes in any upcoming zoning code update.
- Nick hopes to begin that Zoning Code update process after the Growth Management Policy is finalized.

Ron motioned to approve the designs for the CENEX Sign replacement.

Gavin Seconded.

Motion Carried.

5. Design Review of Proposed Solberg Retail Building

Nick presented the façade designs and lot layout for the proposed Solberg retail building. Members need to consider whether the proposed design meets the spirit and intent of the code or might require a variance or other official approval.

Comments were made as to the specificity of the code and its restrictive nature. The proposed siding is used widely in commercial districts. The concept appears to be sufficient and present an acceptable aesthetic. Forcing further processes onto the developer would only cause more issues.

Ron motioned to approve the design of the façade for the Solberg Retail building as it was presented.

Gavin Seconded.

Motion Carried.

6. Growth Management Policy Update Chapter Review

Nick presented the Updated chapters of the Growth Management Policy. Have only 3 chapters left to prepare including a review of the Implementation chapter prepared by KLJ.

Nick would like any questions, comments, or critiques of the chapters. Plans to have a full draft in front of the Planning Board for August meeting.

Members discussed the lack of data on the full 59044 Zip Code. Nick had discussed this option with Forrest and KLJ and he had said that the data set would be very inaccurate for the city and the planning area. The Zip Code is a much larger area than both the city limits and the Laurel planning jurisdiction.

Nick will review the census data and update some tables to show to Planning Board Members.

Members discussed the Recreation chapter. Ron Asked about Riverside Park and what the plans are for that?

Nick can update the chapter to include more information about the recommendations from the Riverside Park Master Plan. Gavin asked if Nick could provide the Riverside Park Master Plan.

- Nick will provide members with copies of the Riverside Park Master Plan and other planning documents from the past few years.
- Nick will also remove Town Square Park from the recreation chapter.

Old Business

Other Items

7. Growth Management Policy Schedule and Timeline

Nick presented the updated schedule for public hearings and meetings.

Ron Benner will tentatively not be available on August 19th for the next scheduled meeting.

Announcements

8. Next Meeting: August 19, 2020

Dan motioned to adjourn the meeting.

Roger seconded.

Motion Carried.

Meeting adjourned at 6:27PM.

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

**MINUTES
CITY OF LAUREL
CEMETERY COMMISSION
TUESDAY, JANUARY 28, 2020**

Cemetery Commission was held in the Council Conference Room and called to order by Commission Chair Richard Klose at 5:00 p.m. on January 28, 2020.

COMMISSION MEMBERS PRESENT:

<input checked="" type="checkbox"/> Wallace Hall	<input checked="" type="checkbox"/> David Gauslow
<input checked="" type="checkbox"/> Richard Klose	<input checked="" type="checkbox"/> Richard Herr
<input checked="" type="checkbox"/> Ken Olson	<input type="checkbox"/> Mayor Nelson

OTHERS PRESENT:

Rick Musson
Kurt Markegard, Public Works Director

Public Input: None.

General Items

1. Approve Cemetery Commission minutes of December 18, 2020.

Motion by Wallace Hall to approve the minutes of December 18, 2019, second by David Gauslow. Motion carried 5-0.

New Business

2. Variance for footstone.

Motion to change the variance on size of footstones to be 12 inches by 24 inches made by Mayor Nelson, seconded by David Gauslow. Motion carried 5-0.

3. Discuss Resolution to change the rules and regulations in the Cemetery.

A Committee Member commented that the section markers look good.

Old Business

Other Items

Announcements

4. Next meeting.

Next meeting February 18, 2020.

The Cemetery Commission adjourned at 6:00 p.m.

Respectfully submitted,

Richard Klose
Chair

**MINUTES
CITY OF LAUREL
CEMETERY COMMISSION
TUESDAY, FEBRUARY 18, 2020**

Cemetery Commission was held in the Council Conference Room and called to order by Commission Chair Richard Klose at 5:00 p.m. on February 18, 2020.

COMMISSION MEMBERS PRESENT:

<input checked="" type="checkbox"/> Wallace Hall	<input checked="" type="checkbox"/> David Gauslow
<input checked="" type="checkbox"/> Richard Klose	<input checked="" type="checkbox"/> Richard Herr
<input checked="" type="checkbox"/> Ken Olson	<input checked="" type="checkbox"/> Mayor Nelson

OTHERS PRESENT:

Rick Musson

Public Input: None.

General Items

1. Approval of January 28, 2020 minutes.

Motion by Ken Olson to approve the Cemetery Commission minutes of Janu 28, 2020, seconded by David Gauslow. Motion carried 6-0.

New Business

2. Review Cemetery Rules and Regulations changes.

There was brief discussion about proposed changes.

Motion by Wallace Hall to approve changes to the Cemetery Rules and Regulations, seconded by Richard Herr. Motion carried 6-0.

Old Business

Other Items

Chairman Klose will get bids for the Cemetery Sign.

Announcements

The Cemetery Commission adjourned at 6:00 p.m.

Respectfully submitted,

Richard Klose
Chair

File Attachments for Item:

8. Appointment of Bill Mountsier to the Public Works Committee.

Brittney Moorman

From: City Mayor
Sent: Tuesday, July 28, 2020 8:25 AM
To: Brittney Moorman
Cc: Bethany Langve
Subject: Committee assignments

From Bill Mountsier

Hi Tom,

Just to let you know, I am interested in staying on the public works and emergency services committees. Let me know if you need this request in writing or if this text will suffice.

Respectfully,

Bill Mountsier

Thank you,
Tom Nelson
Laurel City Mayor
citymayor@laurel.mt.gov
406.633 3809

Sent from Nine

File Attachments for Item:

9. Appointment of Bill Mountsier to the Emergency Services Committee.

Brittney Moorman

From: City Mayor
Sent: Tuesday, July 28, 2020 8:25 AM
To: Brittney Moorman
Cc: Bethany Langve
Subject: Committee assignments

From Bill Mountsier

Hi Tom,

Just to let you know, I am interested in staying on the public works and emergency services committees. Let me know if you need this request in writing or if this text will suffice.

Respectfully,

Bill Mountsier

Thank you,
Tom Nelson
Laurel City Mayor
citymayor@laurel.mt.gov
406.633 3809

Sent from Nine

File Attachments for Item:

10. Resolution No. R20-41: A Resolution To Authorize The Mayor To Sign An Agreement With Laurel Public Schools, District 7 and 7-70, Continuing The School Resource Officer (SRO) Program For the Laurel High School.

RESOLUTION NO. R20-41

**A RESOLUTION TO AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT
WITH LAUREL PUBLIC SCHOOLS, DISTRICT 7 AND 7-70,
CONTINUING THE SCHOOL RESOURCE OFFICER (SRO) PROGRAM
FOR THE LAUREL HIGH SCHOOL.**

WHEREAS, the City of Laurel and the Laurel Public Schools desire to continue its School Resource Officer Program; and

WHEREAS, the attached agreement outlines the general terms and conditions of the program.

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

That the Mayor is authorized to sign the attached agreement with the Laurel Public Schools, District 7 and 7-70, to continue the School Resource Officer Program for the Laurel High School.

Introduced at a regular meeting of the City Council on August 11, 2020, by Council Member _____.

PASSED and APPROVED by the City Council of the City of Laurel this 11th day of August 2020.

APPROVED by the Mayor this 11th day of August 2020.

CITY OF LAUREL

Thomas C Nelson, Mayor

ATTEST:

Bethany Langve, Clerk/Treasurer

Approved as to form:

Sam S. Painter, Civil City Attorney

AGREEMENT STATEMENT OF GENERAL TERMS & CONDITIONS

This Agreement is entered into this 1st day of July, 2020, by and between the City of Laurel, hereinafter referred to as the City and the Laurel Public Schools, District 7 & 7-70, hereinafter referred to as the District, as follows:

WITNESSETH

For and in consideration of the mutual promises, terms, covenants, and conditions set forth herein, the parties agree as follows:

- 1. Purpose of Agreement:** The purpose of this Agreement is for the City to assign one law enforcement officer and necessary equipment to the District for the School Resource Officer program. The City law enforcement officer (hereinafter referred to as “SRO”) will be assigned to Laurel High School. The SRO will work with the school administrators to assist with the District’s tobacco, alcohol, other drug, and law-related education, maintain a peaceful campus environment and take appropriate action regarding on-campus or school related criminal activity.
- 2. Term:** The term of this Agreement shall be from July 1, 2020 through June 30, 2021.
- 3. Termination:** This Agreement may be terminated with or without cause by either party upon 30 days’ prior written notice.
- 4. Relationship of Parties:**
 - a. The City shall have the status of an independent contractor for purposes of this Agreement. The SRO assigned to the District shall be considered the employee of the City and shall be subject to its control and supervision.
 - b. The Chief of Police and the Superintendent will evaluate the program throughout the year in order to ensure that the program is meeting expectations. Following the close of the school year, they will prepare a summary report on the year’s operations and provide any recommendations for changes. This report will be reviewed by both the City Council and the School Board.
 - c. The SRO will be subject to current procedures in effect for the City law enforcement officers, including attendance at all mandated training and testing to maintain officer certification.
 - d. This Agreement is not intended to and will not constitute, create, give rise to, or otherwise recognize a joint venture, partnership, or formal business association or organization of any kind between the parties, and the rights and obligations of the parties shall be only those expressly set forth in this Agreement.
- 5. Costs:** The District shall pay the City the sum of \$59,890.47 to employ and equip the SRO as provided herein. The city clerk/treasurer and district clerk will develop a semi-annual payment schedule on behalf of each party.

Further, the City agrees to pay all:

- a. Overtime costs;
- b. Non-school related expenses related to or resulting from law enforcement related activities, such as criminal investigations and court appearances; and
- c. Costs relating to vehicle and insurance.

6. SRO General Responsibilities:

- a. Work in concert with the school administrators.
- b. Assist the administrators in providing a program to address tobacco, alcohol, and other drug issues, violence prevention, and safety issues in the school community.
- c. Act as a communication liaison with law enforcement agencies regarding needed information concerning students on campuses served by the SRO.
- d. Take the steps the SRO deems appropriate and consistent with law enforcement's duty, when a crime occurs on or off campus.
- e. Work with students, families, and staff to build an understanding of the role of law enforcement in the community and to establish a productive level of interaction and rapport with those groups.
- f. Refer students and/or their families to the appropriate agencies for assistance when a need is determined.
- g. When applicable and appropriate, maintain contact with students to insure compliance to conditions imposed by the court, school, parents/guardians, and/or Department of Family Services. This would include reporting to these entities and be actively involved in formulating problem solving strategies in each case.
- h. Other such responsibilities as may be mutually agreed to by the City and District.

7. Time and Place of Performance: The City will endeavor to assure that the SRO will be available for duty at the assigned campus each day that school is in session during the regular school year. The District understands that there may be times when the SRO is needed off-campus due to emergency law enforcement activities or court appearances.

8. District Responsibilities: The District will provide the SRO an office and such equipment as is necessary at the assigned school(s) to include a telephone, filing space capable of being secured, and access to a computer.

Board Chair, Dist. #7&7-70

Date

Thomas C Nelson, Mayor

Date

File Attachments for Item:

11. Resolution - A Resolution To Authorize The Mayor To Sign An Agreement With Laurel Public Schools, District 7 and 7-70, Continuing The School Resource Officer (SRO) Program For the Laurel Middle School.

