



**AGENDA  
CITY OF LAUREL  
CITY COUNCIL MEETING  
TUESDAY, NOVEMBER 10, 2020  
6:30 PM  
ONLINE**

NEXT RES. NO.  
R20-76

NEXT ORD. NO.  
O20-04

**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 October 27, 2020.

**Correspondence**

2. Airport Authority Minutes of August 25, 2020.
3. Airport Authority Minutes of September 22, 2020.

**Council Disclosure of Ex Parte Communications**

**Public Hearing**

4. Public Hearing - A Resolution To Approve The Conditional Use Of The Property Located At 1009 East 6th Street In Laurel For The Construction And Operation Of A Union Meeting Hall At Such Address Within The City Of Laurel.
5. Public Hearing - Goldberg Sporting Estate Variance #1 - Street Connectivity.
6. Public Hearing - Goldberg Sporting Estate Variance #2 - Right of Way, Dedication, Road Width.

**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.*

7. Claims entered through 11/6/2020.
8. Approval of Payroll Register for PPE 11/1/2020 totaling \$\$198,495.03.
9. Approval of Council Workshop Minutes of October 20, 2020.
10. Approval of Council Workshop Minutes of October 6, 2020.

**Ceremonial Calendar**

## **Reports of Boards and Commissions**

- [11.](#) Cemetery Commission Minutes of September 29, 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**

- [12.](#) Resolution No. R20-76: A Resolution Of The City Council Adopting The Updated 2020 Yellowstone County Hazard Materials Response Plan.
- [13.](#) Resolution No. R20-77: A Resolution To Approve The Conditional Use Of The Property Located At 1009 East 6th Street In Laurel For The Construction And Operation Of A Union Meeting Hall At Such Address Within The City Of Laurel.

## **Items Removed From the Consent Agenda**

### **Community Announcements (One-Minute Limit)**

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

### **Council Discussion**

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

## **Mayor Updates**

## **Unscheduled Matters**

### **Adjournment**

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

## **DATES TO REMEMBER**

**File Attachments for Item:**

1. Approval of Minutes of October 27, 2020.

DRAFT

# MINUTES OF THE CITY COUNCIL OF LAUREL

October 27, 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 Council President Eaton at 6:30 p.m. on October 27, 2020.

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

COUNCIL MEMBERS ABSENT:      None

OTHER STAFF PRESENT:      None

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

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

## MINUTES:

Motion by Council Member McGee to approve the minutes of the regular meeting of October 13, 2020, as presented, seconded by Council Member Klose. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

CORRESPONDENCE: None.

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None.

PUBLIC HEARING: None.

## CONSENT ITEMS:

- Claims entered through 10/23/2020 in the amount of \$289,442.06.  
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- Approval of Payroll Register for PPE 9/18/2020 totaling \$913.64.
- Approval of Payroll Register for PPE 9/20/2020 totaling \$184,819.75.
- Approval of Payroll Register for PPE 10/4/2020 totaling \$193,399.51.
- Approval of Payroll Register for Union 316 Retro Pay totaling \$7,626.14.
- Approval of Payroll Register for PPE 10/18/2020 totaling \$191,064.85.

The Council President 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 Wilke. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.



DRAFT

**SCHEDULED MATTERS:**

- **Resolution No. R20-74: A Resolution Granting Montana-Dakota Utilities Company A Franchise Agreement With The City Of Laurel**

Motion by Council Member Sparks to approve Resolution No. R20-74, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R20-75: A Resolution Requesting Distribution of Bridge and Road Safety and Accountability Program Funds.**

Motion by Council Member Klose to approve Resolution No. R20-75, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

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

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

**COUNCIL DISCUSSION:**

Next Tuesday is Election Day. There will be a ballot drop off at Laurel High School that day from 7:00 a.m. to 8:00 p.m.

Park Board and Emergency Services Committee have canceled their meetings for November and December.

All Council Meetings will be held via Zoom for the foreseeable future until the Covid numbers are under control.

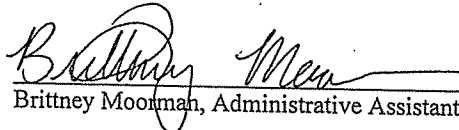
**MAYOR UPDATES:** None.

**UNSCHEDULED MATTERS:** None.

**ADJOURNMENT:**

Motion by Council Member Nelson to adjourn the council meeting, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

There being no further business to come before the council at this time, the meeting was adjourned at 6:39 p.m.

  
Brittney Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 10<sup>th</sup> day of November 2020.

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

Attest:

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

**File Attachments for Item:**

2. Airport Authority Minutes of August 25, 2020.

**MINUTES**  
**LAUREL AIRPORT AUTHORITY BOARD MEETING**  
**Tuesday, August 25, 2020**

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

**BOARD MEMBERS PRESENT:**

- ☐ Randy Hand, Chairman
- ☐ Brock Williams, Secretary
- ☐ Shane Linse - via teleconference
- ☐ Jim Swensgard
- ☐ Will Metz - via teleconference

**OTHERS PRESENT:**

Craig Canfield

1. General Items

- a. Previous minutes approved by unanimous consent
- b. Regular claims were approved.

2. Reports from Craig Canfield of KLJ

- a. Capital Improvement Plan needs to be updated.
  - i. Current priorities are: Reconstruct Taxiway B, Reconstruct hangar access road, reconstruct airport road, replace beacon & segmented circle, potential lighting work on 4/22
  - ii. We get approximately \$150,000 in primary entitlements each year. Craig feels it may be 3 years before we would get discretionary money to do the larger reconstruction projects.
  - iii. Consider extending rw 4 to accommodate additional jet traffic. Board to investigate jet requirements.

- b. Pavement Maintenance Project is complete except for a couple punch-list items. Everyone needs to be careful when plowing snow not to scrape the glass beads applied to the paint.

### 3. New Business

- a. RPZ Issues for Greening hangars. The grass runway was extended since space was available, but the extension has caused an unforeseen issue with the RPZ interfering with planned hangars on Greening. We plan to shorten the runway by 250 feet which should resolve the issue. We are waiting on FAA approval
  - i. Question whether Ed Taylor can start construction on his hangar that is impacted. Motion to give Ed permission to proceed but at his own risk should the FAA not approve of our change. Motion passed without objection
- b. Request to build 60x60 hangar on a lot that would accommodate a larger hangar. No objection from board so long as they understand they would need to lease the full lot.
- c. CARES Act Grant. The airport has been offered a grant under the CARES act. Motion to accept the grant passed without objection.
- d. Attorney. Motion to accept Mike Monson as the new attorney for the Airport Authority. Motion passed without objection.
- e. Ramp parking fee. Laurel 406 Aero would like to charge \$2/day or \$60/month for ramp parking, with waivers for fuel purchases. The board would like to match those fees on our portion of the ramp, and offer Laurel 406 Aero 33% to handle collection of the fees. This arrangement will be at the board's discretion to change in the future for our portion of the ramp.
- f. COVID / Remote Meeting. Motion to offer videoconferencing option for meetings going forward passed without objection. Randy will include instructions on the agendas going forward.
- g. Ed Taylor Hangar hangar siting. Currently the hangar is sited over the power and gas lines and will need to be adjusted.

### 4. Old Business

- a. SRE Building. Door installation looking like mid to late October.
- b. John Deer Tractor. Murl to see if he can get it running and then we will evaluate selling it.
- c. Trailer items were sold and we received \$800. Motion to put the \$800 in a volunteer/promotional fund passed without objection.

5. Public Input

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

- a. none received

6. Other Items

none

7. Announcements

- a. none

The meeting was adjourned at 19:45.

Respectfully submitted,

Brock Williams  
Secretary

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

**File Attachments for Item:**

3. Airport Authority Minutes of September 22, 2020.

**MINUTES**  
**LAUREL AIRPORT AUTHORITY BOARD MEETING**  
**Tuesday, September 22, 2020**

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

**BOARD MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Craig Canfield - KLJ, Kent Penney, KLJ

1. General Items

- a. Previous minutes approved by unanimous consent
- b. Regular claims were approved.
  - i. KLJ has a couple old bills that have not yet been paid, that the board has approved. Motion made to check with accountant to verify whether the bills have in fact been paid, and if not, to get them paid immediately. Motion passed without dissent.

2. Reports from Craig Canfield of KLJ

- a. Capital Improvement Plan needs to be updated.
  - i. New Short Term Project Priorities:
    - 1. Reconstruct access road to gate, and install 2 new gates
    - 2. Construct Taxiway A and remove B
    - 3. Pavement Maintenance on full airport
    - 4. Beacon and Runway Lights

- ii. Reconstruct airport road inside gate moved to long term.  
KLJ will look at other options.
- iii. New Long Term Project Priorities:
  - 1. Acquire RPZ land for 22
  - 2. Wildlife Fence
  - 3. South Hangar Access taxilanes
  - 4. Taxiway F (West of Fox Road)
  - 5. Rehab 04/22 (mill and overlay)
- iv. Craig to put together final CIP and provide to board to review prior to submittal.
- b. Pavement Maintenance Project is complete and was essentially on budget considering change orders.
- c. We will need to have an FAA Single Audit conducted to comply with our grant awards
- d. RPZ issue on Greening hangars with 9/27 has been resolved by shortening the runway.

### 3. New Business

- a. No new business

### 4. Old Business

- a. SRE Building. Door installation looking like mid to late October.
- b. John Deer Tractor. Murl to see if he can get it running and then we will evaluate selling it.
- c. \$800 Proceeds from selling trailer equipment was given to the accountant.

### 5. Public Input

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

- a. none received



6. Other Items

none

7. Announcements

a. none

The meeting was adjourned at 20:20.

Respectfully submitted,

Brock Williams  
Secretary

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

**File Attachments for Item:**

9. Approval of Council Workshop Minutes of October 20, 2020.

**MINUTES  
CITY OF LAUREL  
CITY COUNCIL WORKSHOP  
TUESDAY, OCTOBER 20, 2020**

A Council Workshop was held in Council Chambers and called to order by Mayor Tom Nelson at 6:32 p.m. on October 20, 2020.

**COUNCIL MEMBERS PRESENT:**

<input checked="" type="checkbox"/> Emelie Eaton	<input checked="" type="checkbox"/> Heidi Sparks
<input checked="" type="checkbox"/> Bruce McGee	<input checked="" type="checkbox"/> Richard Herr
<input checked="" type="checkbox"/> Scot Stokes	<input checked="" type="checkbox"/> Irv Wilke
<input checked="" type="checkbox"/> Richard Klose	<input checked="" type="checkbox"/> Don Nelson

**OTHERS PRESENT:**

Kurt Markegard, Public Works Director

Nick Altonaga, Planning Director

**Public Input:**

There was none.

**Executive Review**

1. Resolution - A Resolution Granting Montana-Dakota Utilities Company A Franchise Agreement With The City Of Laurel

Mayor Nelson explained that the previous agreement, after being in place for the last 15 years, had expired. This agreement allows Montana-Dakota Utilities to care for its infrastructure under the City of Laurel. In 15 years, this agreement will expire and will need to be renewed.

**Council Issues**

2. Discussion on Bathrooms at Riverside Park.

Kurt Markegard, Public Works Director, stated that a combination of being short-staffed and the increased cleaning requirements led to the bathrooms' closing. Typically, the City has six summer help employees.

The bathroom at Riverside Park is open because they do not have the key to lock it. Staff is currently working on getting that lock rekeyed to match the other bathrooms. Last week there was an incident where someone spread fecal matter over all the walls and floor. It took approximately 45 minutes to clean with the jet rodder. There are bathrooms in most of the parks. To have one person clean each of these bathrooms each day would be too much. The Public Works Director looked into a cleaning service, and

it would cost the City \$35 per bathroom per day. This would be approximately \$180 per day and not cost-effective.