RESOLUTION NO. R20-42

**A RESOLUTION TO AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT
WITH LAUREL PUBLIC SCHOOLS, DISTRICT 7 AND 7-70,
CONTINUING THE SCHOOL RESOURCE OFFICER (SRO) PROGRAM
FOR THE LAUREL MIDDLE SCHOOL.**

WHEREAS, the City of Laurel and the Laurel Public Schools desire to continue its School Resource Officer Program; and

WHEREAS, the attached agreement outlines the general terms and conditions of the program.

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

That the Mayor is authorized to sign the attached agreement with the Laurel Public Schools, District 7 and 7-70, to continue the School Resource Officer Program for the Laurel Middle School.

Introduced at a regular meeting of the City Council on August 11, 2020, by Council Member _____.

PASSED and APPROVED by the City Council of the City of Laurel this 11th day of August 2020.

APPROVED by the Mayor this 11th day of August 2020.

CITY OF LAUREL

Thomas C Nelson, Mayor

ATTEST:

Bethany Langve, Clerk/Treasurer

Approved as to form:

Sam S. Painter, Civil City Attorney

AGREEMENT STATEMENT OF GENERAL TERMS & CONDITIONS

This Agreement is entered into this 1st day of July, 2020, by and between the City of Laurel, hereinafter referred to as the City and the Laurel Public Schools, District 7 & 7-70, hereinafter referred to as the District, as follows:

WITNESSETH

For and in consideration of the mutual promises, terms, covenants, and conditions set forth herein, the parties agree as follows:

- 1. Purpose of Agreement:** The purpose of this Agreement is for the City to assign one law enforcement officer and necessary equipment to the District for the School Resource Officer program. The City law enforcement officer (hereinafter referred to as “SRO”) will be assigned to Laurel Middle School. The SRO will work with the school administrators to assist with the District’s tobacco, alcohol, other drug, and law-related education, maintain a peaceful campus environment and take appropriate action regarding on-campus or school related criminal activity.
- 2. Term:** The term of this Agreement shall be from July 1, 2020 through June 30, 2021.
- 3. Termination:** This Agreement may be terminated with or without cause by either party upon 30 days’ prior written notice.
- 4. Relationship of Parties:**
 - a. The City shall have the status of an independent contractor for purposes of this Agreement. The SRO assigned to the District shall be considered the employee of the City and shall be subject to its control and supervision.
 - b. The Chief of Police and the Superintendent will evaluate the program throughout the year in order to ensure that the program is meeting expectations. Following the close of the school year, they will prepare a summary report on the year’s operations and provide any recommendations for changes. This report will be reviewed by both the City Council and the School Board.
 - c. The SRO will be subject to current procedures in effect for the City law enforcement officers, including attendance at all mandated training and testing to maintain officer certification.
 - d. This Agreement is not intended to and will not constitute, create, give rise to, or otherwise recognize a joint venture, partnership, or formal business association or organization of any kind between the parties, and the rights and obligations of the parties shall be only those expressly set forth in this Agreement.
- 5. Costs:** The District shall pay the City the sum of \$69,592.01 to employ and equip the SRO as provided herein. The city clerk/treasurer and district clerk will develop a semi-annual payment schedule on behalf of each party.

Further, the City agrees to pay all:

- a. Overtime costs;
- b. Non-school related expenses related to or resulting from law enforcement related activities, such as criminal investigations and court appearances; and
- c. Costs relating to vehicle and insurance.

6. SRO General Responsibilities:

- a. Work in concert with the school administrators.
- b. Assist the administrators in providing a program to address tobacco, alcohol, and other drug issues, violence prevention, and safety issues in the school community.
- c. Act as a communication liaison with law enforcement agencies regarding needed information concerning students on campuses served by the SRO.
- d. Take the steps the SRO deems appropriate and consistent with law enforcement's duty, when a crime occurs on or off campus.
- e. Work with students, families, and staff to build an understanding of the role of law enforcement in the community and to establish a productive level of interaction and rapport with those groups.
- f. Refer students and/or their families to the appropriate agencies for assistance when a need is determined.
- g. When applicable and appropriate, maintain contact with students to insure compliance to conditions imposed by the court, school, parents/guardians, and/or Department of Family Services. This would include reporting to these entities and be actively involved in formulating problem solving strategies in each case.
- h. Other such responsibilities as may be mutually agreed to by the City and District.

7. Time and Place of Performance: The City will endeavor to assure that the SRO will be available for duty at the assigned campus each day that school is in session during the regular school year. The District understands that there may be times when the SRO is needed off-campus due to emergency law enforcement activities or court appearances.

8. District Responsibilities: The District will provide the SRO an office and such equipment as is necessary at the assigned school(s) to include a telephone, filing space capable of being secured, and access to a computer.

Board Chair, Dist. #7&7-70

Date

Thomas C Nelson, Mayor

Date

File Attachments for Item:

12. Resolution No. R20-43: Budget Amendment Resolution Amending Appropriations And Revenues For The Federal Equitable Sharing Fund For Fiscal Year 2019-2020

RESOLUTION NO. R20-43

**BUDGET AMENDMENT RESOLUTION AMENDING APPROPRIATIONS AND
REVENUES FOR THE FEDERAL EQUITABLE SHARING FUND FOR FISCAL YEAR
2019-2020**

WHEREAS, the City of Laurel adopted all funds revenues and appropriations for fiscal year 2019-2020 on September 3rd, 2019; and

WHEREAS, it is necessary to amend certain budgets as required by MCA 7-6-4006 (3) and (4); and

WHEREAS, the increase in appropriations and revenues, in the fund, are due to unbudgeted amounts per Department of Justice Standard Operating Procedures:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana:

That the City Council hereby directs the Clerk/Treasurer to amend the budget as per the attached Exhibit “A” in order to comply with MCA 7-6-4006 (3) and (4);

BE IT FURTHER RESOLVED that the above amendments are retroactive to June 30, 2020.

Introduced at a regular meeting of the City Council on August 11, 2020, by Council Member _____.

PASSED and APPROVED by the City Council of the City of Laurel this 11th day of August 2020

APPROVED by the Mayor this 11th day of August 2020

CITY OF LAUREL

Thomas C Nelson, Mayor

ATTEST:

Bethany Langve, Clerk/Treasurer

Approved as to form:

Sam S. Painter, Civil City Attorney

File Attachments for Item:

13. Resolution No. R20-44: A Resolution Of The City Council Approving An Application For Special Review For The Town Pump Located At 312 S. 1st Avenue, City Of Laurel, For The Purpose Of Allowing Replacement Of Manual Reading Board Signs With Electronic Message Boards.

RESOLUTION NO. R20-44

A RESOLUTION OF THE CITY COUNCIL APPROVING AN APPLICATION FOR SPECIAL REVIEW FOR THE TOWN PUMP LOCATED AT 312 S. 1ST AVENUE, CITY OF LAUREL, FOR THE PURPOSE OF ALLOWING REPLACEMENT OF MANUAL READING BOARD SIGNS WITH ELECTRONIC MESSAGE BOARDS.

WHEREAS, the property owner, by and through their Agent, submitted a Special Review Application for the above-described property which is currently zoned Highway Commercial and is located within the Community Entryway Zoning District; and

WHEREAS, the property owner desires to upgrade and replace the existing manual reader board signs with electronic reader boards; and

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

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

1. Signs shall comply with Chapter 17.42 of the Laurel Municipal Code.
2. Signs shall comply with Chapter 17.26.052 of the Laurel Municipal Code.
3. Installed electronic signs shall be either a fixed message electronic variable message sign or computer controlled variable message sign.
4. Pictographic changeable copy signs depicting motion, flashing, and blinking of any kind shall not be installed as part of this proposed upgrade, or any future proposed signage upgrade on site.
5. Signs shall be properly maintained through actions such as cleaning, painting, and the prompt replacement of defective parts.

WHEREAS, a second public hearing was held on August 11, 2020 at the City Council Meeting;

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

NOW THEREFORE, BE IT RESOLVED that the City Council hereby approves the application for special review to upgrade and replace the existing manual reader board signs with electronic reader boards at the Town Pump location at 312 S. 1st Avenue, Laurel, Montana; and

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

Introduced at a regular meeting of the City Council on August 11, 2020, by Council Member _____.

PASSED and APPROVED by the City Council of the City of Laurel this 11th day of August 2020.

APPROVED by the Mayor this 11th day of August 2020.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer, Clerk-Treasurer

Approved as to form:

Sam Painter, Civil City Attorney



5160 Midland Rd. Billings Mt. 59101

City of Laurel
115 West First St.
Laurel, MT 59044

4/14/2020

Dear Council Members,

As of 1953, Town Pump Inc has been a Montana owned and operated corporation which has provided goods and services as well as been huge contributor to Montana based community charities.

Part of the business scheme in the Town Pump model is self service and the convenience to it's customers and travelers as well as offering convenience store products at fair market value.

We are asking respectfully, the City of Laurel to allow in accordance with the current code regulation the Town pump at 312 S. 1st Ave, be allowed to upgrade from the current manual reader board with the plastic letters, to an electronic message center.

Discoloration has been a constant factor with the letter cards due to weather and exposure as well as the loss of the cards due to wind or vandals, resulting in the tendancy to take on a mix and match appearance which is not the head and shoulders representation of the reputation of Town Pump and the City of Laurel for Motorists coming into the community for the first time.

With the ever changing market and number of products offered by the Town Pump in Laurel, We would like be granted the ability upgrade the advertising medium to a more sightly and safe product.

Thank you for your consideration.

Sincerely;

Mark Lynde

Sign Pro / Town Pump Representative

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



DEPARTMENT

APPLICATION FORM – SPECIAL REVIEW

The undersigned as owner or agent of the following described property requests a Special Review as outlined in the City Zoning Ordinance:

Legal Description: East Yellowstone Subd, S16, T02 S, R24 E, Block 29, Lot 7- 21, Adj Vac Valley & TR A-B COS 2460

General Description: (address): 312 S. 1st Ave.

ATTACH MAP SHOWING DIMENSIONS, ACREAGE AND LOCATION OF TRACT: X

Owner of Tract: MBDII RE LLC

Mailing address: 600 S Main St. / Butte, Mt / 59701-2534

Phone number: 406-497-6700

Attach site plan: X

Time Schedule for development: We would like to proceed 8-9 weeks upon approval.

Special Review requested: We would like to replace (see attached) the manual reader boards on the existing signage at Town Pump, with electronic message centers.

I understand that the filing fee accompanying this application is not refundable and that it pays part of the cost in processing. Also, that all information is true and correct.

Petitioner's Signature: 

Fee paid and date: _____

City of Laurel is an EEO Employer
Equal Housing Opportunity

Tax ID: B01391

Primary Party

Primary Owner Name: MBDII RE LLC [Ownership History](#)

2020 Mailing Address: MBDII RE LLC

600 S MAIN ST

BUTTE, MT 59701-2534

Property Address: 312 S 1ST AVE

Township: 02 S Range: 24 E Section: 16

Subdivision: EAST YELLOWSTONE SUBD Block: 29 Lot: 7

Full Legal: EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 29, Lot 7 - 21, ADJ VAC ALLEY & TRA-B COS 2460

GeoCode: 03-0821-16-2-36-01-0000

[Show on Map](#) (May not work for some newer properties.)