A Council Member asked why that lock could not be taken down to Ace Hardware and be rekeyed, and they were even willing to pay for the rekeying themselves. It was clarified that the lock would be taken to Ace Hardware to be rekeyed. As camping comes to Riverside Park, there will need to be a discussion about daily maintenance. Public Works is down two employees at the shop; all Public Works departments have been separated since March to limit the spread of any possible Covid infections, so the City is still able to serve its citizens.

3. Discussion about the removal of trees in the Entryway Zoning.

Nick Altonaga, Planning Director, briefly reviewed the attached memo.

It was questioned if there was communication with the people who are doing the work. There is lots of trash along the fence and in the rocks that need to be picked up. The Planning Director stated he had not communicated with them regarding the trash, but he will.

It was questioned if the building is unusable is the property owner cleaning up the property to sell. It was clarified that last year there had been a few inquiries with the Planning Office regarding the property. The Planning Director did not know if the property owner was in the process of selling the lot. Council should expect further changes to come down the pipeline.

4. Discussion on enforceability of Campground Rules.

Kurt Markegard, Public Works Director, read LMC 12.28.010, attached. This LMC allows for rules to be established by the Park Board. There will be a sign of the listed rules. At the bottom, it will state via LMC. The Police can always trespass someone as well. Public Works will work with Police on these matters.

It was stated that if it says enforcement by LMC, then law enforcement can enforce anything in LMC. Prior to annexing Riverside Park, the Police had no jurisdiction. If there was an issue, had to call the Sheriff's Office.

**Other Items**

Gas Tax Resolution:

This is a resolution requesting the distribution of bridge and road safety and accountability program funds. The City does this every year. This is the gas tax approved through HB-473. Anyone who wants these funds have to apply for these. We have an amount that is allocated to the City. There is a 5% match. The City matches out of the Street Maintenance Fund. These funds must be used for approved projects. Street Maintenance is an approved use of these funds.

**Review of Draft Council Agendas**

5. Draft Council Agenda for October 27, 2020.  
Will add the gas tax resolution.

**Attendance at Upcoming Council Meeting**

All present will be at next week's meeting.

**Announcements**

Council thanked the Public Works Director for the excellent explanation for the campground rules and their enforceability.

Next Monday, October 26, 2020, Emergency Services Committee is scheduled at 6:00 p.m. in Council Chambers. The Board Chair asked that all come with ideas to promote the Safety Mill levy.

Mayor Nelson reminded Council that there are Covid cases in Laurel. He reminded everyone to remain safe.

The council workshop adjourned at 7:08 p.m.

Respectfully submitted,

Brittney Moorman  
Administrative Assistant

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

## Chapter 12.28 - PARK RULES AND REGULATIONS\*

### Sections:

#### 12.28.010 - Creation and establishment of a city park board.

There is created and established an advisory board to the city council that shall be known as the park board for the city of Laurel ("Board") which shall consist of seven members who shall constitute three sitting members of the city council and four members at large who must reside in the city or who must live within two miles thereof. The mayor shall appoint all members with approval of the council. The members shall come from diverse interest groups including, but not limited to, school teachers, club members, homeowners, business owners, park professionals and/or representatives from the city government.

(Ord. 06-08 (part), 2006)

#### 12.28.020 - Term of office.

The term of office for the members shall be four years except that the term of three of the members appointed to the first board shall be for two years and the term of four members of the first board shall be for four years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the respective term.

(Ord. 06-08 (part), 2006)

#### 12.28.030 - Compensation.

Members of the board shall serve without compensation.

(Ord. 06-08 (part), 2006)

#### 12.28.040 - Operation.

The board shall select its own officers (if any), make its own operational rules and regulations to govern its meetings, schedule its own meetings' dates and times for the convenience of its members and shall keep a record of its proceedings. All meeting dates and times shall be posted at City Hall. A majority of the members shall be a quorum for the transaction of business.

(Ord. 06-08 (part), 2006)

#### 12.28.050 - Park board authority.

A. The park board of the city shall have the authority and discretion to:

1. Promulgate and develop proposed ordinances, rules and/or regulations that govern the general use of all city parks with consideration of public input for presentation to the city council for consideration and adoption by the city council;
2. Establish a proposed permit system to provide for an advanced reservation system for the exclusive use of a city park or city park improvement by a person or group to be administered by city staff upon approval by the city council;
3. Prepare and adopt proposed rules or regulations governing or limiting the possession or use of alcoholic beverages in city parks by any person or group of people, including establishment of a proposed permit and registration procedure for the possession or use of alcoholic beverages by

any group of people to be administered and enforced by city staff and/or the city police when applicable upon approval by the city council;

4. Negotiate terms for lease agreements for city parks or other city park related improvements with current or new users, groups or clubs on the city council's behalf. When completed, the park board shall present each negotiated proposed lease agreement to the city council for approval and adoption by resolution of the city council.
- B. All park ordinances, rules and regulations promulgated by the park board shall be adopted by the city council upon recommendation by the park board pursuant to this section. All rules, regulations and/or ordinances adopted hereunder shall be posted in a public place at each park affected thereby or be available at the office of the city clerk-treasurer.

(Ord. 06-08 (part), 2006)

#### 12.28.060 - Park hours.

- A. Except as otherwise provided herein, all city parks shall be closed from ten p.m. until six a.m. each night.
- B. No person shall remain in or upon any city park during closed hours.
- C. This section shall not apply to the overnight camping areas designated in Riverside Park.
- D. The children's playground equipment commonly known as "Kids Kingdom" at Kiwanis Park shall close at ten p.m. and reopen at six a.m.
- E. Any person violating the terms of this section shall, upon conviction, be punished as set forth in Section 12.28.100 of this code.
- F. Applicants may seek an exemption to this section when applying for an event permit at city hall.

(Ord. 06-08 (part), 2006)

(Ord. No. O19-03, 12-10-19)

#### 12.28.065 - Fees and charges.

The city council shall establish reasonable fees and/or charges for the use of the pool, parks and/or recreation areas and facilities owned by the city by annual resolution after a public hearing.

(Ord. 07-06 (part), 2007; Ord. 06-04 (part), 2006)

#### 12.28.070 - Use of tennis courts restricted.

- A. City tennis courts shall be used only for the practice and playing of tennis. All other activities are prohibited on all city tennis courts. No person shall use or occupy any city tennis court or any part thereof for any purpose other than the playing or practicing of tennis.
- B. Any person violating the terms of this section shall, upon conviction, be punished by a fine not exceeding one hundred dollars.

(Ord. 06-08 (part), 2006)

#### 12.28.080 - Use of South Pond restricted.

- A. The following activities are prohibited at South Pond at all times:
  - 1. Swimming, except for approved scuba diving and skin diving as set forth in this section;
  - 2. Motorized or power boating of any kind.
- B. Scuba diving and skin diving shall be permitted at South Pond by advance permit only, subject to the following restrictions:
  - 1. Any person, prior to skin or scuba diving in South Pond, shall first obtain from the city a permit;
  - 2. Permits granted hereunder are given pursuant to Montana Code Annotated § 70-16-302(1). The city shall not collect any fee for issuing a permit hereunder. The city shall not be liable for any accidents or injury to persons or property derived from skin or scuba diving or related activities. Every applicant must sign release and waiver of liability before receiving a permit hereunder;
  - 3. The city shall not issue a permit unless the applicant first displays to the city a current certification of diving qualification issued by a recognized diving training school affiliated with one of the below listed organizations. Student applicants must be accompanied by a certified instructor at all times and are subject to all other requirements of this section. The following organizations are recognized by the city as proper certifying authorities:
    - a. N.A.U.I.—National Association of Underwater Instructors,
    - b. P.A.D.I.—Professional Association of Diving Instructors,
    - c. Y.M.C.A.—Young Men's Christian Association,
    - d. N.A.S.D.S.—National Association of Skin Diving Schools,
    - e. P.S.I.C.—Professional Divers Instructional College;
  - 4. All permittees shall be subject to all federal and state laws, rules and regulations pertaining to scuba diving and skin diving;
  - 5. Any permit issued hereunder may be revoked at any time by city police officers, with or without cause. Divers shall immediately leave the pond upon demand of any police officer.
- C. Any person who violates any of the terms or provisions of this section shall, upon conviction therefore, be punished in accordance with the provisions of Section 1.36.010 of this code.

(Ord. 06-08 (part), 2006)

12.28.090 - Use of motor vehicles restricted.\*

- A. No person shall drive or otherwise operate any motor vehicle in any city park except in or upon gravelled or paved parking areas.
- B. This chapter shall not apply to city vehicles in the regular operation and conduct of city business or to construction or maintenance vehicles belonging to any contractor performing any work for the city in any city park.
- C. Users of Riverside Park, however, may operate vehicles only upon designated, defined roadways therein.
- D. Any violation of this chapter shall, upon conviction thereof, be punishable as provided in Section 1.36.010 of this code.

(Ord. 06-08 (part), 2006)

\* There were two sections numbered 16.02.020 added to the Laurel prior code.



12.28.100 - Violation—Penalty.

- A. Any person violating any provision of this chapter for which another penalty has not been specifically provided shall, upon conviction thereof, be punished as set forth in Section 1.36.010 of this code.
- B. Any person violating any ordinance, rule or regulation adopted by the park committee pursuant to this chapter shall, upon conviction thereof, be punished by a fine not to be less than fifty dollars nor more than five hundred dollars, or by imprisonment for a term not exceeding six months, or both.

(Ord. 06-08 (part), 2006)

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

# City Of Laurel

P.O. Box 10  
Laurel, Montana 59044



Office of the City Planner

October 20, 2020

Regarding the Community Entryway Zoning District and Concerns about the Landscaping present on 415 S. 1<sup>st</sup> Ave

Mayor and City Council,

I have provided some comments below on the ongoing concerns about the recent change of landscaping on the Burger King property. The Burger King and its attendant landscaping was developed prior to the creation of the Community Entryway Zoning District (CEZD). This classifies that parcel as a nonconforming use. That use has since ended but the physical layout and available use of the site has not. The parcel is vacant at the moment, with a structure that is unable to be utilized unless considerable reinvestment is made. This reinvestment would trigger the need for the building and parcel to come into compliance.

I think it unwise to force a landowner to install new landscaping on an unused property, especially one that is for sale and is a candidate for redevelopment. Requiring the current landowner to reinstall landscaping would be premature and would have any future owner redo landscaping to suit their needs. My suggestions are as follows:

- Do not require any new landscaping until such time as the property is redeveloped.
- Ensure that debris and trash are removed from the site.
- Notify any new ownership (if property is sold) that the requirements of the CEZD must be followed

Please let me know if you have any questions or comments about this situation. Thank you for your consideration.

Regards,

Nicholas Altonaga

Planning Director

**File Attachments for Item:**

10. Approval of Council Workshop Minutes of October 6, 2020.

**MINUTES  
CITY OF LAUREL  
CITY COUNCIL WORKSHOP  
TUESDAY, OCTOBER 06, 2020**

A Council Workshop was held in Council Chambers and called to order by Council President Eaton at 6:29 p.m. on October 6, 2020.

**COUNCIL MEMBERS PRESENT:**

<input checked="" type="checkbox"/> Emelie Eaton	<input checked="" type="checkbox"/> Heidi Sparks
<input type="checkbox"/> Bruce McGee	<input checked="" type="checkbox"/> Richard Herr
<input checked="" type="checkbox"/> Scot Stokes	<input checked="" type="checkbox"/> Irv Wilke
<input checked="" type="checkbox"/> Richard Klose	<input checked="" type="checkbox"/> Don Nelson

**OTHERS PRESENT:**

Bethany Langve, Clerk/Treasurer  
Kurt Markegard, Public Works Director  
Nick Altonaga, Planning Director  
Brent Peters, Fire Chief  
Matt Smith, KLJ

**Public Input:**

There was none.