Property Assessment Information

Levy District: LAUREL URBAN RENEWA TAX I

2019 Assessed Value Summary

Assessed Land Value = \$ 259,036.00

Assessed Building(s) Value = \$ 736,564.00

Total Assessed Value = \$ 995,600.00

Assessed Value Detail Tax Year: 2019

Class Code

Amount

2207 - Commercial City or Town Lots = \$ 259,036.00

3507 - Improvements on Commercial City or Town Lots = \$ 736,564.00

Total = \$ 995,600.00

Rural SID Payoff Information

NONE

Property Tax Billing History

Year	1st Half	2nd Half	Total
<u>2000</u>	2,654.11 P	2,654.08 P	5,308.19
<u>2001</u>	3,289.66 P	3,289.65 P	6,579.31
<u>2002</u>	4,914.87 P	4,914.86 P	9,829.73

ues shown for the given tax year are for taxation purposes only. They are supplied by the Department of Revenue. For questions about these values, please contact the Montana Department of Revenue





STATE OF MONTANA
COUNTY OF YELLOWSTONE

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I HAVE
CHECKED THE RECORDS (2 PAGES) IN MY OFFICE FROM
(01/30/2020 TO 03/23/2020) AND THE LISTED PEOPLE ARE THE
OWNERS OF RECORD FOR THE ENCLOSED LISTED
PROPERTY.

SIGNED AND SEALED THIS 25TH DAY OF MARCH 2020.

19 NAMES \$ 9.50

CERT \$ 2.00

TOTAL \$11. 50

JEFF MARTIN
CLERK & RECORDER

BY



12

Date: 03/23/2020
Time: 14:44:57
Oper: rgarza

Yellowstone County
TA Reports - Parcel Master List

Page: 1

RANGES: TAX YEAR: (R) 2020 - 2020
PARCEL# : (L) B00451A, B00452, B00454,
B00467A, B00468, B01371, B01372,
B01372A, B01387, B01391, B01393B, B03221
TAX TYPE: (A)
LEVY DISTRICT: (A)
SUB-LEVY DIST: (A)
MISC CODE : (A)
LIST CODE: (A)

Certified Thru

30/2020
Dept of Revenue
RG

OPTIONS: SORT ORDER: N INCL RANGES/OPTIONS?: Y

Tax Code	Owner/Mailing Address	Legal Description	Levy Dist	Sub Dist	Tax Type
B00467A	C-STORE PROPERTIES LLC ✓ PO BOX 80391 BILLINGS MT 59108-0391	03-0821-16-1-05-10-0000 S16, T02 S, R24 E, C.O.S. 1690, PARCEL 2A1 BLK 13, AMD & N1/2 LT18 BLK 3 HAGEMAN SUB 3RD FIL AMD & VAC 10' ALLEY & LT 3 BLK 1 HAGEMAN SUB 5TH FIL (16)	7 TI		RE
B00454	DAVID POWERS REVOCABLE TRUST ✓ PPOWERS, DAVID TRUSTEE ✓ 205 S MAGELSSSEN RD LAUREL MT 59044-8705	03-0821-16-1-08-07-0000 HAG HAGEMAN SUBD HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 4, Lot 15 - 18, W100' LTS 15-18 & 30' X 100' VAC 3RD ST S	7 TI		RE
B01372	FINK, TERRY R & JACQUELINE J ✓ 207 S 4TH ST LAUREL MT 59044-3260	03-0821-16-2-25-12-0000 EYS EAST YELLOWSTONE SUBD EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 25, Lot 4 - 10, & E10 FT X 210 FT VACANT ALLEY & 30 FT X 210 FT MAPLE AVE	7		RE
B03221	INNOVATIVE PROPERTIES LLC ✓ 2040 CLAIM CREEK RD BOZEMAN MT 59715-6718	03-0821-16-1-12-01-0000 HG5 HAGEMAN SUB 5TH FIL HAGEMAN SUBD 5TH FIL (07), S16, T02 S, R24 E, BLOCK 1, Lot 1, 22000 SQUARE FEET	7 TI		RE
B01371	LAUREL SOUTHSIDE STORAGE, LLC ✓ MARQUIS, CRAIG ✓ 848 MAIN ST STE 28 BILLINGS MT 59105-3361	03-0821-16-2-25-01-0000 EYS EAST YELLOWSTONE SUBD EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 24, Lot 1 - 8, & LTS 15-20 BLK 25 & ADJ VAC ALLEY & 3RD ST (11)	7		RE
B01391	MBDII RE LLC ✓ 600 S MAIN ST BUTTE MT 59701-2534	03-0821-16-2-36-01-0000 EYS EAST YELLOWSTONE SUBD EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 29, Lot 7 - 21, ADJ VAC ALLEY & TR A-B COS 2460	7 TI		RE
B01393B	PEKOVICH, GREG & BECKY ✓ 3550 MASTERSON CIR BILLINGS MT 59106-9623	03-0821-16-2-36-13-0000 EYS EAST YELLOWSTONE SUBD EAST YELLOWSTONE SUBD, S16, T02 S, R24	7 TI		RE

Date: 03/23/2020
Time: 14:45:13
Oper: rgarza

Yellowstone County
TA Reports - Parcel Master List

Page: 2

Tax Code	Owner/Mailing Address	Legal Description	Levy Dist	Sub Dist	Tax Type
		E, BLOCK 30, Lot 37, AMD (09) (I00791 LOC HERE)			
B00468	RIMROCK TI LLC PO BOX 80208 BILLINGS MT 59108-0208	03-0821-16-1-05-02-0000 HG4 HAGEMAN SUBD 4TH FILING HAGEMAN SUBD 4TH FILING, S16, T02 S, R24 E, Lot 1	7 TI		RE
B01387	ROBERT DEAN RIDER REVOCABLE TRUST RIDER, ROBERT DEAN TRUSTEE 101 S 4TH ST LAUREL MT 59044-3207	03-0821-16-2-25-18-0000 EYS EAST YELLOWSTONE SUBD EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 28, Lot 1 - 4, & 30 FT X 193.3 FT VAC MAPLE ST	7		RE
B00451A	SAGE CREEK PROPERTIES LLC 218 E FRONT ST STE 300 MISSOULA MT 59802-4430	03-0821-16-1-08-02-0000 HAG HAGEMAN SUBD HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 4, Lot 6 - 9, & LT 19 BLK 4 HAGEMAN SUB 3RD FILING & W2 VACATED MONTANA AVE (06)	7 TI		RE
B00452	TOWN & COUNTRY SUPPLY ASSOCIATION REECE, SANDRA PO BOX 367 LAUREL MT 59044-0367	03-0821-16-1-08-10-0000 HAG HAGEMAN SUBD HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 4, Lot 10 - 13, & LT 20 BLK 4 HAGEMAN SUBD 3RD FILING	7 TI		RE
B01372A	WASSON, ROBERT K & PHYLLIS 207 1/2 S 4TH ST LAUREL MT 59044-3260	03-0821-16-2-25-30-0000 EYS EAST YELLOWSTONE SUBD EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 25, Lot 1 - 3, & VAC ALLEY & VAC MAPLE AVE & S 3RD ST	7		RE

PAGE 1

Certified Thru

1/30/2020

Dept of Revenue

RECEIVED

MAR 25 2020

MT DEPT OF REVENUE
YELLOWSTONE CO

RECEIVED

MAR 23 2020

MT DEPT OF REVENUE
YELLOWSTONE CO

Laurel.txt

Tax ID: B00468
Primary Party
Primary Owner Name: RIMROCK II LLC Ownership History

2020 Mailing Address:
RIMROCK II LLC
PO BOX 80208
BILLINGS, MT 59108-0208
Property Address: 415 S 1ST AVE
Township: 02 S Range: 24 E Section: 16
Subdivision: HAGEMAN SUBD 4TH FILING Block: Lot: 1
Full Legal: HAGEMAN SUBD 4TH FILING, S16, T02 S, R24 E, Lot 1
GeoCode: 03-0821-16-1-05-02-0000

Tax ID: B01387
Primary Party
Primary Owner Name: ROBERT DEAN RIDER REVOCABLE TRUST Ownership History
L Additional Legal Owners RIDER, ROBERT DEAN TRUSTEE

2020 Mailing Address:
ROBERT DEAN RIDER REVOCABLE TRUST
101 S 4TH ST
LAUREL, MT 59044-3207
Property Address: 101 S 4TH ST
Township: 02 S Range: 24 E Section: 16
Subdivision: EAST YELLOWSTONE SUBD Block: 28 Lot: 1
Full Legal: EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 28, Lot 1 - 4, & 30
FT X 193.3 FT VAC MAPLE ST
GeoCode: 03-0821-16-2-25-18-0000

Tax ID: B01372
Primary Party
Primary Owner Name: FINK, TERRY R & JACQUELINE J Ownership History

2020 Mailing Address:
FINK, TERRY R & JACQUELINE J
207 S 4TH ST
LAUREL, MT 59044-3260
Property Address: 207 S 4TH ST
Township: 02 S Range: 24 E Section: 16
Subdivision: EAST YELLOWSTONE SUBD Block: 25 Lot: 4
Full Legal: EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 25, Lot 4 - 10, &
E10 FT X 210 FT VACANT ALLEY & 30 FT X 210 FT MAPLE AVE
GeoCode: 03-0821-16-2-25-12-0000

Tax ID: B01372A
Primary Party
Primary Owner Name: WASSON, ROBERT K & PHYLLIS Ownership History

2020 Mailing Address:
WASSON, ROBERT K & PHYLLIS
207 1/2 S 4TH ST
LAUREL, MT 59044-3260
Property Address: 207 1/2 S 4TH ST
Township: 02 S Range: 24 E Section: 16
Subdivision: EAST YELLOWSTONE SUBD Block: 25 Lot: 1
Full Legal: EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 25, Lot 1 - 3, & VAC
ALLEY & VAC MAPLE AVE & S 3RD ST

PAGE 2

Laurel Page 2.txt

Tax ID: B01371

Primary Party

Primary Owner Name: LAUREL SOUTHSIDE STORAGE, LLC
C - Contact Name MARQUIS, CRAIG

Ownership History

2020 Mailing Address:

LAUREL SOUTHSIDE STORAGE, LLC
848 MAIN ST STE 28
BILLINGS, MT 59105-3361

Property Address: 301,315 CEDAR AVE

Township: 02 S Range: 24 E Section: 16

Subdivision: EAST YELLOWSTONE SUBD Block: 24 Lot: 1

Full Legal: EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 24, Lot 1 - 8, & LTS
15-20 BLK 25 & ADJ VAC ALLEY & 3RD ST (11)

GeoCode: 03-0821-16-2-25-01-0000

Tax ID: B00451A

Primary Party

Primary Owner Name: SAGE CREEK PROPERTIES LLC
FKA - Formerly Known As CLC YAKIMA LLC

Ownership History

2020 Mailing Address:

SAGE CREEK PROPERTIES LLC
218 E FRONT ST STE 300
MISSOULA, MT 59802-4430

Property Address: 119 SE 4TH ST

Township: 02 S Range: 24 E Section: 16

Subdivision: HAGEMAN SUBD Block: 4 Lot: 6

Full Legal: HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 4, Lot 6 - 9, & LT 19 BLK 4
HAGEMAN SUB 3RD FILING & W2 VACATED MONTANA AVE (06)

GeoCode: 03-0821-16-1-08-02-0000

Tax ID: B01393B

Primary Party

Primary Owner Name: PEKOVICH, GREG & BECKY

Ownership History

2020 Mailing Address:

PEKOVICH, GREG & BECKY
3550 MASTERSON CIR
BILLINGS, MT 59106-9623

Property Address: 216 S 1ST AVE

Township: 02 S Range: 24 E Section: 16

Subdivision: EAST YELLOWSTONE SUBD Block: 30 Lot: 37

Full Legal: EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 30, Lot 37, AMD (09)
(I00791 LOC HERE)