**General Items**

1. Appointment of Clint Willis and Levi Dostal to the Laurel Volunteer Fire Department

Brent Peters, Fire Chief, introduced Mr. Dostal to the Council. Mr. Willis was unable to attend tonight's meeting. The Fire Association voted unanimously on both of these gentlemen. This will bring the total to 36 members.

**Executive Review**

2. Resolution - Riverside Park Campground Rules

Kurt Markegard, Public Works Director, presented the attached Riverside Park Campground Rules.

It was noted that on the "The maximum limits for a single occupancy campsite shall be 8 people, one camping unit, and two additional tents, unless otherwise authorized (by who)." Rule the who had not been established. It was questioned if that would be decided before next week's meeting. The Public Works Director stated he felt having Public Works Director or their Designee would be appropriate.

It was questioned how much it would cost per night to rent a spot. It was clarified that it would \$15 for a campsite and \$12 for a tent site. It was questioned how they would pay the nightly fee. It was clarified that there is a collection box. The Clerk/Treasurers office would collect the money. Each space is clearly labeled. There will be envelopes for people to put their payments in. They are looking into a reservation system with online payments. Will look into these options this winter. It will be an "on your honor" system.

3. Resolution - MSA Amendment with KLJ

This resolution is an extension of the Master Service Agreement with KLJ. This amendment extends the three-year contract that was set to expire in December of this year. With ongoing projects and future projects coming up, Staff felt it was in the City's best interest to extend the contract. This amendment is a five-year extension and is set to expire in 2025.

4. Resoluion - CBDG Grant

A few weeks ago, KLJ brought forward information regarding applying for a CDBG grant. The Public Works Director worked with KLJ in brainstorming various projects to apply for these funds. The project that fits the best is a Capital Improvements Projects program. The grant could be awarded up to \$50k with a \$16k match from the City. The Capital Improvements Projects Program would look at all City infrastructure, Fire, Police, Ambulance, Water, Sewer, Solid Waste. And prioritize where funds and spent and when those funds are needed. This plan can be used to apply for grants and is one of the first things those grants are looking for. This grant is one of the better grants available.

5. Resolution - Dyer Boulevard Request

Nick Altonaga, Planning Director, gave a brief overview of the attached memo.

**Council Issues**

6. Christmas To Remember Discussion

Jean Carol Thompson, 606 6<sup>th</sup> Avenue, briefly reviewed the attached plan with Council for this year's Christmas To Remember celebration.

There is nothing additional the Council needs to approve. The Mayor approves Special Event Permits.

7. Update on Public Works Projects

Kurt Markegard, Public Works Director, gave a brief overview of all ongoing public works projects; see attached.

It was questioned if there are any openings on the Public Works Committee. It was clarified there is one vacancy.

The Public Works Director noted that recently two employees have retired and thanked them for their service.

#### 8. Regal Subdivision Discussion

Multiple Council Members have received complaints regarding the Regal Subdivision. Complaints range from landscaping to storage of items on the property.

Nick Altonaga, Planning Director, stated that the Regal Subdivision is located off E. 8<sup>th</sup> Street. Both Code Enforcement and Planning have been in touch with the developer of this subdivision. He was able to find the Weed Management Plan, which requires the landscaping to be kept in grass and trees. This plan has not been followed. There are also issues with the Subdivision Improvements Agreement that also mentions landscaping is unrecordable. The owner has been in touch with the Planner and Code Enforcement Officer. The owner is making plans to cut back the weeds, resod, and plant trees this spring.

There is an illegal access where someone has a carport that is not allowed. The conditions of the trailers have been subpar. The internal roadways are private. She cannot legally enter, and therefore she is not able to cite the central properties.

It was questioned if the City has any legal recourse if a satisfactory solution is not achieved. It was clarified that they could be cited for not following the weed management plan.

The Planning Director stated that the ordinance needs to be updated. Years ago, the fees section was reserved. The section for fines and penalties is nonexistent. The Code Enforcement Officer has been working on updating the nuisance code. However, it dovetailed into other chapters and then was set aside for the noise ordinance. She is working to get that put together to send to Council.

It was questioned when someone is cited how long they have to fix the issue. There is a 1<sup>st</sup> notice, then a 2<sup>nd</sup> notice, then a fine or penalty would be sent out. The Planning Director thought the timeframe for each notice was 30 days.

It was questioned if the developer may not finish the subdivision. The Planning Director thought that the developer would finish the development.

#### 9. Conflict of Interest Discussion

Council President Eaton briefly reviewed the attached handout. Conflicts of interest are not to be taken lightly, especially when in recent years Council/Mayor/Staff have been

accused. Any conflict of interest or perceived conflict of interest needs to be stated in advance and removed from the discussion. This applies to at the committee level and at the Council level. There are fines; this is serious. She has held back on having her husband come and present things because she was the committee chair. There have been people interested in serving on a committee and have not been filled because there might have been a conflict of interest.

#### 10. Fire Department CIP Discussion

Council President Eaton stated this item comes from the Budget/Finance Committee and felt this information needed to be presented to Council.

Bethany Langve, Clerk/Treasurer, stated that there had been questions on when the Fire Department CIP started. Resolution No. 07-53 set up the Fire Department's CIP and was passed in July of 2007. This was before the 07-08 budget was passed. It stated that 15% of all Fire District contract revenues be set aside for CIP and will continue until either that resolution is rescinded or changed by Council. When there is a significant change such as this, it is put in the budget message. It explains how and why that change was made and can help future Clerk/Treasurers understand what happened. Every year after 15% of the Fire District contracts are put into the Fire Department's CIP.

#### Other Items

- **Budget Correction**

Bethany Langve, Clerk/Treasurer, stated that every year the City has to submit its budget to the State by October 1<sup>st</sup>. This year they found an error; see the attached table. There was no formula in the cell, and there was an error. This resolution is to fix this error. It is not an audit finding, and there are no other budgetary changes. It will be voted on next week.

- **CARES Act Submission**

Bethany Langve, Clerk/Treasurer, stated Council might have noticed that Billings is getting a CARES Act reimbursement. The Clerk/Treasurer and Council Secretary spent a lot of time preparing a submission for the City. City Staff submitted a 600-page document totaling \$943,346 in CARES Act funds.

The Clerk/Treasurer was on the fence on some of the wages they stated the City could submit. Her suggestion was to set the wages reimbursement aside until after it is audited. The Treasury stated the City could submit all wages for Police, Fire, and Ambulance from March 21<sup>st</sup> through August 31<sup>st</sup>. She stated this sits oddly with her, but the City did submit them. She was only going to submit the overtime for Ambulance. The State came back and stated we could submit for all Police, Fire, and Ambulance wages. So she called the auditor, who confirmed that was the intent of these funds. Staff also submitted all items needed to work from home, Zoom software, personal protective equipment, etc.

**Review of Draft Council Agendas**

- Review Draft Council Agenda for October 13, 2020.

There were no changes.

**Attendance at Upcoming Council Meeting**

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

**Announcements**


Council questioned the tree removal at the old Burger King. They questioned if this should have been allowed. Will add to Council Issues for the next Workshop.

Council thanked the Public Works Director for all his work on Public Works various Public Works projects and his outstanding report of those projects.

Council thanked the Clerk/Treasurer and Council Secretary for all their hard work on the CARES Act submission.

The council workshop adjourned at 7:49 p.m.

Respectfully submitted,

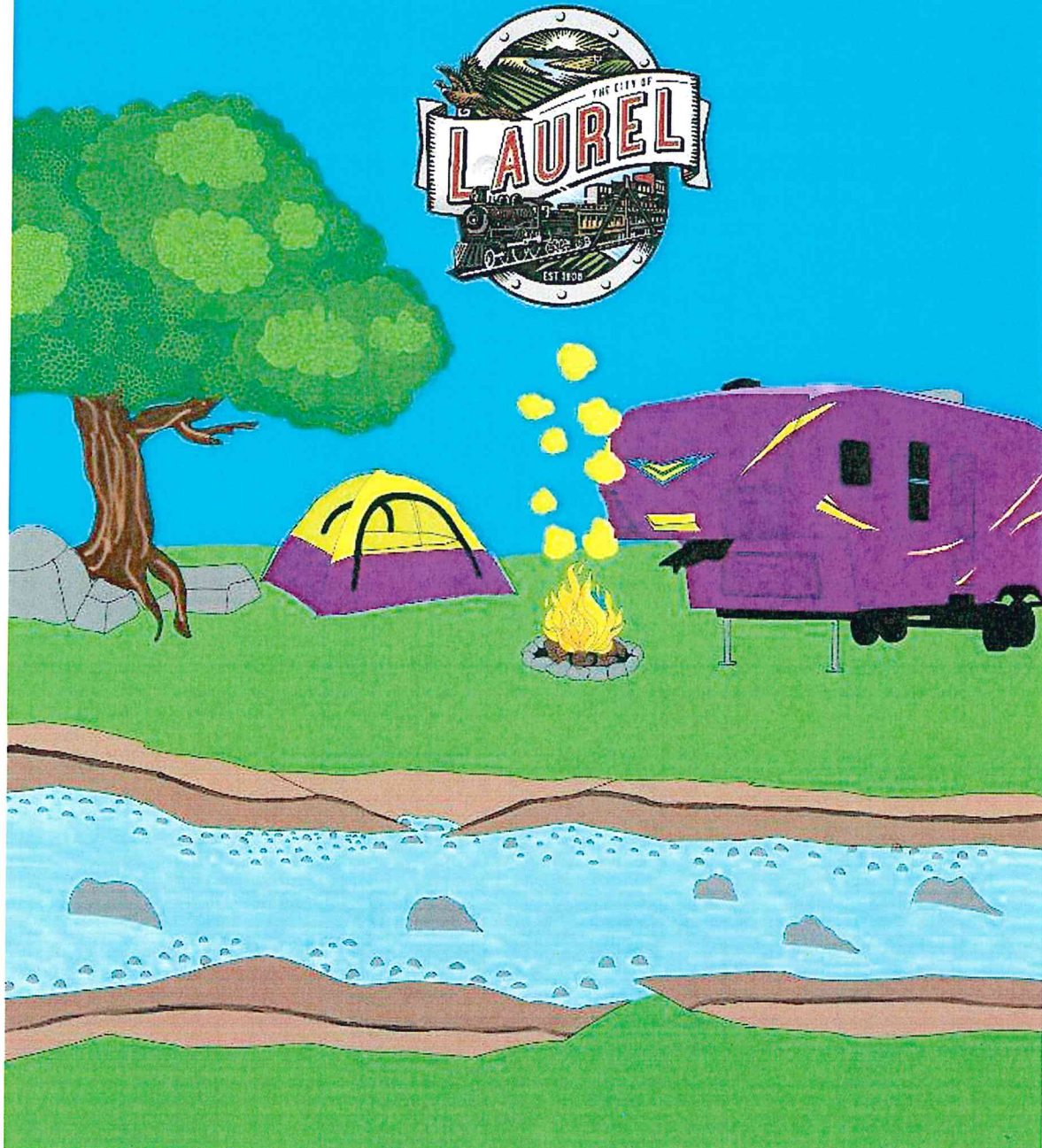


Brittney Moorman  
Administrative Assistant

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



# RIVERSIDE PARK CAMPGROUND



## Riverside Park Campground Rules

- RV and Tent camping are limited to 16 days, within a consecutive 30-day period, beginning with the first night's stay.
- Campfires are not permitted except in provided campfire rings. Campfires must be attended and extinguished prior to leaving the campsite. Campfires may be restricted during periods of high fire danger.
- Dogs must be leashed with no longer than an 8-foot tether. Service animals, clearly identified as such, are exempt from the leash rule.
- Individuals bringing domestic pets into the campground shall be responsible for proper removal and disposal of any waste produced by the pet. Failure to pick up pet waste will be grounds for eviction from the campground.
- No outside storage of food or trash is permitted at the campsite. Store food within a vehicle or camper and use the provided dumpsters, located within Riverside Park, for trash.
- No RV, camping, or human waste dumping of any kind is allowed.
- The discharging of any firearms, including BB guns or pellet guns, is a violation of Laurel Municipal Code, and therefore not permitted at any time.
- No discharging of Fireworks is allowed, at any time.
- Speed limit shall be 10 mph.
- Free standing portable gas grills are allowed but must be attended when in use. No tabletop grilling campground equipment is allowed.
- Driving of vehicles is allowed only on designated roads or parking pads.
- Quiet hours are 10 pm until 6 am.
- Metal detectors are not allowed.
- Check in time after 2pm. Check out time will be by 11 am.
- No wood collecting from any trees or shrubs in Riverside Park, for the purpose of starting or maintaining a campfire is allowed.
- No unattended campsite, tent, or vehicles for more than 24 hours is allowed, and after 48 hours they will be subject to impound and removal.
- The maximum limits for a single occupancy campsite shall be 8 people, one camping unit, and two additional tents, unless otherwise authorized (by who).
- No use of unmanned aircraft, drones, or radio-controlled toys allowed in campground.
- Consumption of alcohol is permitted within the boundaries of the individual campsites only.
- No operation of generators during the established quite hours.
- No excessive noise created from any person, radio, tv or any other equipment that disturbs other visitors.
- All campers must pay the appropriate fee for camping as set by resolution of the Laurel City Council. Failure to pay for every night's stay will result in expulsion from the campground.
- Penalties for violation of the campground rules will result in:
  - First violation - expulsion from the campground for 48 hours.
  - Second violation - 7-day suspension from the campground.
  - Third violation – permanent ban from campground.