GeoCode: 03-0821-16-2-36-13-0000

Tax ID: B00452

Primary Party

Primary Owner Name: TOWN & COUNTRY SUPPLY ASSOCIATION
C - Contact Name REECE, SANDRA

Ownership History

2020 Mailing Address:

TOWN & COUNTRY SUPPLY ASSOCIATION
PO BOX 367

LAUREL, MT 59044-0367

Property Address: 315 S 1ST AVE

Township: 02 S Range: 24 E Section: 16

Subdivision: HAGEMAN SUBD Block: 4 Lot: 10

Full Legal: HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 4, Lot 10 - 13, & LT 20 BLK 4

HAGEMAN SUBD 3RD FILING

GeoCode: 03-0821-16-1-08-10-0000

RECEIVED

MAR 23 2020

MT DEPT OF REVENUE
YELLOWSTONE CO

PAGE 3

Laurel Page 3.txt

Tax ID: B03221

Primary Party

Primary Owner Name: INNOVATIVE PROPERTIES LLC

Ownership History

2020 Mailing Address:

INNOVATIVE PROPERTIES LLC

2040 CLAIM CREEK RD

BOZEMAN, MT 59715-6718

Property Address: 401 S 1ST AVE

Township: 02 S Range: 24 E Section: 16

Subdivision: HAGEMAN SUBD 5TH FIL (07) Block: 1 Lot: 1

Full Legal: HAGEMAN SUBD 5TH FIL (07), S16, T02 S, R24 E, BLOCK 1, Lot 1, 22000

SQUARE FEET

GeoCode: 03-0821-16-1-12-01-0000

Tax ID:

B00467A

Primary Party

Primary Owner Name: C-STORE PROPERTIES LLC

Ownership History

2020 Mailing Address:

C-STORE PROPERTIES LLC

PO BOX 80391

BILLINGS, MT 59108-0391

Property Address: 411 S 1ST AVE

Township: 02 S Range: 24 E Section: 16

Certificate of Survey: 1690 Parcel: 2A1 BLK 13

Full Legal: S16, T02 S, R24 E, C.O.S. 1690, PARCEL 2A1 BLK 13, AMD & N1/2 LT18

BLK 3 HAGEMAN SUB 3RD FIL AMD & VAC 10' ALLEY & LT 3 BLK 1 HAGEMAN SUB 5TH FIL (16)

GeoCode: 03-0821-16-1-05-10-0000

Tax ID:

B00454

Primary Party

Primary Owner Name: DAVID POWERS REVOCABLE TRUST

Ownership History

L Additional Legal Owners PPOWERS, DAVID TRUSTEE

2020 Mailing Address:

DAVID POWERS REVOCABLE TRUST

205 S MAGELSEN RD

LAUREL, MT 59044-8705

Property Address: 305 S 1ST AVE

Township: 02 S Range: 24 E Section: 16

Subdivision: HAGEMAN SUBD Block: 4 Lot: 15

Full Legal: HAGEMAN SUBD, S16, T02 S, R24 E, BLOCK 4, Lot 15 - 18, W100' LTS

15-18 & 30' x 100' VAC 3RD ST S

GeoCode: 03-0821-16-1-08-07-0000

Owner is Town Pump;

Tax ID:

B01391

Primary Party

Primary Owner Name: MBDII RE LLC

Ownership History

2020 Mailing Address:

MBDII RE LLC

600 S MAIN ST

BUTTE, MT 59701-2534

Property Address: 312 S 1ST AVE

Township: 02 S Range: 24 E Section: 16

Subdivision: EAST YELLOWSTONE SUBD Block: 29 Lot: 7

Full Legal: EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 29, Lot 7 - 21, ADJ

VAC ALLEY & TR A-B COS 2460

Page 1

RECEIVED

MAR 23 2020

MT DEPT OF REVENUE
YELLOWSTONE CO

12



RECEIVED

MAR 23 2020
MT DEPT OF REVENUE
YELLOWSTONE CO

MARK Lynde
671-3377

Certified Thru
3/30/2020
Dept of Revenue
R6



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board / Zoning Commission
FROM: Nicholas Altonaga, Planning Director
RE: Special Review – Town Pump Signage at 312 S. 1st Ave
DATE: July 29, 2020

DESCRIPTION/LOCATION:

The applicant Mark Lynde of Sign Pro has submitted an application for special review on behalf of his client, Town Pump. The affected property is located at 312 S. 1st Avenue in the City of Laurel. The Parcel is zoned Highway Commercial and is within the Community Entryway Zoning District.

The applicant is requesting a special review to replace manual reader board signs with electronic message boards. The property is legally described as EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 29, Lot 7 - 21, ADJ VAC ALLEY & TR A-B COS 2460.

Applicant Data:

Owner: MBDII RE LLC
Legal Description: EAST YELLOWSTONE SUBD, S16, T02 S, R24 E, BLOCK 29, Lot 7 - 21, ADJ VAC ALLEY & TR A-B COS 2460
Address: 312 S. 1st Ave
Parcel Size: 67,076 Sq. Ft.
Existing Land Use: Town Pump gas station
Proposed Land Use: Town Pump gas station (updated signage)
Existing Zoning: Central Business District
Overlay District: Community Entryway Overlay District

Surrounding Land Use and Zoning (See Exhibits A & B)

North Zoning:	Highway Commercial	Land Use:	Montana Lil's Casino
South Zoning:	Residential Limited Multi-Family	Land Use:	Residential
East Zoning:	Highway Commercial	Land Use:	Conoco, Subway, Citybrew, CENEX
West Zoning:	Community Commercial	Land Use:	Southside Storage

STAFF FINDINGS:

1. The applicant is requesting a special review for the proposed replacement of a manual reader board sign with an electronic message board sign.
2. The application packet is attached and contains:
 - a. Cover Letter,
 - b. Application Form,
 - c. Site Map,
 - d. Tax Information,
 - e. Sign renderings, and
 - f. Certified list of surrounding property owners.
3. LMC 17.42.050 Table – Signs by Zoning District lists:
 - a. “Fixed Message Electronic Variable Message Sign” and “Computer Controlled Variable Message Sign” are SR, Special Review, within the Entryway Zoning District.
 - b. “Pictographic Changeable Copy Signs which depict only still frames and change not less than 60 seconds” are SR, Special Review, within Highway Commercial Zoning but are Not allowable within the Entryway Zoning District.
 - c. “Pictographic Changeable Copy Signs which depict motion, flashing, and blinking of any kind” are not allowable within any Laurel zoning district.
4. LMC 17.42.040 – Definitions lists specific definitions for these sign types under “Changeable Copy Sign”
 - a. Fixed Message Electronic Signs. Signs whose basic informational content has been preprogrammed to include only certain types of information projections, such as time and temperature
 - b. Computer Controlled Variable Message Electronic Signs. Signs whose alphabetic or numeric content can be changed or altered by means of computer driven electronic impulses.
 - c. Pictographic Changeable Copy Sign means a sign whose still framed pictographic or symbolic content can be changed or altered by manual or electric, electromechanical or electronic means. Still frame pictures may change but not sooner than every sixty seconds. No pictographic changeable copy sign can depict movement or motion, flashing, blinking or other special effects including scrolling text.
5. LMC 17.26.052 Development Standards - Signage is attached to this staff report in full.
6. LMC 17.42 – Sign Code is attached to this Staff Report in Full.
7. LMC 17.68 – Special Review Procedure is attached to this Staff Report in Full.
8. The advertising requirements of LMC 17.68.030 C, D, and E have been met.

ZONING COMMISSION CONSIDERATIONS AND RECOMMENDATION:

The Zoning Commission shall review and make determinations on Chapter 17.68 – Special Review Procedure, Section 040 – Zoning Commission Action. This section is presented below.

- A. After presentation to the zoning commission of the request for special review by the applicant, the zoning commission shall make a recommendation to the city council to:
 1. Grant the application for special review;
 2. Deny the application;
 3. Delay action on the application for a period not to exceed thirty days; or

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

STAFF SUGGESTED CONDITIONS:

The Planning Board/Zoning Commission recommends the following conditions for approval if the City Council votes to approve this application for Special Review.

1. Signs shall comply with Chapter 17.42 of the Laurel Municipal Code.
2. Signs shall comply with Chapter 17.26.052 of the Laurel Municipal Code.
3. Installed electronic signs shall be either a fixed message electronic variable message sign or computer controlled variable message sign.
4. Pictographic changeable copy signs depicting motion, flashing, and blinking of any kind shall not be installed as part of this proposed upgrade, or any future proposed signage upgrade on site.
5. Signs shall be properly maintained through actions such as cleaning, painting, and the prompt replacement of defective parts.

PROCEDURAL HISTORY:

- The initial application was submitted on February 19, 2020.
- The onset of the COVID-19 pandemic caused a postponement of the regular meetings of the Laurel City-County Planning Board.
- The Planning Director had been in contact with the applicant as to scheduling the special review and providing supporting documentation.
- A public hearing was conducted at the July 22, 2020 meeting of the Laurel City-County Planning Board regarding the application.
- The Laurel City-County Planning Board voted to approve the special review with the suggested Staff Conditions within the staff report.
- A public hearing is scheduled to be conducted at the August 11, 2020 meeting of the Laurel City Council.

Attachment 1. LMC Chapter 17.26.052 - Development standards. Part A. Signage

A. Signage.

1. Review Consideration. Signage in the EZD needs to recognize the relationship between adjacent land uses and the natural features of the location such as existing views and proximity to residences. Although signs perform a function in providing information concerning services, products, and business, a profusion of signs produces a cumulative effect that cancels out individual effectiveness and detracts from the appearance of the community as a whole. All signage shall be reviewed with the following considerations and criteria:
 - a. Use of subdued, low-key colors;
 - b. Location, size, and height that do not obstruct views of the community, the river corridor, traditional open spaces, or the mountains;
 - c. Sign is built of permanent, durable materials;
 - d. Size and location avoids or minimizes the sense of clutter with nearby signs;
 - e. The sign is professionally prepared and finished on both sides;
 - f. The location and placement of the sign will not endanger motorists or pedestrians and does not interfere with the clear vision triangle at street, railroad, or street driveway intersections;
 - g. The sign will not cover or blanket any prominent view of a structure or façade of historical or architectural significance;
 - h. The sign will not obstruct views of users of adjacent buildings to side yards, yards or to nearby open space;
 - i. The sign will not negatively impact the visual quality of a public open space such as a recreation facilities, square, plaza, court yard and the like;
 - j. The sign cannot be seen from the Yellowstone River or any city, county or state park or—if it can be seen—it must be located one thousand feet from the boundaries of such spaces.
2. Only one sign is allowed per parcel of record and there shall be at least one thousand feet between signs.
3. A construction permit is required whenever the sign copy is changed and any alterations to the sign are made.
4. Signs shall be limited to one hundred sixty square feet in copy area.
5. Non-conforming signs are required to be brought into compliance with this section within six years from the date of adoption of this ordinance or upon the earliest occurrence of the following events.
 - a. The sign is relocated or replaced;
 - b. The structure or size of the sign is altered in any way;
 - c. The sign suffers more than fifty percent appraised damage or deterioration or the sign is taken out of service for any reason, such as being knocked down by weather or other means;
 - d. If any non-conforming sign is abandoned or voluntarily discontinued for a period of one hundred eighty days, any subsequent use must be in conformity with this ordinance. An abandoned sign is a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found. An abandoned sign is to be removed by the owner within fifteen days of notice from the public works department.
6. No portable signs as described in the city signage ordinance are allowed in the EZD.
7. Transit Bus Benches. Transit bus benches, with or without advertising, may be placed within the city right-of-way upon application and approval of the ADA coordinator, the transit

administrator and in consultation with the public work director. All benches must comply with any applicable city, state, and or/federal standards or regulations. The city may approve a bench provider, with or without advertising, pursuant to its procurement policy, as amended.