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

# City Of Laurel

P.O. Box 10  
Laurel, Montana 59044



Office of the City Planner

October 6, 2020

Laurel City Council  
115 West 1<sup>st</sup> Street  
Laurel, MT 59102

Comments regarding Darrell Dyer's Request for rocks in boulevard on 112-114 3<sup>rd</sup> Ave

Mayor and City Council,

Darrell Dyer has requested to replace the trees and grass in the boulevards in front of his properties at 112-114 3<sup>rd</sup> Avenue with river rock as is required by "LMC 12.32.010 - Boulevards to be kept in grass and trees." I am in support of this change with minor conditions that should be put in place to ensure a positive aesthetic and proper maintenance. Conditions for approval include:

- Install weed barrier landscape fabric below river rock and around any planted shrubs or plants
- Remove weeds and other invasive species of plants regularly
- Spray weedkiller twice yearly to control any weeds or invasive plant species present.
- Use Xeriscaping best practices to install drought-tolerant plants and shrubs to cover a minimum of 25% of the boulevard landscaping area.

These conditions of approval will allow the boulevard landscaping to be more easily maintained, provide a positive aesthetic, and soften the harsh building forms and paved areas of the downtown area. Thank you for your consideration of the request and these conditions of approval.

Regards,

Nicholas Altonaga

Planning Director



Christmas to Remember Inc.  
P.O. Box 463  
Laurel, MT 59044

October 6, 2020

To whom it may concern:

The Christmas to Remember has had 35 years of history in Laurel. The Covid 19 has created a problem for our annual celebration. The success of our event incorporates many organizations, the city, the firemen, the school, and the businesses to mention a few.

In our meeting with the firemen we decided their display set up in Memorial Park better known as Fireman's Park will happen and Santa will arrive in Laurel on December 6. Social distancing should be maintained and everyone should wear masks. Business and organizations will be encouraged to enter our parade. The committee will be selling poinsettias to help pay for the insurance.

The committee will decorate a Grinch tree at the Moss Mansion this year. Since the committee has been decorating trees for 35 years we will offer our decorations to businesses that will provide a tree, lights and the labor to decorate the tree in their business.

Since the school is not renting out their buildings, our bazaar held at the Laurel Middle School will return hopefully in 2021. We have several businesses that will allow our bazaar to be held in their stores on December 6. This is in conjunction with the stroll and downtown activities the Laurel Chamber of Commerce will sponsor on December 6. Social distancing will be maintained and everyone should wear a mask. If the government orders a return to Phase I, we will not be able to hold a bazaar.

We are glad to bring the 35th Christmas to Remember back to downtown.

If more information is needed please contact:

**Jean Carroll Thompson**  
**1-406-248-8557**

If you are not in agreement, please call as soon as possible.



**Christmas to  
Remember**



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

# City Of Laurel

P.O. Box 10  
Laurel, Montana 59044



Office of the Director of  
Public Works

## 10/6/2020 City Council Presentation Public Works Update

2019 Pavement Repairs Project Warranty period ends this Friday.

2019 East 6<sup>th</sup> Street project one-year warranty has been completed.

East Downtown Infrastructure Improvement Project is mostly complete.

2020 Pavement Closeout is October 9<sup>th</sup>.

Design Standards is ongoing when we have time to review.

Data and Asset management is under final review. Utility Maps updated.

Riverside Park Campground is completed except for some grass seeding and park bench installation. Williston Basin Pipeline has informed the City they will be removing their building and replacing pipeline in the Park next summer.

Lions Park design is starting and will be out to bid by February hopefully.

### Future Projects

Water Reservoir Preliminary Engineering Report for 2021. Apply for a TSEP Grant by 2022. Hopefully awarded grant funds by the 2023 Legislative session. Design work in 2023 and 2024 with construction to take place in 2025.

Replacing the water line to Riverside Park.

Rerouting water line under residential properties between West 11<sup>th</sup> and West 12<sup>th</sup> Street.

**Sewer Plant lift screw B replacement**

**Sewer Main for the Elm Street Lift Station**

**West Railroad Street**

**Storm water for south side and street reconstruction plan including new water and sewer mains.**

**West 7<sup>th</sup> Street water, sewer main replacement and street reconstruction from 1<sup>st</sup> Ave to 2<sup>nd</sup> Ave.**

**Hopefully participate in a Citywide Capital Improvement Plan if the City is successful with the CDBG grant.**

**Solid Waste will need new refuse trucks**

### **Recognition of City Employees**

**Guy Rolison Retirement**

**Tim Reiter Retirement**

**The men and women of the Public Works Department that continually choose to spend their lives serving the citizens of this great city. They have my deepest gratitude and I want to thank them for their skill, knowledge, advice, and their efforts that they carry out every day.**

**The Mayor, City Council, and the Public Works Volunteers for their advice and efforts to make Laurel a better place to live for its citizens.**

**The City Clerk's Office personnel that work with us daily to keep the department running.**

**Planning and code enforcement that helps us every day.**

**Police dispatch that wake us up at all hours of the night. Fire Department for putting out all the trash fires.**

**The Engineers that design and build our projects and must work with me.**

**The Public Works Department Volunteers that take the time to help their fellow citizens.**

**The Citizens of Laurel that make all this possible. It is my hope that they understand the efforts that our department is taking to better serve them for today and into the future.**

**Thank you**

**Kurt Markegard**

**Public Works Director**

**City of Laurel**

## MONTANA CODE OF ETHICS

### CONSTITUTION OF MONTANA -- ARTICLE XIII -- GENERAL PROVISIONS

**Section 4. Code of ethics.** The legislature shall provide a code of ethics prohibiting conflict between public duty and private interest for members of the legislature and all state and local officers and employees.

#### Montana Code Annotated (2019)

### TITLE 2. GOVERNMENT STRUCTURE AND ADMINISTRATION CHAPTER 2. STANDARDS OF CONDUCT

#### *Part 1. Code of Ethics*

**2-2-101. Statement of purpose.** The purpose of this part is to set forth a code of ethics prohibiting conflict between public duty and private interest as required by the constitution of Montana. This code recognizes distinctions between legislators, other officers and employees of state government, and officers and employees of local government and prescribes some standards of conduct common to all categories and some standards of conduct adapted to each category. The provisions of this part recognize that some actions are conflicts per se between public duty and private interest while other actions may or may not pose such conflicts depending upon the surrounding circumstances.

**2-2-102. Definitions.** As used in this part, the following definitions apply:

- (1) "Business" includes a corporation, partnership, sole proprietorship, trust or foundation, or any other individual or organization carrying on a business, whether or not operated for profit.
- (2) "Compensation" means any money or economic benefit conferred on or received by any person in return for services rendered or to be rendered by the person or another.
- (3) (a) "Gift of substantial value" means a gift with a value of \$50 or more for an individual.  
(b) The term does not include:
  - (i) a gift that is not used and that, within 30 days after receipt, is returned to the donor or delivered to a charitable organization or the state and that is not claimed as a charitable contribution for federal income tax purposes;
  - (ii) food and beverages consumed on the occasion when participation in a charitable, civic, or community event bears a relationship to the public officer's or public employee's office or employment or when the officer or employee is in attendance in an official capacity;
  - (iii) educational material directly related to official governmental duties;
  - (iv) an award publicly presented in recognition of public service; or
  - (v) educational activity that:
    - (A) does not place or appear to place the recipient under obligation;
    - (B) clearly serves the public good; and
    - (C) is not lavish or extravagant.
- (4) "Local government" means a county, a consolidated government, an incorporated city or town, a school district, or a special district.
- (5) "Official act" or "official action" means a vote, decision, recommendation, approval, disapproval, or other action, including inaction, that involves the use of discretionary authority.
- (6) "Private interest" means an interest held by an individual that is:
  - (a) an ownership interest in a business;
  - (b) a creditor interest in an insolvent business;
  - (c) an employment or prospective employment for which negotiations have begun;
  - (d) an ownership interest in real property;
  - (e) a loan or other debtor interest; or



- (f) a directorship or officership in a business.
- (7) "Public employee" means:
  - (a) any temporary or permanent employee of the state;
  - (b) any temporary or permanent employee of a local government;
  - (c) a member of a quasi-judicial board or commission or of a board, commission, or committee with rulemaking authority; and
  - (d) a person under contract to the state.
- (8) (a) "Public officer" includes any state officer and any elected officer of a local government.
- (b) For the purposes of 67-11-104, the term also includes a commissioner of an airport authority.
- (9) (a) "Public officer" includes any state officer and any elected officer of a local government.
- (b) For the purposes of 67-11-104, the term also includes a commissioner of an airport authority.
- (10) "Special district" means a unit of local government, authorized by law to perform a single function or a limited number of functions. The term includes but is not limited to conservation districts, water districts, weed management districts, irrigation districts, fire districts, community college districts, hospital districts, sewer districts, and transportation districts. The term also includes any district or other entity formed by interlocal agreement.
- (11) (a) "State agency" includes:
  - (i) the state;
  - (ii) the legislature and its committees;
  - (iii) all executive departments, boards, commissions, committees, bureaus, and offices;
  - (iv) the university system; and
  - (v) all independent commissions and other establishments of the state government.
- (b) The term does not include the judicial branch.
- (12) "State officer" includes all elected officers and directors of the executive branch of state government as defined in 2-15-102.

**2-2-103. Public trust -- public duty.** (1) The holding of public office or employment is a public trust, created by the confidence that the electorate reposes in the integrity of public officers, legislators, and public employees. A public officer, legislator, or public employee shall carry out the individual's duties for the benefit of the people of the state.

(2) A public officer, legislator, or public employee whose conduct departs from the person's public duty is liable to the people of the state and is subject to the penalties provided in this part for abuse of the public's trust.

(3) This part sets forth various rules of conduct, the transgression of any of which is a violation of public duty, and various ethical principles, the transgression of any of which must be avoided.

- (4) (a) The enforcement of this part for:
  - (i) state officers, legislators, and state employees is provided for in 2-2-136;
  - (ii) legislators, involving legislative acts, is provided for in 2-2-135 and for all other acts is provided for in 2-2-136;
  - (iii) local government officers and employees is provided for in 2-2-144.
- (b) Any money collected in the civil actions that is not reimbursement for the cost of the action must be deposited in the general fund of the unit of government.