8. Lighting. All sign lighting must incorporate cut-off shields to direct light downward. Luminaries shall not be visible from adjacent streets or properties. A sign's lighting will not cause hazardous or unsafe driving conditions for motorists and will not glare, reflect, or spill onto adjacent business or residential areas.

Attachment 2. LMC Chapter 17.42 - SIGN CODE

17.42.010 - Adoption.

The Uniform Sign Code, 1997 Edition, published by the International Conference of Building Officials, together with any appendix or subsequent amendments or additions thereto, adopted or as may be adopted in the future by the city of Laurel, is [by this Section] 17.42.010 adopted by and declared to be the sign code of the City.

One full printed copy of the code shall be available in the offices of the city. The aforesaid, Uniform Sign 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 "Uniform Sign Code" of the city.

(Ord. 99-10 (part), 1999; Ord. 96-11, 1996: Ord. 859, 1986: prior code § 15.52.010)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.020 - Updated references.

The sign code described in Section 17.42.010 may be amended by resolution or administrative order of the mayor.

(Ord. 99-10 (part), 1999; Ord. 860, 1986; prior code § 15.52.020)

17.42.030 - Intent.

This code shall not regulate official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government or fraternal organization; gravestones; barber poles; religious symbols; or any display or construction not defined in this chapter as a sign.

(Ord.02-32 (part), 2003)

17.42.040 - Definitions.

"Animated sign." A sign depicting action, motion, light, or color change, or that change the sign displayed through electrical or mechanical means. Animated also includes signs that use blinking, flashing or scrolling or other special effects to depict motion.

"Area of sign" means the entire area of a sign including the area within a perimeter, which forms the outside shape including the frame, forming an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. The frame of a sign may be excluded from the area where such frame conveys no message and is constructed or affixed for aesthetic reasons beyond the necessary supports.

For computing the areas of any wall or canopy sign, which consists of letters mounted or painted on a wall or canopy, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all of the letters. (See below section calculation of sign area.)

"Bandit sign" means an illegal commercial sign posted on a utility pole, street sign, or other street furniture; or any other sign placed within a public right of way or public property or on private property. A bandit sign generally has less than six square feet or less of advertising area and are made of vinyl, paper, cloth or fabric, polyboard, corrugated plastic, poster board, plastic core, cardboard, wood, or plywood, including signs with wood or wire framing, posts or stakes.

"Banner sign" means any sign (other than an official flag) made of cloth, paper or fabric of any kind, which is used to attract attention, whether or not imprinted with words or characters.

"Beacon" means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

"Billboard, on-premises" is a sign intended to capture the attention of motorists along interstate highways and other roads located in the entryway zoning district, that also promotes an activity, product,

commodity, service, entertainment or communication which is sold or offered at the premises on which the sign is located.

"Billboard, off-premises" is a sign intended to capture the attention of motorists along interstate highways and other roads located in the entryway zoning district, that also promotes an activity, product, commodity, service, entertainment or communication which is not sold or offered at the premises on which the sign is located.

"Building marker" means any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

"Canopy sign" means any sign that is a part of or attached to any awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area, and which does not extend horizontally beyond the limits of the canopy.

"Changeable copy sign" means a sign whose alphabetic and numeric content can be changed or altered by manual or electric, electromechanical or electronic means. Changeable copy signs are limited to time and temperature displays. For changeable copy signs displaying informational and other pictographic content see "pictographic changeable copy sign."

- a. Fixed Message Electronic Signs. Signs whose basic informational content has been preprogrammed to include only certain types of information projections, such as time and temperature.
- b. Computer Controlled Variable Message Electronic Signs. Signs whose alphabetic or numeric content can be changed or altered by means of computer-driven electronic impulses.

"Copy" means the content of a sign surface in either permanent or removable letter, alphabetic or numeric form.

"Directional/informational sign" means an on-premises sign giving directions, instructions or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs. The sign may contain a logo provided that the logo may not comprise more than twenty percent of the total sign.

"Director" means the director of planning of the city of Laurel or his or her designee.

"Flag" means any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity.

"Freestanding sign" means any sign supported by uprights or braces permanently placed upon the ground, and not attached to any building.

"Government sign" means any temporary or permanent sign erected and maintained by the city, county, state or federal government for traffic direction or for designation of or direction to any school, hospital, historical site or public service, property or facility.

"Height of sign" means the vertical distance measured from the highest point of the sign to the crown of the adjacent street, not including the interstate highway.

"Lot" means any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record that is recognized and intended as a unit for the purpose of transfer or ownership.

"Maintenance" means for the purposes of this code, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the structure of the sign.

"Monument sign" means a sign mounted directly to the ground with maximum height not to exceed ten feet.

"Nonconforming sign" means a sign, which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

"On-premises sign" means a sign that advertises solely for the property on which it is located.

"Pictographic changeable copy sign" means a sign whose still framed pictographic or symbolic content can be changed or altered by manual or electric, electromechanical or electronic means. Still frame pictures may change but not sooner than every sixty seconds. No pictographic changeable copy sign can depict movement or motion, flashing, blinking or other special effects including scrolling text.

"Portable sign" means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

"Principal building" means a structure accommodating the principal use to which the property is devoted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages and other clearly accessory uses shall not be considered principal buildings.

"Projecting sign" means a sign, other than a wall sign, which is attached to and projects from a building no more than twelve inches. Supports shall be covered in a neat and orderly fashion. Guy wire support is prohibited.

"Roof sign, above-peak" means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

"Roof sign, integral" means any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

"Setback" means the distance from the property line to the nearest part of the applicable building, structure or sign, measured perpendicularly to the property line.

"Sign" means any identification, descriptions, illustration or device illuminated or nonilluminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, with the exception of window displays and national flags. For the purpose of removal, signs shall also include all sign structures.

"Snipe sign" means a sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, fences or other objects and the advertising matter appearing thereon is not applicable to the present use of the premises upon which such sign is located.

"Street" means a public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated which has been dedicated to or acquired for public use, and which extends the full width between right-of-way lines.

"Street frontage" means the length of the property line of any one premises along each public right-of-way it borders excluding alleys, government easement accesses, and the interstate highway.

"Suspended sign" means a sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

"Temporary sign" means a nonpermanent sign erected and maintained for a specific limited period of time.

"Wall sign" means any sign attached parallel to, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. Wall signs shall not exceed twelve inches in depth measured from the face on the wall on which the sign is mounted.

"Wind-driven sign, allowable" means any sign consisting of one or two banners, flags, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

"Wind-driven sign, conditional" means any ribbons, spinners, streamers, pennants, balloons, inflatable or other wind driven signs subjected to pressure by wind, fan, or breeze.

"Window sign" means any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

(Ord. 02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.050 - Signs prohibited.

All signs not expressly permitted under this section or exempt from regulation hereunder in accordance with the following section are prohibited. Such signs include, but are not limited to:

- A. Beacons;
- B. Strings of lights not permanently mounted to a rigid background, except those exempt under the following section;
- C. Animated signs;
- D. Above-peak roof signs;
- E. Abandoned signs;
- F. Pictographic changeable copy signs which depict motion of any kind, including flashing, blinking and scrolling text or other special effects;
- G. Snipe signs or bandit signs;
- H. Signs placed on vehicles or trailers, which are parked or located for the primary purpose of displaying, said signs (this does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business).

(Ord. 02-32 (part), 2003)

Table - Signs by Zoning District

Type of Sign	A G	R P	N C	C BD	C C	H C	L I	H I	I	E ZD	Ove rlay District	All Residen tial Districts
Animated Sign (Including Flashing, Blinking, Scrolling)												
Bandit Sign												
Banner Sign		A	A	A	A	A	A	A	/	A	A	
Beacon												
Billboard - On Premise	S R					S R						
Billboard - Off Premise	S R					S R						
Building Marker	A	A	A	A	A	A	A	A	/	A	A	
Canopy Sign		A	A	A	A	A	A	A		A	A	

Fixed Message Electronic Variable Message Sign				S R	S R	S R	S R	S R		S R	SR	
Computer Controlled Variable Message Sign				S R	S R	S R	S R	S R		S R	SR	
Pictographic Changeable Copy Signs which depict only still frames and change not less than 60 seconds						S R	S R	S R				
Pictographic Changeable Copy Signs which depict motion, flashing and blinking of any kind												
Direction/Infor mation Sign	A	A	A	A	A	A	A	A	/	A	A	
Flag	A	A	A	A	A	A	A	A	/	A	A	A
Freestanding Sign				A	A	A	A	A		A	A	
Government Sign	A	A	A	A	A	A	A	A	/	A	A	A
Monument Sign		A	A	A	A	A	A	A	/	A	A	*
On Premise Sign	A	A	A	A	A	A	A	A	/	A	A	
Off Premise Sign												
Portable Sign												
Projecting Sign		A	A	A	A	A	A	A	/	A	A	
Roof Sign, Integral	A	A	A	A	A	A	A	A		A	A	
Roof Sign - Above Peak												
Snipe Sign												

Temporary Sign	A	A	A	A	A	A	A	A	A	A	A	
Wall Sign	A			A		A	A	A		A	A	
Wind-driven Sign, allowable						A	A	A		A	A	
Wind-driven Sign, conditional						S R	S R	S R		S R	SR	
Window Sign				A	A	A	A	A		A	A	

*As allowable by subdivision regulations

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.060 - Portable and banner signs.

Permits required. It shall be unlawful for any owner or person entitled to possession of any property or business, or their authorized representatives, to erect, construct, move, or display a temporary sign or cause the same to be done, without first obtaining a temporary sign permit from the sign administrator. A temporary sign permit may be issued.

- A. To new businesses or to existing businesses which are relocating and shall be limited in use to one time for no longer than sixty days; or
- B. To existing businesses for the purpose of advertising and shall be limited to a maximum of thirty consecutive days per calendar year. Such thirty-day period may be split into no more than two separate periods of fifteen consecutive days each.

(Ord.02-32 (part), 2003) (Laurel Supp. No. 3, 12-04)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.070 - Signs not requiring permits.

The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this section:

- A. Construction signs of sixteen square feet or less;
- B. Special event or holiday lights or decorations;
- C. Nameplates of two square feet or less;
- D. Public signs or notices, or any sign relating to an emergency;
- E. Real estate signs; (see signs permitted, Section 17.42.130(B);
- F. Political signs; (see signs permitted, Section 17.42.130(D);
- G. Interior signs not visible from the exterior of the building;
- H. Directional signs not to exceed twelve square feet in area or six feet in height.

(Ord. 02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.080 - Overlay zoning districts.

The provisions of the Entryway Zoning district, SE 4th Overlay District, or Downtown Overlay District pertaining to signs shall apply to all signs in that district and are in addition to the provisions of this section.

(Ord. 02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.090 - Calculation of sign area.

The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure, the sign area shall be computed by the measurement of one of the faces.

(Ord. 02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.100 - Maintenance.

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced.

(Ord. 02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.110 - Lighting.