**2-2-104. Rules of conduct for public officers, legislators, and public employees.** (1) Proof of commission of any act enumerated in this section is proof that the actor has breached the actor's public duty. A public officer, legislator, or public employee may not:

- (a) disclose or use confidential information acquired in the course of official duties in order to further substantially the individual's personal economic interests; or



- (b) accept a gift of substantial value or a substantial economic benefit tantamount to a gift:
  - (i) that would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or
  - (ii) that the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official action taken.
- (2) An economic benefit tantamount to a gift includes without limitation a loan at a rate of interest substantially lower than the commercial rate then currently prevalent for similar loans and compensation received for private services rendered at a rate substantially exceeding the fair market value of the services. Campaign contributions reported as required by statute are not gifts or economic benefits tantamount to gifts.
- (3) (a) Except as provided in subsection (3)(b), a public officer, legislator, or public employee may not receive salaries from two separate public employment positions that overlap for the hours being compensated, unless:
  - (i) the public officer, legislator, or public employee reimburses the public entity from which the employee is absent for the salary paid for performing the function from which the officer, legislator, or employee is absent; or
  - (ii) the public officer's, legislator's, or public employee's salary from one employer is reduced by the amount of salary received from the other public employer in order to avoid duplicate compensation for the overlapping hours.
- (b) Subsection (3)(a) does not prohibit:
  - (i) a public officer, legislator, or public employee from receiving income from the use of accrued leave or compensatory time during the period of overlapping employment; or
  - (ii) a public school teacher from receiving payment from a college or university for the supervision of student teachers who are enrolled in a teacher education program at the college or university if the supervision is performed concurrently with the school teacher's duties for a public school district.
- (c) In order to determine compliance with this subsection (3), a public officer, legislator, or public employee subject to this subsection (3) shall disclose the amounts received from the two separate public employment positions to the commissioner of political practices.

**2-2-105. Ethical requirements for public officers and public employees.** (1) The requirements in this section are intended as rules of conduct, and violations constitute a breach of the public trust and public duty of office or employment in state or local government.

(2) Except as provided in subsection (4), a public officer or public employee may not acquire an interest in any business or undertaking that the officer or employee has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by the officer's or employee's agency.

(3) A public officer or public employee may not, within 12 months following the voluntary termination of office or employment, obtain employment in which the officer or employee will take direct advantage, unavailable to others, of matters with which the officer or employee was directly involved during a term of office or during employment. These matters are rules, other than rules of general application, that the officer or employee actively helped to formulate and applications, claims, or contested cases in the consideration of which the officer or employee was an active participant.

(4) When a public employee who is a member of a quasi-judicial board or commission or of a board, commission, or committee with rulemaking authority is required to take official action on a matter as to which the public employee has a conflict created by a personal or private interest that would directly give rise to an appearance of impropriety as to the public employee's influence, benefit, or detriment in regard to the matter, the public employee shall disclose the interest creating the conflict prior to participating in the official action.

(5) A public officer or public employee may not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when the officer or employee has a substantial personal interest in a competing firm or undertaking.



**2-2-121. Rules of conduct for public officers and public employees.** (1) Proof of commission of any act enumerated in subsection (2) is proof that the actor has breached a public duty.

(2) A public officer or a public employee may not:

(a) subject to subsection (7), use public time, facilities, equipment, supplies, personnel, or funds for the officer's or employee's private business purposes;

(b) engage in a substantial financial transaction for the officer's or employee's private business purposes with a person whom the officer or employee inspects or supervises in the course of official duties;

(c) assist any person for a fee or other compensation in obtaining a contract, claim, license, or other economic benefit from the officer's or employee's agency;

(d) assist any person for a contingent fee in obtaining a contract, claim, license, or other economic benefit from any agency;

(e) perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which the officer or employee either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent; or

(f) solicit or accept employment, or engage in negotiations or meetings to consider employment, with a person whom the officer or employee regulates in the course of official duties without first giving written notification to the officer's or employee's supervisor and department director.

(3) (a) Except as provided in subsection (3)(b), a public officer or public employee may not use or permit the use of public time, facilities, equipment, supplies, personnel, or funds to solicit support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue unless the use is:

(i) authorized by law; or

(ii) properly incidental to another activity required or authorized by law, such as the function of an elected public officer, the officer's staff, or the legislative staff in the normal course of duties.

(b) As used in this subsection (3), "properly incidental to another activity required or authorized by law" does not include any activities related to solicitation of support for or opposition to the nomination or election of a person to public office or political committees organized to support or oppose a candidate or candidates for public office. With respect to ballot issues, properly incidental activities are restricted to:

(i) the activities of a public officer, the public officer's staff, or legislative staff related to determining the impact of passage or failure of a ballot issue on state or local government operations;

(ii) in the case of a school district, as defined in Title 20, chapter 6, compliance with the requirements of law governing public meetings of the local board of trustees, including the resulting dissemination of information by a board of trustees or a school superintendent or a designated employee in a district with no superintendent in support of or opposition to a bond issue or levy submitted to the electors. Public funds may not be expended for any form of commercial advertising in support of or opposition to a bond issue or levy submitted to the electors.

(c) This subsection (3) is not intended to restrict the right of a public officer or public employee to express personal political views.

(d) (i) If the public officer or public employee is a Montana highway patrol chief or highway patrol officer appointed under Title 44, chapter 1, the term "equipment" as used in this subsection (3) includes the chief's or officer's official highway patrol uniform.

(ii) A Montana highway patrol chief's or highway patrol officer's title may not be referred to in the solicitation of support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue.

(4) (a) A candidate, as defined in 13-1-101(8)(a), may not use or permit the use of state funds for any advertisement or public service announcement in a newspaper, on radio, or on television that contains the candidate's name, picture, or voice except in the case of a state or national emergency and then only if the announcement is reasonably necessary to the candidate's official functions.



(b) A state officer may not use or permit the use of public time, facilities, equipment, supplies, personnel, or funds to produce, print, or broadcast any advertisement or public service announcement in a newspaper, on radio, or on television that contains the state officer's name, picture, or voice except in the case of a state or national emergency if the announcement is reasonably necessary to the state officer's official functions or in the case of an announcement directly related to a program or activity under the jurisdiction of the office or position to which the state officer was elected or appointed.

(5) A public officer or public employee may not participate in a proceeding when an organization, other than an organization or association of local government officials, of which the public officer or public employee is an officer or director is:

(a) involved in a proceeding before the employing agency that is within the scope of the public officer's or public employee's job duties; or

(b) attempting to influence a local, state, or federal proceeding in which the public officer or public employee represents the state or local government.

(6) A public officer or public employee may not engage in any activity, including lobbying, as defined in 5-7-102, on behalf of an organization, other than an organization or association of local government officials, of which the public officer or public employee is a member while performing the public officer's or public employee's job duties. The provisions of this subsection do not prohibit a public officer or public employee from performing charitable fundraising activities if approved by the public officer's or public employee's supervisor or authorized by law.

(7) A listing by a public officer or a public employee in the electronic directory provided for in 30-17-101 of any product created outside of work in a public agency is not in violation of subsection (2)(a) of this section. The public officer or public employee may not make arrangements for the listing in the electronic directory during work hours.

(8) A department head or a member of a quasi-judicial or rulemaking board may perform an official act notwithstanding the provisions of subsection (2)(e) if participation is necessary to the administration of a statute and if the person complies with the disclosure procedures under 2-2-131.

(9) Subsection (2)(d) does not apply to a member of a board, commission, council, or committee unless the member is also a full-time public employee.

(10) Subsections (2)(b) and (2)(e) do not prevent a member of the governing body of a local government from performing an official act when the member's participation is necessary to obtain a quorum or to otherwise enable the body to act. The member shall disclose the interest creating the appearance of impropriety prior to performing the official act.

**2-2-131. Disclosure.** A public officer or public employee shall, prior to acting in a manner that may impinge on public duty, including the award of a permit, contract, or license, disclose the nature of the private interest that creates the conflict. The public officer or public employee shall make the disclosure in writing to the commissioner of political practices, listing the amount of private interest, if any, the purpose and duration of the person's services rendered, if any, and the compensation received for the services or other information that is necessary to describe the interest. If the public officer or public employee then performs the official act involved, the officer or employee shall state for the record the fact and summary nature of the interest disclosed at the time of performing the act.

**2-2-144. Enforcement for local government.** (1) Except as provided in subsections (5) and (6), a person alleging a violation of this part by a local government officer or local government employee shall notify the **county attorney** of the county where the local government is located. The county attorney shall request from the complainant or the person who is the subject of the complaint any information necessary to make a determination concerning the validity of the complaint.

(2) If the county attorney determines that the complaint is justified, the county attorney may bring an action in district court seeking a civil fine of not less than \$50 or more than \$1,000. If the county attorney determines that the complaint alleges a criminal violation, the county attorney shall bring criminal charges against the officer or employee.

(3) If the county attorney declines to bring an action under this section, the person alleging a violation of this part may file a civil action in district court seeking a civil fine of not less than \$50 or more than \$1,000. In an action filed under this subsection, the court may assess the costs and attorney fees against the person bringing the charges if the court determines that a violation did not occur or against the officer or employee if the court determines that a violation did occur. The court may impose sanctions if the court determines that the action was frivolous or intended for harassment.

(4) The employing entity of a local government employee may take disciplinary action against an employee for a violation of this part.

(5) (a) A local government may establish a three-member panel to review complaints alleging violations of this part by officers or employees of the local government. The local government shall establish procedures and rules for the panel. The members of the panel may not be officers or employees of the local government. The panel shall review complaints and may refer to the county attorney complaints that appear to be substantiated. If the complaint is against the county attorney, the panel shall refer the matter to the commissioner of political practices and the complaint must then be processed by the commissioner pursuant to 2-2-136.

(b) In a local government that establishes a panel under this subsection (5), a complaint must be referred to the panel prior to making a complaint to the county attorney.

(6) If a local government review panel has not been established pursuant to subsection (5), a person alleging a violation of this part by a county attorney shall file the complaint with the commissioner of political practices pursuant to 2-2-136.

---

### COMMISSIONER OF POLITICAL PRACTICES

The Commissioner has jurisdiction over laws and rules pertaining to: Ethics (Title 2, chapter 2, part 1), Lobbying (Title 5, chapter 7) and Campaign finance and practices (Title 13, chapters 35 and 37).

#### Our Mission

We fairly and impartially carry out our assigned responsibilities monitoring and enforcing campaign finance and practices and government ethics standards. We serve the public and interested parties in a helpful and responsive way.

Commissioner of Political Practices 1205 8th Ave P.O. Box 202401 Helena, MT 59620-2401 (Tel.) 406-444-2942  
<http://politicalpractices.mt.gov/>



City of Laurel

2020-2021

4000 - Capital Projects - Summary Schedule

Fund #	Fund Name	(1) Appropriation	(2) Budgeted Cash Reserve	(3)=(1)+(2) Total Requirements	(4) Cash Available (Less current liabilities)	(5) Total Non-Tax Revenues	(6)=(4)+(5) Total Resources
4000	Cap Improv Program						
	Judicial	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	City Hall	\$ 57,089.00	\$ 10,486.28	\$ 67,575.28	\$ 56,748.28	\$ 10,827.00	\$ 67,575.28
	Fire Dept	\$ 25,000.00	\$ 16,621.96	\$ 41,621.96	\$ 41,621.96	\$ -	\$ 41,621.96
	Police Equip	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Swimming Pool	\$ -	\$ 0.54	\$ 0.54	\$ 0.54	\$ -	\$ 0.54
	Library	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	Ambulance	\$ -	\$ 6.88	\$ 6.88	\$ 6.88	\$ -	\$ 6.88
	Office Equip	\$ -	\$ 1.03	\$ 1.03	\$ 1.03	\$ -	\$ 1.03
	Street Equip	\$ -	\$ 0.36	\$ 0.36	\$ 0.36	\$ -	\$ 0.36
	Land & Bldgs	\$ -	\$ 93,610.73	\$ 93,610.73	\$ 93,610.73	\$ -	\$ 93,610.73
	Cemetery Improv	\$ -	\$ 31,935.31	\$ 31,935.31	\$ 27,935.31	\$ 4,000.00	\$ 31,935.31
	Cemetery Care	\$ -	\$ 8,290.78	\$ 8,290.78	\$ 8,290.78	\$ -	\$ 8,290.78
	Equip Reserve		\$ 680.47	\$ 680.47	\$ 680.47	\$ -	\$ 680.47
	Vets Cemetery	\$ -	\$ 12,546.94	\$ 12,546.94	\$ 12,546.94	\$ -	\$ 12,546.94
	FAP Offices	\$ 43,875.00	\$ 38,438.19	\$ 82,313.19	\$ 82,313.19	\$ -	\$ 82,313.19
	Park Improv	\$ 200,000.00	\$ 59,102.21	\$ 259,102.21	\$ 259,102.21	\$ -	\$ 259,102.21
	Unallocated	\$ -	\$ 107,199.60	\$ 107,199.60	\$ 107,199.60	\$ -	\$ 107,199.60
	TOTAL	\$ 325,964.00	\$ 378,921.28	\$ 704,885.28	\$ 690,058.28	\$ 14,827.00	\$ 704,885.28

**File Attachments for Item:**

11. Cemetery Commission Minutes of September 29, 2020.

CITY OF LAUREL  
CEMETERY MEETING MINUTES  
SEPTEMBER 29, 2020

MEMBERS ATTENDING; DAVID GAUSLOW, WALLACE HALL, KENNY OLSON, RICHARD KLOSE

MOTION BY DAVID 2<sup>ND</sup> BY WALLACE TO APPROVE MINUTES OF THE FEBRUARY 18, 2020 MEETING

NEW BUSINESS: MOTION BY WALLACE 2<sup>ND</sup> BY DAVID TO MOVE FORWARD ON ESTABLISHING THE PURPOSED PARKING LOT AT THE TWO CEMETERIES BY THE LAUREL AMERICAN LEGION WITH A M O U.

OLD BUSINESS: STILL NEED TO GET BIDS OF A SIGN AT THE LAUREL CITY CEMETERY IDENTIFYING THE LAUREL CITY CEMETERY

MEETING ADJOURNED AT 6:05 PM



**File Attachments for Item:**

12. Resolution No. R20-76: A Resolution Of The City Council Adopting The Updated 2020 Yellowstone County Hazard Materials Response Plan.

**RESOLUTION NO. R20-76**

**A RESOLUTION OF THE CITY COUNCIL ADOPTING THE UPDATED 2020 YELLOWSTONE COUNTY HAZARD MATERIALS RESPONSE PLAN.**

WHEREAS, in 1986 the Congress of the United States enacted the “Emergency Planning and Community Right to Know Act” (EPCRA) as Title III of the Superfund Amendments and Reauthorization Act (SARA) to help local communities protect public health and safety and the environment from chemical hazards; and

WHEREAS, the Yellowstone County Hazardous Materials Response Plan helps meet the requirements of Section 303 of EPCRA; and

WHEREAS, the City of Laurel, Montana has worked closely with Yellowstone County Disaster and Emergency Services and the Local Emergency Planning Committee (LEPC) to update a county-wide Hazard Materials Response Plan that will serve the needs of the City of Laurel and Yellowstone County; and

WHEREAS, the Yellowstone County Disaster and Emergency Services (YCDES) Coordinator also serves as the City of Laurel’s DES Coordinator; and

WHEREAS, the City of Laurel supports the 2020 Update to the Yellowstone County Hazard Materials Response Plan as a logical means toward protecting people and property from the potential devastating effects of accidental or intentional hazardous materials spill, release, or threat of release.

NOW, THEREFORE, BE IT RESOLVED that the Laurel City Council hereby adopts the “Yellowstone County, Montana Hazard Materials Response Plan – 2020 Update” as approved by the Montana Disaster and Emergency Services, a copy of which is attached hereto and incorporated herein.

PASSED and APPROVED by the City of Laurel this 10<sup>th</sup> day of November 2020.

CITY OF LAUREL

\_\_\_\_\_  
Tom Nelson, Mayor

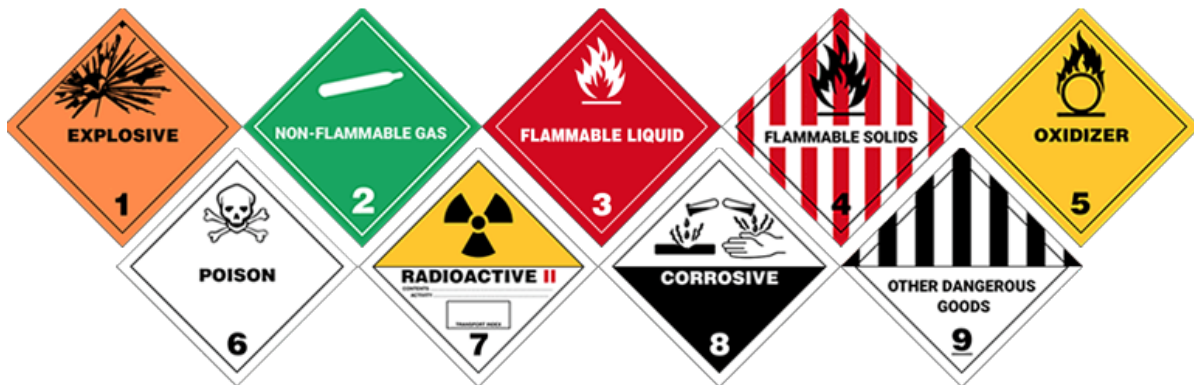
ATTEST:

\_\_\_\_\_  
Brittney Moorman, Clerk-Treasurer

Approved as to form:

\_\_\_\_\_  
Sam Painter, Legal Counsel  
Thompson Painter Law, PC

# Yellowstone County Hazardous Materials Response Plan



Edition 1 – September 2020

(Supersedes previous editions)

Yellowstone County Disaster and Emergency Services  
316 North 26<sup>th</sup>, Room 3201  
Billings, Montana 59101  
Tel. (406) 256-2775  
Fax (406) 256-6947  
<https://www.co.yellowstone.mt.gov/des/>

# Yellowstone County Hazardous Materials Response Plan

September 30, 2020

This plan serves Yellowstone County and incorporated cities

Prepared for:



Yellowstone County Disaster and Emergency Services

316 North 26th, Room 3201

Billings, Montana 59101

Tel. (406) 256-2775

Fax (406) 256-6947

<https://www.co.yellowstone.mt.gov/des/>

By:



Zylient, Inc.

Disaster Technology and Consulting

244 Shelter Valley Dr.

Kalispell, MT 59901

Tel (406) 201-1223

[www.zylient.com](http://www.zylient.com)

Montana Department of Emergency Services Contract DMA2020-0026

*This plan represents general guidelines, which can be modified by emergency personnel as appropriate.*

*This plan does not create any right or duty that is enforceable in a court of law.*

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## Record of Distribution

Organization/ Department	Representative	Signature
<b>Yellowstone County</b>		
Emergency and General Services/DES Coordinator		
911/Dispatch Center		
Board of County Commissioners		
Sheriff's Office		
LEPC		
RiverStone Health		
YC Public Works		
<b>City of Billings</b>		
Administrator/Elected Official		
Regional HazMat Team		
Police Department		
Billings Fire Department		
Billings Logan International Airport Operations		
AMR		
Public Works		
<b>City of Laurel</b>		
Public Works Department		
Mayor/Chief Administrator		
Police Department/Chief		
Laurel Volunteer FD		
Laurel EMS		
<b>Town of Broadview</b>		
Town of Broadview Fire Dept		
Mayor		

Organization/ Department	Representative	Signature
<b>Other Municipalities/Townships</b>		
Lockwood Fire Department		
Worden Fire Department		
Shepherd Fire Department		
Fuego Fire Department		
Blue Creek Fire Department		
Custer Fire Department		
Haley Bench Fire Department		
<b>Tribal</b>		
Crow Nation - Director of Disaster & Emergency Services		
<b>Medical</b>		
St. Vincent Health Care/ Emergency Preparedness Coordinator		
Billings Clinic		
<b>Community/Non-Profit</b>		
American Red Cross		
United Way of YC		
<b>State Agencies</b>		
Montana Disaster & Emergency Services		
Montana DES - District Field Officer		
Montana Dept. of Transportation		
Dept of Natural Resources & Conservation		
Montana Highway Patrol		
<b>Federal Agencies</b>		
Bureau of Land Management & Fire Prevention		
NWS		



## Record of Changes

Date	Description of Revision	Name	Means of Publication/Distribution

## Introduction

### Purpose

This *Yellowstone County Hazardous Materials Response Plan* provides basic guidelines and establishes policies and procedures in the event of a hazardous materials incident within Yellowstone County. This plan is designed to prepare Yellowstone County (YC) for an incident response and to minimize the exposure to and damage from materials that could adversely impact the environment or human health and safety.

The plan provides guidance for hazardous materials incident planning, notification, and response in accordance with the Emergency Planning and Community Right-To-Know Act (EPCRA), also known as the Federal Superfund Amendments and Reauthorization Act (SARA Title III) of 1986. The *Yellowstone County Hazardous Materials Response Plan* helps meet the requirements of Section 303 of EPCRA, requiring the establishment of a Comprehensive Emergency Response Plan by the Local Emergency Planning Committee (LEPC).

### Scope

This plan outlines the roles, responsibilities, procedures, and organizational relationships of all local, state, and federal agencies and private organizations responding to an accidental or intentional hazardous materials spill, release, or threat of release into the environment from a fixed operating facility or as the result of hazardous materials in transit within or impacting Yellowstone County. This plan provides suggested operational guidance and should not supersede or replace individual agency operational response plans during incident response.

This plan is structured to adapt to and meet the challenges of these situations by adopting the National Incident Management System's (NIMS) response framework, allowing government and private entities at all levels to work together in a coordinated manner. This framework facilitates adjusting, tailoring, and transitioning response operations to effectively manage incident response involving chemical, biological, radiological, nuclear, and explosive (CBRNE) materials.

The Yellowstone County LEPC prepared and maintains the 2019 *Emergency Operations Plan* (EOP), which includes "Emergency Support Function (ESF) 10 - Oil and Hazardous Materials Response." This plan is not intended to replace, but to supplement the EOP and ESF 10.

### Authority

In 1986 Congress passed the *Emergency Planning and Community Right to Know Act* (EPCRA) as Title III of the Superfund Amendments and Reauthorization Act (SARA). Congress enacted this law to help local communities protect public health and safety and the environment from chemical hazards. EPCRA requires regulated facilities that manufacture, use, or store certain amounts of hazardous chemicals to develop and implement emergency plans, report chemical inventories, and notify authorities in the event of a toxic release.

Montana follows EPCRA reporting requirements, with unique state-specific reporting procedures:

1. Safety Data Sheet (SDS) or chemical list reporting (EPCRA Section 311)
2. Tier II chemical inventory reporting (EPCRA Section 312)
3. Toxic Release Inventory (TRI) reporting (EPCRA Section 313)

4. Facilities must submit reports to the appropriate Tribal Emergency Response Commission (TERC), if applicable

The LEPC is a focal point for Title III activities in the community. As stated in the law, responsibilities of the LEPC include 1) development of an emergency plan, and collection and storage of information provided by facilities, and 2) making that information available to the public.