Unless otherwise prohibited by this code, all signs may be illuminated provided they do not cause or contribute to a public nuisance. Lighting restricted to the sign face.

(Ord. 02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.120 - Changeable copy.

Unless otherwise specified by this section, any sign in this chapter allowed may use manual or fixed message electronic sign.

Computer controlled variable message electronic signs shall be permitted provided that the bottom of the reader board is ten feet above the crown of the adjacent road.

(Ord. 02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.130 - Signs permitted (exceptions to this section are noted in the overlay zoning district).

- A. One non-illuminated sign for each street frontage of a construction project, not to exceed forty-eight square feet in sign area. Such signs may be erected thirty days prior to beginning of construction and shall be removed thirty days following completion of construction.
- B. One non-illuminated real estate sign per lot or premises not to exceed sixteen square feet in sign area for residential properties and thirty-two square feet for commercial properties. Such signs must be removed fifteen days following sale, rental, or lease of the real estate involved.
- C. One non-illuminated attached building nameplate per occupancy, not to exceed two square feet in sign area.
- D. Non-illuminated political signs not to exceed sixteen square feet in sign area each. Such signs shall not be erected more than forty-five days prior to the election or referendum concerned and shall be removed ten days following such election or referendum. Political signs may be placed only on private property and only with the permission of the property owner.
- E. One subdivision sign per street frontage not to exceed forty-eight square feet in sign area in each location.
- F. One identification sign per entrance to an apartment or condominium complex, not to exceed thirty-six square feet in sign area.
- G. The total square footage of all signs located on the property, including, but not limited to freestanding, wall, projecting, integrated roof, canopy, and directional signs, shall not exceed two square feet in sign area for each lineal foot of property frontage. This frontage shall be calculated using local streets (not the interstate highway).
- H. One on-premise, freestanding sign may be installed to a height of forty feet and may be a maximum of three hundred fifty square feet if the principal purpose of such signs is to address interstate traffic

as determined by the director. The sign must be oriented perpendicularly to the interstate so the sign is visible to the interstate traveler.

- I. Freestanding signs which are not on-premise and which do not address interstate traffic as determined by the director may be installed to a maximum height of twenty-four feet and may have a maximum size of one hundred fifty square feet. Exceptions to this are noted in the entryway zoning district.
- J. The setback for the leading edge of freestanding signs shall be a minimum of ten feet.
- K. No sign may be placed or designed so as to simulate or interfere with traffic control devices or official highway directional/informational signs.
- L. Wall signs shall not exceed twenty percent of the square footage of the wall area upon which they are installed. Electric awning and canopy signs shall not exceed twenty percent of the square footage of the wall area upon which they are installed. The combination of wall signs, electric awning, canopy signs and projecting signs shall not exceed twenty percent of the allowed wall sign area.
- M. Integrated roof signs may be used instead of wall signs. The integrated roof sign size shall not exceed the allowable size for a wall sign. Integrated roof signs shall be constructed so as to conceal all structures and fastenings. The height of the sign shall not exceed the roof to which it is attached.
- N. Projecting signs may be used instead of any wall or freestanding signs provided they do not project beyond the property line and maintain a clearance of ten feet over the sidewalk and fourteen feet over any parking lot, driveway or crown of the street, whichever is higher. Where zoning allows for one hundred percent lot coverage or zero setbacks, projecting signs shall never extend beyond the sidewalk and must be ten feet over the sidewalk. Projecting sign size shall not exceed the allowable size for a wall sign.
- O. Window signs shall not cover more than thirty percent of the window area.
- P. On-site directional signs as required.

(Ord. 02-32 (part), 2003)

(Ord. No. 015-02, 4-21-2015; Ord. No. 016-01, 2-2-2016)

17.42.140 - Shopping center signs (exceptions to this section may be noted in the Entryway Zoning, SE 4th Street or Downtown Overlay District).

- A. Shopping centers shall be allowed one freestanding sign directory sign per frontage. The sign shall not exceed one hundred fifty square feet plus five percent of the one hundred fifty square feet per tenant. Maximum sign size shall not exceed three hundred fifty square feet.
- B. Shopping centers signs shall not exceed the maximum allowable freestanding signage.
- C. Shopping center signs cannot be used if the common signage plan is used.

(Ord. 02-32 (part), 2003)

Table - Sign Requirements

Type of Sign	Requires Permit**	Illumination	Maximum Height	Maximum Sign Area	Setbacks	Maximum Number of Signs*	Maximum Permitted Sign Use
Banner Sign	Y						60 days/30 days see 17.42.060
Billboard - On Premises	Y						

Billboard - Off Premises	Y						
Building Marker	Y						
Building Nameplate				2 sq. ft			
Canopy Sign	Y			20% of wall area			
Changea ble Copy Sign	Y						
Construc tion sign		N		48 sq. ft.			30 days before and after constructio n
Fixed Message Electronic Variable Message Sign	Y						
Compute r Controlled Variable Message Sign	Y						
Pictograp hic Changeable Copy Sign	Y						
Direction al/ Informationa l Sign	As required per Ordinanc e 02-32						
Flag							
Freestan ding Sign	Y		40'/24' See LMC. 17.42.130. H, I.		10'		
Governm ent Sign							

Monument Sign	Y						
On Premises Sign	Y						
Political Signs		N		16 sq. ft.	Prohibited in ROW		No more than 45 days prior to election and removed immediately following
Portable Sign	Y				In CBD may extend over sidewalk with 10' clearance. Prohibited encroachment into right of way in all other zoning districts		60 days/30 days see 17.42.060
Real Estate Sign		N		32 sq.ft.	Prohibited in ROW	1 per lot	15 days after the sale, rental or lease
Projecting Sign	Y						
Roof Sign, Integral	Y		Cannot exceed roofline	20% of wall area			
Shopping Center Signs (cannot be used if	Y			150 sq.ft. plus 5% per tenant.		1 Freestanding Pole per frontage	

common signage plan is used.)				Maximum sign not to exceed 350 sq.ft.			
Temporary Sign	Y						
Wall Sign	Y			20% of wall area			
Window Sign	Y			Up to 30% of window area			
*The total square footage of all signs located on the property shall not exceed 2 square feet in sign area for each lineal foot of local street frontage (Does not include interstates).							
**See 17.42.040							

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.150 - Common signage plan.

- A. If the owners of two or more contiguous or adjacent (disregarding intervening streets and alleys) lots or the owner of a single lot with more than one building (excluding accessory buildings) or multiple use buildings file with the director for such lot(s) a common signage plan conforming with the provisions of this section, a twenty-five percent increase in the maximum total sign area shall be allowed for each included lot. This bonus shall be allocated within each lot as the owner(s) elects.
- B. Provisions of Common Signage Plan. The common signage plan shall contain all of the following information:
 1. An accurate plot plan of the lot, at such scale as the director may reasonably require;
 2. Location of buildings, parking lots, driveways, clear vision triangles and landscaped areas on such lot;
 3. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot(s) included in the plan under this chapter;
 4. An accurate indication on the plot plans of the proposed location of each present and future sign of any type, whether requiring a permit or not;
 5. Window signs may simply indicate the areas of the windows to be covered by window signs and the general type of the window signs (e.g., paper affixed to window, painted, etched on glass, or some other material hung inside the window) and need not specify the exact dimension or nature of every window sign.

The common signage plan shall also specify standards of consistency among all signs on the lots affected by the plan with regard to:

1. Color scheme;
2. Letter or graphic style;
3. Lighting;
4. Location of each sign on the building(s);
5. Material; and

6. Sign proportions.

- C. Limit on Number of Freestanding Signs Under Common Signage Plan. The common signage plan, for all lots with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one for each street on which the lots included in the plan have frontage and shall provide for shared or common usage of such signs. Where street frontage exceeds five hundred feet, one additional freestanding sign may be allowed per five hundred-foot increment.
- D. Other Provisions of the Common Signage Plan. The common signage plan may contain other restrictions as the owners of the lots may reasonably determine.
- E. Consent. Common signage plan shall be signed by all owners or their authorized agents in such form as the director shall require.
- F. Procedures. Common signage plan shall be included in any development plan, site plan, planned development or other official plan required by the city for the proposed development and shall be processed simultaneously with such other plan.
- G. Amendment. Common signage plan may be amended by filing a new common signage plan that conforms with all requirements of the code in effect.
- H. Existing Signs Not Conforming to Common Signage Plan. If any new or amended common signage plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, all signs not conforming to the proposed amended plan or to the requirements of this section effective on the date of submission.
- I. Binding Effect. After approval of a common signage plan, no sign shall be erected, placed, painted or maintained, except in conformance with such plan, and such may be enforced in the same way as any provision of this chapter. In case of any conflict between the provisions of this section and common signage plan, the section shall control.
- J. Dissolution of Common Signage Plan. If the signatories of a common signage plan wish to dissolve the common signage plan, written notice must be submitted to the director. All signs on the property for which the common signage plan was dissolved must bring all signs into conformance with this section within thirty days of the date written notice was submitted to the director.

(Ord.02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.160 - Nonconforming signs.

- A. Existing signs which do not conform to the specific provisions of this section may be eligible for the designation "legal nonconforming" provided that:
 - 1. The director determines such signs are properly maintained and do not in any way endanger the public;
 - 2. The sign was installed in conformance with a valid permit or variance or complied with all applicable laws on the date of adoption of this section.
- B. A legal nonconforming sign may lose this designation if:
 - 1. The sign is relocated or replaced; or
 - 2. The structure or size of this sign is altered in any way except toward compliance with this section.

This does not refer to change of copy or normal maintenance.
- C. The legal nonconforming sign is subject to all requirements of this section regarding, safety, maintenance, and repair. However, if the sign suffers more than fifty percent damage or deterioration, as based on appraisal, it must be brought into conformance with this section or removed.

(Ord.02-32 (part), 2003)

(Ord. No. O15-02, 4-21-2015; Ord. No. O16-01, 2-2-2016)

17.42.170 - Construction specifications.

- A. Plans and specifications and the required review fee for all signs, including those in the entryway zoning district, must be submitted to the city of Laurel building department prior to the start of construction. The building department must grant a construction permit prior to any construction activity.
- B. All signs shall be installed in compliance with the International Building Code (IBC) and applicable electrical codes required, permitted and enforced by the State of Montana.
- C. All signs shall be inspected by the city of Laurel building department for compliance with all applicable codes. (including, but not limited to structure, wind load, and electrical hook-up).
- D. All electrical freestanding signs must have underground electrical service to such signs.
- E. Any change in sign construction or face, excluding changeable copy as defined in this chapter, shall require a new construction permit and fee.

(Ord. 02-32 (part), 2003)

(Ord. No. 015-02, 4-21-2015; Ord. No. 016-01, 2-2-2016)

17.42.180 - City fees and/or charges for signs.

The city council shall establish reasonable fees and/or charges for all signage within the jurisdiction of the city by annual resolution after a public hearing.

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

(Ord. No. 016-01, 2-2-2016)

Attachment 3. Chapter 17.68 - SPECIAL REVIEW PROCEDURE

Sections:

17.68.010 - Purpose of provisions.

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

(Prior code § 17.88.010)

17.68.020 - Application requirements.

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

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

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

17.68.030 - Evaluation responsibility—Consultation—Notification.

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

- A. Consult with other departments of the city or county to fully evaluate the impact of any special review upon public facilities and services including, but not limited to schools, drainage, traffic and related facilities;
- B. Study each application with reference to its appropriateness and effect on existing and proposed land use, and references to the comprehensive plan;
- C. Advertise twice in a newspaper of general circulation in the jurisdiction of the Laurel-Yellowstone city-county planning board at least fifteen days in advance of the time and place of the public hearing;
- D. Notify, by mail, the applicant or his authorized agent at least five days prior to the date of the public hearing of the time and place of such hearing;

- E. Notify, by mail, all property owners within three hundred feet of the exterior boundaries of the property subject to the special review of the time, date, place of the public hearing and the existing and proposed classification. Further, he may notify property owners within a radius of more than three hundred feet if he determines that the proposed use of the property would have a substantial environmental impact on surrounding land uses;
- F. After the public hearing and as part of the public record, the planning director shall report his findings, conclusions and recommendations to the zoning commission.

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

17.68.040 - Zoning commission action.

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

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

17.68.050 - City council action.

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

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



**MINUTES
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
WEDNESDAY, JULY 22, 2020
5:35 PM
LAUREL CITY COUNCIL CHAMBERS**

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

1. Roll Call

The Chair called the meeting to order at 5:37PM

Gavin Williams
Ron Benner
Dan Koch
Roger Geise
Evan Bruce (non-voting)
Judy Goldsby
Nick Altonaga (City of Laurel)

General Items

1. Approve Meeting Minutes: February 26, 2020
2. Approve Meeting Minutes: June 24, 2020

The Chair shifted the approval of meeting minutes to prior to the scheduled public hearing. Members reviewed the meeting minutes from February 26, 2020 and June 24, 2020.

Ron motioned to approve the minutes from the meeting on February 26, 2020.
Dan seconded.
Motion carried.

Dan Koch motioned to approve the minutes from June 24, 2020.
Ron seconded.
Motion carried.

3. Public Hearing: Special Review for Town Pump Sign Replacement

The Chair opened the public hearing.

Planning Director Nick Altonaga provided a general overview of the application and its contents including the prepared staff report. He has provided certain conditions of approval if the Board would recommend approval.

Members asked about the standards for singular signs per parcel. Nick went over the requirements of the signage standards in the Community Entryway District. Discussion also took place regarding the parameters for properties coming into compliance with the Zoning Code requirements.

Roger asked if there would be any height or width changes for the sign?

- Mark Lynde, the representative for the applicant was on hand and reported that there would be no physical changes in size or height.

There were no proponents or opponents present at the public hearing.

Ron Benner motioned to approve the Special Review Application inclusive of the staff conditions presented in the Staff Report.

Gavin seconded.

Unanimous vote in favor.

Motion carried.

New Business

4. CENEX Sign Review

Nick presented the application for a sign update for the CENEX property.

Ron questioned the updates and if they violate the codes.

- Nick remarked that he believes that the sign does not meet the threshold for needing to come into full compliance to the code as it is just a refacing of signs. The replacement of the electronic reader keeps the sign in its current state, without any upgrades or changes.

Members discussed the requirements of the code and the difficulty to enforce some sections.

- Nick plans to specifically target the Community Entryway Zoning District for major changes in any upcoming zoning code update.
- Nick hopes to begin that Zoning Code update process after the Growth Management Policy is finalized.

Ron motioned to approve the designs for the CENEX Sign replacement.

Gavin Seconded.

Motion Carried.

5. Design Review of Proposed Solberg Retail Building

Nick presented the façade designs and lot layout for the proposed Solberg retail building. Members need to consider whether the proposed design meets the spirit and intent of the code or might require a variance or other official approval.

Comments were made as to the specificity of the code and its restrictive nature. The proposed siding is used widely in commercial districts. The concept appears to be sufficient and present an acceptable aesthetic. Forcing further processes onto the developer would only cause more issues.

Ron motioned to approve the design of the façade for the Solberg Retail building as it was presented.

Gavin Seconded.

Motion Carried.

6. Growth Management Policy Update Chapter Review

Nick presented the Updated chapters of the Growth Management Policy. Have only 3 chapters left to prepare including a review of the Implementation chapter prepared by KLJ.

Nick would like any questions, comments, or critiques of the chapters. Plans to have a full draft in front of the Planning Board for August meeting.

Members discussed the lack of data on the full 59044 Zip Code. Nick had discussed this option with Forrest and KLJ and he had said that the data set would be very inaccurate for the city and the planning area. The Zip Code is a much larger area than both the city limits and the Laurel planning jurisdiction.

Nick will review the census data and update some tables to show to Planning Board Members.

Members discussed the Recreation chapter. Ron Asked about Riverside Park and what the plans are for that?

Nick can update the chapter to include more information about the recommendations from the Riverside Park Master Plan. Gavin asked if Nick could provide the Riverside Park Master Plan.

- Nick will provide members with copies of the Riverside Park Master Plan and other planning documents from the past few years.
- Nick will also remove Town Square Park from the recreation chapter.

Old Business

Other Items

7. Growth Management Policy Schedule and Timeline

Nick presented the updated schedule for public hearings and meetings.

Ron Benner will tentatively not be available on August 19th for the next scheduled meeting.

Announcements

8. Next Meeting: August 19, 2020

Dan motioned to adjourn the meeting.

Roger seconded.

Motion Carried.

Meeting adjourned at 6:27PM.

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

DATES TO REMEMBER

File Attachments for Item:

14. Resolution R20-45: Resolution Approving Change Order #2 To The City's Contract With Hardrives Construction, Inc. Authorizing Additional Work For City Of Laurel's 2020 Pavement Maintenance Project And To Authorize The Mayor To Sign Change Order Documents On The City's Behalf.

RESOLUTION NO. R20-45

RESOLUTION APPROVING CHANGE ORDER #2 TO THE CITY'S CONTRACT WITH HARDRIVES CONSTRUCTION, INC. AUTHORIZING ADDITIONAL WORK FOR CITY OF LAUREL'S 2020 PAVEMENT MAINTENANCE PROJECT AND TO AUTHORIZE THE MAYOR TO SIGN CHANGE ORDER DOCUMENTS ON THE CITY'S BEHALF.

WHEREAS, the City of Laurel previously entered into a contract with Hardrives Construction, Inc. for completion of the project known as the 2020 Pavement Maintenance Project; and

WHEREAS, the contract that was awarded was significantly less than the City's available budget, thus enabling the City to add additional work to the project while remaining within budget; and

WHEREAS, the City's Engineers, KLJ, prepared the attached Change Order for the City Council's consideration and approval which details the additional work to be performed, additional cost, and an extension of time; and

WHEREAS, City Staff recommends approval of the Change Order since it is in the best interest of the City to obtain the additional needed work while remaining within the original budget.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Laurel, Montana, the Change Order #2, attached hereto and incorporated herein, is hereby approved, and the Mayor and City Clerk are authorized to execute the Change Order and any further documents required to effectuate the Change Order on the City's behalf.

Introduced at a regular meeting of the City Council on August 11, 2020, by Council Member

_____.

PASSED and APPROVED by the City Council of the City of Laurel this 11th day of August 2020

APPROVED by the Mayor this 11th day of August 2020.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer, Clerk-Treasurer

Approved as to form:

Sam Painter, Civil City Attorney

Change Order

No. 2

Date of Issuance: August 5, 2020

Effective Date: August 5, 2020

Project: 2020 Pavement Maintenance	Owner: City of Laurel	Owner's Contract No.:
Contract: Crack Sealing and Chip Sealing of Streets		Date of Contract: April 08, 2020
Contractor: Hardrives Construction		Engineer's Project No.: 1904-01874

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Adjust Contract quantities and budget to complete chip seal and fog seal of streets identified in the project. This change Order adds 45,000 sy of chip seal and 5,850 gallons of fog seal to the contract

Attachments (list documents supporting change):

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: \$495,000.00	Original Contract Times: <input type="checkbox"/> Working days <input checked="" type="checkbox"/> Calendar days Substantial completion (days): <u>September 1st 2020</u> Ready for final payment (days): <u>September 15th, 2020</u>
Increase from previously approved Change Orders No. <u>0</u> to No. <u>1</u> : \$248,569.57	Increase from previously approved Change Orders No. <u>X</u> to No. <u>X</u> : Substantial completion (days): <u>0</u> Ready for final payment (days): <u>0</u>
Contract Price prior to this Change Order: \$743569.57	Contract Times prior to this Change Order: Substantial completion (days): <u>September 1st, 2020</u> Ready for final payment (days): <u>September 15th, 2020</u>
Increase of this Change Order: \$116,640.00	[Increase] [Decrease] of this Change Order: Substantial completion (days): <u>0</u> Ready for final payment (days): <u>0</u>
Contract Price incorporating this Change Order: \$860,209.57	Contract Times with all approved Change Orders: Substantial completion (days): <u>September 1st, 2020</u> Ready for final payment (days): <u>September 15th, 2020</u>

RECOMMENDED:

By: _____

Engineer (Authorized Signature)

Date: _____

ACCEPTED:

By: _____

Owner (Authorized Signature)

Date: _____

ACCEPTED:

By: _____

Contractor (Authorized Signature)

Date: _____

A. GENERAL INFORMATION

This document was developed to provide a uniform format for handling contract changes that affect Contract Price or Contract Times. Changes that have been initiated by a Work Change Directive must be incorporated into a subsequent Change Order if they affect Price or Times.

Changes that affect Contract Price or Contract Times should be promptly covered by a Change Order. The practice of accumulating Change Orders to reduce the administrative burden may lead to unnecessary disputes.

If Milestones have been listed in the Agreement, any effect of a Change Order thereon should be addressed.

For supplemental instructions and minor changes not involving a change in the Contract Price or Contract Times, a Field Order should be used.

B. COMPLETING THE CHANGE ORDER FORM

Engineer normally initiates the form, including a description of the changes involved and attachments based upon documents and proposals submitted by Contractor, or requests from Owner, or both.

Once Engineer has completed and signed the form, all copies should be sent to Owner or Contractor for approval, depending on whether the Change Order is a true order to the Contractor or the formalization of a negotiated agreement for a previously performed change. After approval by one contracting party, all copies should be sent to the other party for approval. Engineer should make distribution of executed copies after approval by both parties.

If a change only applies to price or to times, cross out the part of the tabulation that does not apply.

File Attachments for Item:

15. Ordinance No. O20-03: An Ordinance Amending Title 12 Chapter 12.04 Of The Laurel Municipal Code Relating To The City's Street And Sidewalk Construction And Maintenance.

ORDINANCE NO O20-03

AN ORDINANCE AMENDING TITLE 12 CHAPTER 12.04 OF THE LAUREL MUNICIPAL CODE RELATING TO THE CITY'S STREET AND SIDEWALK CONSTRUCTION AND MAINTENANCE.

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 Director and City Attorney prepared the amendments below to the Laurel Municipal Code to remain consistent and in accordance with the State of Montana's Laws adopted by the Legislature; and

WHEREAS, the City's Public Works Director and City Attorney prepared, reviewed, and recommends the following amendments to Title 12, Chapter 12.04 as noted herein as follows:

Chapter 12.04 - STREET AND SIDEWALK CONSTRUCTION AND MAINTENANCE

12.04.030 - Streets.

12.04.040 - Definitions.

12.04.050 - Creation and alteration of maintenance districts.~~District designation authority.~~

12.04.051 - Improvements within maintenance districts-District Work and Improvement Plan.

12.04.052 - Notice of District Work and Improvement Plan for improvements.

12.04.053 - Protest.

12.04.054 - Choice in manner of making assessments.

12.04.055-12.04.059 Reserved

12.04.060 - Resolution for assessment of costs for maintenance of existing districts.

12.04.061 - Notice of resolution for assessment.