### **Federal**

1. Emergency Planning and Community Right-To-Know Act, 42 U.S.C. §§11001 et seq. (1986), enacted as Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA; Pub. L. 99-499)
  - EPCRA Sections 304 and 312 amended under America's Water Infrastructure Act of 2018
  - Emergency Planning and Notification, 40 CFR 355
  - Regulations governing hazardous waste, 40 CFR Part 260
  - Hazardous Chemical Report: Community Right-to-Know; 40 CFR Part 370
2. Stafford Disaster Relief and Emergency Assistance Act (Public Law 100-707), amended by:
  - Pets Evacuation and Transportation Standards Act of 2005 (Public Law 109-308)
  - Disaster Recovery Reform Act (DRRA) of 2018
3. 29 CFR Part 1910 (OSHA) – Subpart H – Hazardous Materials
  - Occupational Safety and Health Standards, Hazardous Materials, Training Curriculum which level of Guidelines, 29 CFR 1910.120(q)
4. Standards for Competence of Responders to hazardous materials/WMD incidents, NFPA 472

### **State**

1. Response to Hazardous Material Incidents, Montana Code Annotated (MCA) 10-3-1201 to 10-3-1218
2. Employee and Community Hazardous Chemical Information Act, MCA 50-78-101 to 50-78-402
3. Local and Interjurisdictional Emergency and Disaster Agencies and Services, MCA 10-3-201

## **Mission**

The mission of this plan is to:

1. Establish a strategy to minimize the adverse effects of hazardous materials upon life, health, property, and the environment
2. Identify community resources for emergency planning, response, and recovery activities
3. Coordinate an effective and efficient response to a hazardous materials incident
4. Establish a community "Hazardous Materials Response Plan" to supplement the 2019 *Yellowstone County Emergency Operations Plan*

## Situation and Assumptions

### Situation

A hazardous materials incident can happen anywhere within Yellowstone County and involve any potentially hazardous material. The YC LEPC supports county-wide planning in addition to the site-specific planning by businesses, industries, and facilities that use hazardous materials. Residents are best served when response capabilities meet a broad range of hazards.

History shows that the majority of hazardous materials incidents present no health hazard beyond the immediate site of a release. This is due in part to the controls that many facilities employ and to the response capabilities that Yellowstone County has developed. This *Yellowstone County Hazardous Materials Response Plan* addresses the rare incident that may have an adverse health impact beyond the immediate site of a release.

For a plan to be successful, it must be used. Every type of response to a hazardous materials incident should be addressed by the plan to enable an effective transition if the scope of the incident escalates to a major emergency.

A hazardous materials incident may be concurrent with another emergency, in which case the operations of the *Yellowstone County Hazardous Materials Response Plan* will be integrated with the overall response. Examples of these emergencies include but are not limited to: a plane crash, train derailment, marine emergency, and/or acts of terrorism.

### Assumptions

Environmental Protection Agency (EPA) guidance is limited to Extremely Hazardous Substances (EHS) and does not address other hazardous materials that may pose hazards to the community. The YC LEPC and the Billings Fire Department Hazardous Materials (BFD HazMat) Response Team support response capabilities for all chemical and physical hazard types, instead of an approach directed at a list of particular chemicals.

The YC LEPC's hazardous materials emergency planning philosophy is more comprehensive than the EPA's "Technical Guidance for Hazards Analysis," (December 1987). The following assumptions are at issue:

1. EPA guidance is limited to Extremely Hazardous Substances (EHS) and does not address other hazardous materials that may also pose risk to the community. The YC LEPC, the BFD HazMat Team, and available local industrial hazardous materials resources support response capabilities for a broad range of chemical and physical hazard types instead of an approach directed at a list of particular chemicals.
2. EPA guidance directs that a hazard analysis be done for each EHS present at a facility. The YC LEPC promotes facility planning to support a comprehensive hazard analysis that considers an "all risk" approach. It is possible that EHS chemicals may not pose the greatest vulnerability at a site and may in fact not even be involved in the incident.
3. A hazards analysis based on the EHS list may mislead the public about chemical hazards in the community. For example, chemicals on the EHS list may not always pose an airborne hazard to the community. Example: Phosphorus (CAS #7723-14-0), when alloyed in carbon steel, may pose an occupational hazard during milling or grinding. Yet in this form it is not likely to pose a hazard to the outside community or the environment.

4. EPA guidance instructs that a vulnerability zone be identified for each facility. In Yellowstone County this could result in identifying the same population several times while missing other at-risk populations in other areas of the County or in neighboring communities. The YC LEPC supports a comprehensive county-wide plan to ensure effective use of its resources for response to a hazardous materials incident anywhere in the county.
5. In addition to the EPA guidance referenced in Items 1-4, a Risk Management Plan (RMP) is required for an owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR § 68.115 - Threshold determination. Compliance with the requirements of this part are to be no later than the latest of the following dates:
  - a. June 21, 1999
  - b. Three years after the date on which a regulated substance is first listed under §68.130
  - c. The date on which a regulated substance is first present above a threshold quantity in a process
6. The owner/operator of a stationary source subject to this section must submit a single RMP to EPA as provided in §68.150 to 68.185. The RMP shall include a registration that reflects all regulated processes.

## Organization

1. The initial Incident Commander (IC) at the scene has authority to direct and control emergency actions and is responsible to recognize when an incident exceeds their training and capabilities and to request the assistance of additional resources such as the BFD HazMat Team.

The 2019 EOP specifies the BFD HazMat Team as the “Local Emergency Response Authority” (LERA) for the City of Billings, City of Laurel, Town of Broadview, and all county areas outside those municipalities.

2. Upon incident assessment, the IC will declare a Level of Magnitude (HazMat Level 0, 1, 2, or 3) and announce this declaration to the 911 Dispatcher, who will begin the agency dispatch and notification assigned to that Level of Magnitude.
3. The IC will establish a Command Post from which to direct and oversee all emergency operations. The IC will secure the site with the aid of law enforcement and other available agencies.
4. A Unified Command system will be employed to facilitate a coordinated response by all local, state and federal agencies.
5. Appropriate public alerting means will be employed to deliver information about protective actions.
6. Law enforcement will assist the IC by securing and controlling access to the scene.
7. EMS will assist the IC with on-scene triage, treatment, and transportation of victims, and medically support responding resources (e.g., BFD HazMat Team).
8. Special response teams in addition to the BFD HazMat Team are available from public and private-sector resources, including the BFD Technical Rescue Team (e.g., Confined Space Rescue, Swift Water Rescue), Billings SWAT and Bomb Squad, and Emergency Task Forces.

9. The IC will designate a Joint Information Center (JIC) for media representatives.
10. The Yellowstone County Emergency Operations Center (EOC) may be activated for incidents requiring the coordination of a major response involving multiple jurisdictions or agencies. County EOC activities are coordinated by YC DES. The City of Billings and Yellowstone County operate a joint EOC located at 2300 9th Avenue North, Billings, Montana (basement of Fire Station #1). This location also serves as the EOC for the City of Laurel and Town of Broadview.
11. Additional resources are available from state and federal sources. Support for local response and/or additional capacity can be obtained through chain-of-command and Mutual Aid requests initiated by YC DES to MT DES. If these resources are not locally based, response time is according to their availability and travel distance. One of these resources can be a Federal On-Scene Coordinator for Hazardous Materials Response.
12. In the event of a disaster, MCA 10-3-402 to 403 may apply. While the IC assumes operational authority, only the Principal Executive Officer (PEO) of the affected municipality has authority to issue a local emergency proclamation or disaster declaration. A declaration of a State of Emergency utilizes and expands the authority of the local PEO.

## Concept of Operations

### Preparedness

Preparedness involves actions designed to save lives and minimize damage. It is raising awareness, planning, and training for appropriate response prior to an emergency.

#### 1. Community Preparedness

Efforts to raise community awareness and preparedness for all hazards is encouraged. Suggested actions may include but are not limited to:

- a. Signage and communication to residents of major, pre-designated evacuation routes
- b. Promotion of FEMA [www.Ready.gov](http://www.Ready.gov) resources, guides, and toolkits
- c. Outreach to vulnerable populations with access or mobility challenges who may need additional assistance during an emergency, including those with special healthcare needs and language barriers

#### 2. Hazard Analysis

##### a. Hazards Identification

Yellowstone County is an industrialized community with numerous fixed facilities that use, store, and produce a wide variety of hazardous materials. Yellowstone County has several transportation systems:

- Highways (including Interstate Routes 94 and 90 and Montana Highways 3, 47, 87, 212, 312)
- Railroads (BNSF east-west and north-south, Montana Rail Link east-west)
- Pipelines (including hazardous liquid and gas transmission)
- Air (including Billings Logan International Airport)
- Water (including Yellowstone River and tributaries)

An incident could occur anywhere in the County – at a fixed facility that may or may not be subject to the planning requirements of SARA Title III, or during transportation. Further, the incident might involve material(s) on the Extremely Hazardous Substances list, and/or a “non-listed” hazardous material that poses a threat to the community.

An incident in a neighboring county or tribal nation may cross the border and impact Yellowstone County.

b. Risk Analysis

Risk Analysis is an attempt to rank hazards by comparing the probability of a release with the severity of consequences of that release:

- Occurrence:  
Yellowstone County has already experienced hazardous materials incidents at fixed facilities and on all transportation systems. The LEPC expects that incidents will continue to occur at similar past rates.
- Consequences:  
Yellowstone County has already experienced minor and moderate hazardous materials incidents. The LEPC expects that minor and moderate incidents will continue to occur and that a major incident is possible.

c. Vulnerability Zone

Any part of Yellowstone County may be subject to airborne material during a release of a hazardous material. Therefore, for the purposes of this Plan and its activities, all of Yellowstone County is designated as the “vulnerable zone.”

d. Response Capabilities

Yellowstone County’s hazardous materials response capabilities include the expertise of one regional hazmat response team (BFD HazMat Team) and the resources of 11 fire departments, 4 law enforcement agencies, 4 EMS providers (AMR, Laurel, Lockwood Worden), and 2 healthcare systems (Billings Clinic and Saint Vincent). Further, hazardous materials planning and response activities are supported by private-sector organizations, numerous professional organizations, public safety training programs, and specialized response teams at the state and federal levels.

3. Facility Planning

a. Non-Regulated Facilities

Facilities not regulated by SARA Title III should:

- Maintain a list of 24-hour contact person(s) and submit it to YC DES
- Establish internal procedures for evacuation in the event of a hazardous materials incident

b. Regulated Facilities

Facilities regulated by SARA Title III must meet planning requirements:

- Prepare both an analysis of hazards at the facility (“Facility Hazard Analysis”), and a response procedure for those hazards (“Facility Response Procedure”).

Copies are submitted to 1) the LEPC, 2) the State Emergency Response Commission (SERC), and 3) YC DES.

- Comply with the applicable SARA reporting requirements and OSHA regulations.
- Participate in training programs identified in the “Training and Exercising” section.
- Designate an official (available on 24-hour call) who is capable of participating in a Command Post as a facility representative. This person will have information and the authority to:
  1. Identify the location, type and quantity of hazardous/flammable chemicals or materials
  2. Provide SDS information and technical data on properties of the chemicals or materials present
  3. Implement the Emergency Action Plan for the facility (“Facility Emergency Contingency Plan”), if appropriate and available.

#### 4. Facility Reporting

Yellowstone County’s response is based upon effective planning and training. Primary emergency response is most effective when the community receives prompt notification of an incident. This section provides guidance to facilities and stresses the critical need for prompt and accurate reporting.