12.04.062 - Hearing on resolution for assessment of costs.

12.04.063 - Assessment of costs of improvements and maintenance of improvements.

12.04.064 – Assessment of costs.

12.04.065-12.04.069- Reserved.

12.04.070 - Financial assistance options. ~~Cost – Assessment – Levy – Resolution.~~

12.04.080 - Water user entities exempt from special assessments.

12.04.090 - Reserved.

12.04.030 - Streets.

A. ____Supervision. All maintenance and repairs of public streets, alleys, sidewalks and other public ways shall be under the supervision of the ~~city engineer~~Public Works Director. ~~He/she shall be charged with the enforcement of all ordinances and provisions relating to such public places (except traffic ordinances) and is authorized to enforce such ordinances.~~

B. ____Construction. It is unlawful to construct or lay any pavement on any public street, sidewalk, alley or other public way, or to repair the same, without having first secured a permit therefor. Applications for such permits shall be made to the city clerk-treasurer, and approved by the ~~city engineer~~Public Works Director, and shall state the location of the intended pavement or repair, the extent thereof, and the person

or firm who is to do the actual construction work. No such permit shall be issued except where the work will conform to the ordinances of the city.

C. Engineer Plans.

1. Each applicant for construction or reconstruction of any public street, alley or other public way, shall file with the ~~city engineer~~ Public Works Director engineering plans and specifications prepared by an engineer certified by the state. No permit shall be issued until the engineering plans and specifications are approved by the ~~city engineer~~ Public Works Director.

2. ~~The city engineer or any~~ A certified engineer may prepare the engineering plans and specifications for construction or reconstruction of any public street. Engineering plans and specifications preparation costs ~~of by~~ the city engineer shall be paid by the applicant. The engineering plans and specifications preparation costs ~~to shall~~ be based on the reasonable, customary charges for ~~such~~ similar services.

D. Inspection. All street improvements shall be inspected during the course of construction by an inspector appointed by the ~~city engineer~~ Public Works Director, salaries and other costs in connection with such inspections ~~shall to be~~ paid by the applicant, and such costs ~~to shall~~ be based on the reasonable, customary charges for ~~such~~ similar services.

E. Bond. Each contractor for construction or reconstruction of any public street shall file a bond in the amount equal to the estimated cost of construction of the improvement and ~~conditioned to~~ indemnify the city for any loss or damage resulting from the work undertaken or the manner of doing the same.

F. Specifications. All street and sidewalk pavements shall be made in conformity with specifications laid down or approved from time to time by resolution of the city council.

(Ord. 97-2 § 4 (part), 1997; prior code § 11.32.030)

(Ord. No. O12-07, 1-15-13)

Editor's note— Formerly numbered as § 12.04.020.

12.04.040 - Definitions.

"Improvements" as used in this section includes but is not limited to the installation of traffic signs, new curb and gutter construction, narrowing, ~~and~~ widening and rebuilding of existing streets.

"Maintenance" as used in this section includes but is not limited to sprinkling, graveling, oiling, chip sealing, seal coating, overlaying, treating, general cleaning, sweeping, flushing, snow removal, leaf and debris removal, the operation, maintenance and repair of traffic signal systems, the repair of traffic signs, the replacement and maintenance of pavement markings, ~~and~~ curb and gutter repair, and minor sidewalk repair that includes cracking, chipping, sinking, and replacement of not more than 6 feet of sidewalk in any 100 foot portion of sidewalk. Maintenance in the districts may be done by contract or by forces employed by the city or by both, in a manner determined by the city council.

(Ord. 04-2 (part), 2004)

12.04.050 - ~~District designation authority~~ Creation and alteration of maintenance districts.

A resolution shall be adopted dividing the whole or any part of the city or town into maintenance districts, to be known and designated by number. The resolution shall plainly define the boundaries of the district or districts and describe the streets, alleys, and public places or any part thereof constituting the district or districts. The adoption of this section has no effect on any existing maintenance districts created previous to this amendment. When defined, maintenance districts may not be changed during the same calendar year but may be changed by resolution in any succeeding year. ~~Whenever the city council designates a portion of the city as a street maintenance district, the streets, avenues and alleys may be maintained and/or improved for such time and in such manner as the city council may direct under the supervision of the public works director.~~

(Ord. 04-2 (part), 2004)

12.04.051 - Improvements within maintenance districts-District Work and Improvement Plan.

A. The city may prepare and improve streets, avenues, and alleys within the maintenance districts so that the maintenance will be of a durable and continuing benefit. The city council shall provide, pursuant to this ordinance, a written plan that includes the method or methods of doing the work and improvements "District Work and Improvement Plan." For the purposes of this section, "improvements" includes but is not limited to the installation of traffic signs, new curb and gutter construction, and widening of existing streets.

B. The city is authorized to maintain the work and improvements made under this section.

C. At least 12 days must elapse between the day on which the proposed District Work and Improvement Plan is introduced and the day on which final action on such plan is taken.

12.04.052 - Notice of District Work and Improvement Plan for improvements.

The city clerk must give notice of the introduction of the proposed District Work and Improvement Plan and of the time it will be up for final adoption. The notice must be published as provided in MCA 7-1-4127

12.04.053 - Protest.

No further action shall be taken upon the proposed district for 1 year if a written protest against passage of the proposed District Work and Improvement Plan is filed by:

A. owners of property within the proposed maintenance district having a taxable valuation, when aggregated, representing not less than 50% of the total taxable valuation of property within the district;

B. not less than 50% of the owners of property within the district; or

C. owners of property within the proposed maintenance district having projected assessments, when aggregated, representing not less than 50% of the total projected assessments for property within the district.

12.04.054 - Choice in manner of making assessments.

The assessments for the costs and expenses of maintaining streets, alleys, and public places shall be made against all of the property embraced within each maintenance district by one of the methods provided in MCA 7-12-4422.

12.04.055 through 12.04.059 Reserved.

12.04.070-060 - Cost — Assessment — Levy — Resolution.Resolution for assessment of costs for maintenance of existing districts. —

~~Not later than the second Monday in August of each year the public works director shall estimate the annual maintenance and/or improvement cost and the city council shall pass and finally adopt a resolution levying and assessing all the property within the street maintenance district with an amount equal to not less than seventy-five percent of the entire cost of the work.~~

A. With the consultation and advice of the Public Works Director, the city council shall estimate, as near as practicable, the cost of maintenance in each established district annually, not later than the second Monday in August. The council shall pass and finally adopt a resolution specifying the district assessment option and levying and assessing all the property within the several districts with an amount equal to not less than 75% of the entire cost of said work.

B. The resolution levying the assessment to defray the cost of maintenance shall contain or refer to a list in which shall be described the lot or parcel of land assessed, with the name of the owner thereof if known, and the amount levied thereon set opposite.

C. Such resolution shall be kept on file in the office of the city clerk.
(Ord. 04-2 (part), 2004)

12.04.061 - Notice of resolution for assessment.

A. A notice, signed by the city clerk, stating that the resolution levying a special assessment or changing the method of assessment to defray the cost of maintenance in the district or districts is on file in the city clerk's office and subject to inspection, must be published as provided in MCA 7-1-4127.

B. The notice must state the time and place at which objections to the final adoption of the resolution will be heard by the council and must contain a statement setting out the method of assessment being proposed for adoption or the change in the method of assessment that is being proposed for adoption. The time for the hearing must be at least 5 days after the final publication of the notice.

12.04.062 - Hearing on resolution for assessment of costs.

A. At the time so set, the council shall meet and hear all objections which may be made to such assessment or any part thereof and may adjourn from time to time for that purpose and may by resolution modify such assessment in whole or in part.

B. A copy of the resolution, certified by the city clerk, must be delivered to the financial officer, and the assessments shall be placed upon the tax roll and collected in the same manner as other taxes.

12.04.063 - Assessment of costs of improvements and maintenance of improvements.

The city is authorized to assess the cost of the work, improvements, and maintenance authorized by 7-12-4405 against the property in maintenance districts in the manner and as provided in 7-12-4421 and 7-12-4422 to meet the payments required to be made each year.

12.04.060-064 -Cost—Assessment of costs.

~~The cost assessed for maintaining and/or improving streets, avenues and alleys shall be charged to the property bordering on the streets and avenues so maintained by one or a combination of the following methods: each lot or parcel of land bearing its share of the cost according to the part of the whole cost which its area bears to the area of the entire district; or, by that part of the whole cost which each lot or parcel's street frontage bears to the street frontage of the entire district; or, if the city council determines that the benefits derived from the maintenance by each lot or parcel are substantially equivalent, the cost may be assessed equally to each lot or parcel located within the district without regard to the assessable area of the lot or parcel; or, each lot or parcel of land, including the improvements thereon, may be assessed for that part of the cost of the district which its taxable valuation bears to the total taxable valuation of the property of the district. The assessment hereunder shall be certified by the city clerk-treasurer, to be extended on the tax roll in the same manner as other special assessments.~~

A. For the purposes of this section, "assessable area" means the portion of a lot or parcel of land that is benefited by the maintenance district. The assessable area may be less than but may not exceed the actual area of the lot or parcel.

B. The city council shall assess the percentage of the cost of maintenance established in MCA 7-12-4425 against the entire district as follows:

(1) each lot or parcel of land within the district may be assessed for that part of the cost that its assessable area bears to the assessable area of the entire district, exclusive of streets, avenues, alleys, and public places;

(2) each lot or parcel of land within the district abutting upon a street upon which maintenance is done may be assessed for that part of the cost that its street frontage bears to the street frontage of the entire district;

(3) if the city council determines that the benefits derived from the maintenance by each lot or parcel are substantially equivalent, the cost may be assessed equally to each lot or parcel located within the district without regard to the assessable area of the lot or parcel;

(4) each lot or parcel of land, including the improvements on the lot or parcel, may be assessed for that part of the cost of the district that its taxable valuation bears to the total taxable valuation of the property of the district;

(5) each lot or parcel of land within the district may be assessed for that part of the cost that the reasonably estimated vehicle trips generated for a lot or parcel of its size in its zoning classification bear to the reasonably estimated vehicle trips generated for all lots in the district based on their size and zoning classification;

(6) any other assessment method provided in MCA 7-11-1024 may be used; or

(7) any combination of the assessment options provided in subsections B(1) through B(7) may be used for the district as a whole or for any lot or parcel within the district.

(Ord. 04-2 (part), 2004)

12.04.065-12.04.069- Reserved.

12.04.070 - Financial assistance options.

A. The city is authorized to:

(1) enter into suitable agreements with the United States of America, the State of Montana, or a building and loan association, savings and loan association, bank, or credit union that is a regulated lender as defined in MCA 31-1-111 for loans of money and for receiving financial assistance to do the work and improvements contemplated by MCA 7-12-4405; and

(2) provide for the repayment of the loans by yearly payments from funds derived from districts created under this Chapter, apportioned over a period of time not exceeding 20 years.

12.04.080 - Water user entities exempt from special assessments.

Rights-of-way, ditches, flumes, pipelines, dams, water rights, reservoirs, equipment, machinery, motor vehicles, and other personal property owned by a nonprofit water company, water users' association, irrigation company, canal company, ditch company, reservoir company, or similar nonprofit water user entity are exempt from every special assessment imposed by any improvement or maintenance district created under this Chapter.

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 _____, 2020, by Council Member _____.

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

APPROVED BY THE MAYOR this ____ day of _____, 2020.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

APPROVED AS TO FORM:

Sam Painter, Civil City Attorney