##### a. Reporting Requirement

- A facility must immediately report the release of a reportable quantity of a hazardous substance or extremely hazardous substance to the environment (EPCRA §304, 40-CFR§355.40).
- The report is to be made by **calling all**:
  1. 9-1-1 Dispatch to notify the Community Emergency Coordinator
  2. YC DES: (406) 208-0506
  3. MT DES Duty Officer: (406) 324-4377, alt 406-431-0411
  4. Montana Department of Environmental Quality: (406) 444-0379
- This reporting requirement does not apply to any release that results in exposure to persons solely within the site or sites on which a facility is located (EPCRA §304(d)).

##### b. Local Reporting Guideline

To better protect safety and to support the primary emergency responders, the LEPC requests that facilities immediately report “Perceptible Exposure” releases by calling 9-1-1.

“Perceptible Exposure” means: any release of a hazardous substance or extremely hazardous substance which is visible, produces a detectable odor or a distinctive taste, or impacts a human or environmental receptor physically, such as causing eye irritation, itchy skin, damaged vegetation, chronic injury, etc.



c. Follow-up Notice

As soon as practical thereafter, a written, follow-up emergency notice shall be submitted to:

- LEPC Community Emergency Coordinator  
c/o Yellowstone County Disaster and Emergency Services  
316 North 26th, Room 3201  
Billings, Montana 59101
- Montana Department of Environmental Quality  
See DEQ website for reporting requirements and to submit an online reporting form: <https://deq.mt.gov/DEQAdmin/ENF>

A sample follow-up notification form is provided in Appendix E.

Note: This section is intended to facilitate emergency response and does not guarantee compliance with reporting requirements under any other environmental or health and safety law. There may be other applicable reporting requirements depending on the circumstances of the release.

5. Training and Exercises

a. Training

- The LEPC supports a comprehensive training program for agency personnel and emergency staff to ensure a safe and effective response to hazardous materials incidents.
- Training requirements are established by state and federal regulations. Absent of such criteria, in-service training will be based upon the level of knowledge or skill required to perform the tasks associated with the job assignment. Training deficiencies should be identified through appropriate administrative channels for resolution.
- Title III, Section 303(c)(8) requires training for those responsible to implement chemical emergency plans. Yellowstone County intends to utilize courses sponsored by the federal and state governments and private organizations to fulfill this requirement. Local agencies and facilities will also schedule courses to address the unique concerns and needs of the local hazardous materials preparedness program.
- Local agencies, facilities, and organizations should provide in-service training to satisfy operational needs, to maintain appropriate certification standards, and to comply with applicable regulatory standards. It is recommended that a training officer be designated to establish an annual training program designed to meet requirements. Individual training records should be maintained on all emergency responders.
- The LEPC works in conjunction with the State Emergency Response Commission and community leaders to evaluate the hazardous materials training needs of local emergency response personnel. The LEPC will monitor and/or coordinate local training initiatives to ensure consistency with this plan and will take

advantage of training resources available from all levels of government and the private sector.

b. Exercises

- The LEPC supports a comprehensive exercise program to effectively implement and evaluate the Yellowstone County Hazardous Materials Response Plan.
- Title III, Section 303(c)(9) requires local jurisdictions to establish “methods and schedules for exercising the emergency plan.” An effective exercise program will strengthen response management, coordination, and operations, and identify areas for improvement. Corrective actions can then be taken to improve and refine public safety capabilities.
- Exercises are generally classified into five categories: Orientations, Drills, Table-top, Functional, and Full-scale. Each exercise type varies in activities and resources. Some require simple preparations and execution while others may be more complex and require greater efforts and resources. Each provides its own benefits and should be considered in the development of an exercise program to satisfy community and facility needs.
- Each facility should conduct at least one annual test of their emergency plan. These tests should be coordinated, when possible, with the appropriate fire department. Facilities should conduct an exercise debriefing and within 30 days prepare an after-action report noting corrective action and lessons learned.

## Emergency Response

### Risk-Based Decision Making

First responders and the Incident Commander, as well as Yellowstone County DES, Billings FD, and the BFD HazMat Team, rely on a risk-based decision making process to manage and mitigate a hazardous materials incident, termed “DECIDE.” More information can be found here:

[http://www.henrycoema.org/EMA/HazMat\\_Training\\_Materials\\_files/DECIDE.pdf](http://www.henrycoema.org/EMA/HazMat_Training_Materials_files/DECIDE.pdf).

The DECIDE process includes the following steps:

1. Detect hazardous material presence
2. Estimate likely harm without intervention
3. Choose response objectives
4. Identify action options
5. Do best option
6. Evaluate progress

### Levels of Response Magnitude

The Levels of Response Magnitude outlined below describe the impact of a hazardous materials incident on the community and are categorized based on severity as Level 0, 1, 2, or 3. See Table 1. Criteria for determining the incident level include:

- Characteristics of the hazardous material
- Nature of the material release

- Population and area affected (e.g., sensitive ecosystems, waterways, transportation routes)
- Extent of multi-agency and multi-jurisdictional involvement
- Evacuations, injuries, or fatalities
- Technical expertise and equipment needed to safely mitigate the incident
- Duration

The determination of incident level shall be a collective decision between the IC and the BFD HazMat Team. If terrorist activities are suspected, the incident will be classified as a Level III and require federal involvement and additional activities.

1. Level 0 – Non-Emergency Condition

a. Definition:

A hazardous materials incident that is not likely to adversely impact or threaten life, health, property or the environment, where control of the incident is within the capabilities of resources available to the local response jurisdictions.

b. Criteria:

- Incident controlled by the facility or the local response jurisdictions
- BFD HazMat Team advice may be required for technical assistance

2. Level 1 – Controlled Emergency Condition

a. Definition:

A hazardous materials incident that may adversely impact or threaten life, health, property or the environment within an area immediately surrounding the point of release or potential release; where control of the incident is within the capabilities of the resources locally available to responders in Yellowstone County.

b. Criteria:

- Incident can be controlled by the first municipal response agency with the BFD HazMat Team
- Local response jurisdictions with special teams response, as defined in Organization (page 11)
- May require evacuation or sheltering for the area immediately affected by the release or potential release

3. Level 2 – Limited Emergency Condition

a. Definition:

A hazardous materials incident that may adversely impact or threaten life, health, property or the environment beyond the point of release; may be across municipal jurisdictions; where control of the incident is within the capabilities of the resources based within Yellowstone County.

b. Criteria:

- Incident that is beyond the capabilities of the first municipal response agency and requires broad-base community resources
- Evacuation or sheltering of residents or facilities should be considered
- Participation or support by mutual-aid agencies
- Multi-jurisdictional or multi-municipal involvement

4. Level 3 – Full Emergency Condition

a. Definition:

A hazardous materials incident that adversely impacts or threatens life, health, property, or the environment in a large geographic area. Additional resources are required to supplement those available within Yellowstone County.

b. Criteria:

- Serious hazard or severe threat to life, health, and the environment
- Large geographic impact
- Major community evacuation or sheltering
- Multi-jurisdictional involvement
- Requires broad-based resources

*Table 1 Summary of Emergency Levels of Response Magnitude.*

LEVEL OF RESPONSE MAGNITUDE	PRODUCT IMPACT	AREA OF IMPACT	CAPACITY TO CONTROL
<b>LEVEL 0</b>	Non-Threatening	Confined to site	Local jurisdiction
<b>LEVEL 1</b>	Threat	Within immediate area of release	...PLUS HazMat team and special teams <sup>1</sup> as requested by the IC
<b>LEVEL 2</b>	Threat	Beyond immediate area of release  Multi-jurisdictional	...PLUS broad-based community resources
<b>LEVEL 3</b>	Threat	Beyond immediate area of release  Multi-jurisdictional  Large geographic area	Broad-based resources are required to supplement those available within Yellowstone County

<sup>1</sup> Special teams as defined in Organization, page 11.

## Dispatch & Notification

### 1. Level 0 – Non-Emergency Condition

Upon declaration of a Level 0 hazardous materials incident, 911 Dispatch may dispatch the following:

- Yellowstone County DES
- Local fire department
- Local law enforcement (tell them this is a Hazardous Materials Incident)
- Local EMS
- Other agencies as appropriate

### 2. Level 1 – Controlled Emergency Condition

Upon declaration a Level 1 hazardous materials incident, 911 Dispatch may dispatch the following:

- All Level 0 agencies, PLUS:
- BFD HazMat Response Team
- Yellowstone County Fire Warden
- Other agencies as appropriate

### 3. Level 2 – Limited Emergency Condition

Upon declaration of a Level 2 hazardous materials incident, 911 Dispatch may dispatch the following:

- All Level 1 agencies, PLUS:
- Other regional HazMat teams (e.g., Bozeman, Missoula)
- Other agencies as appropriate – EOC activation determined through consultation with YC DES, the County Fire Warden, and the IC

### 4. Level 3 – Full Emergency Condition

Upon declaration of a Level 3 hazardous materials incident, 911 Dispatch may dispatch the following:

- All Level 2 agencies, PLUS
- Other fire departments via mutual aid
- Other EMS agencies via mutual aid
- Other regional HazMat teams (e.g., Bozeman, Missoula)
- EOC activated by YC DES
- Other local State and/or Federal agencies as appropriate

## Operations

Actions taken by emergency responders shall be based upon the need to protect life, health, property and the environment.

Operations shall comply with applicable OSHA regulations, which may include:

1. 29 CFR 1910.120 – Hazardous Waste Operations and Emergency Response (HAZWOPER)
2. 29 CFR 1910.134 – Respiratory Standard
3. 29 CFR 1910.156 – Fire Brigade Standard
4. Standard Operating Procedures as specified by individual agencies

## Approaching the Scene

Emergency responders should approach the scene of a hazardous materials incident from upwind and uphill if possible. **Emergency responders should not pass through a vapor cloud or a spill.**

## Arriving at the Scene

1. Emergency responders should meet with a facility representative, or other knowledgeable person, to learn about the incident.
2. Establish a perimeter to isolate the hazard area and deny entry.
3. Address immediate life-threatening situations. If possible, begin decontamination triage.

## Identifying the Materials Involved

1. Identify hazardous materials BEFORE exposing personnel or taking remedial action.
2. Binoculars may be used to view placards, license plates, vehicle identification information, and containers for clues about product(s) involved.
3. Obtain shipping papers and/or Safety Data Sheets (SDS). Correct spelling of the chemical name is critical.

## Obtaining Hazard and Handling Information

The physical and chemical properties of a product, as well as its hazards and handling information, may be obtained from sources including:

- Safety Data Sheets (SDS)
- Chemical reference books: US DOT – Emergency Response Guidebook, National Fire Protection Association (NFPA) Handbooks
- CHEMTREC 1-800-424-9300
- American Association of Poison Control Centers (800) 222-1222
- Agency for Toxic Substances Disease Registry 1-800-232-4636
- Chemical data base (e.g., CAMEO mobile phone application)
- Plume dispersion and mapping models (e.g., ALOHA or ADASHI)
- E-Plan
- WISER (Wireless Information for Emergency Responders)

### *On-scene Measurements*

On-scene measurements may be taken with direct-reading instruments including, but not limited to:

- Carbon monoxide meter
- Colormetric indicator tubes
- Combustible gas indicator
- Oxygen Meter
- Ph paper
- Radiological survey instruments
- Chemical test/detection equipment
- Multi-gas meter with photoionization detector ("PID")

### *Weather*

Weather may play an important role in the outcome of a hazardous materials incident. The National Weather Service can supply:

- Wind speed and direction
- Temperature
- Relative humidity
- Precipitation
- Stability of the lower atmosphere
- Forecast

### *Expertise*

Expertise may be obtained from sources including:

- Manufacturer
- Shipper
- Carrier
- Consignee
- Facility representative
- BFD Hazardous Materials Response Team
- Chemical industry personnel
- College and university personnel
- Farm and related industry personnel

### *Site Control / Hazard Control Zones*

The Incident Commander shall establish hazard control zones for emergency responders and the public in accordance with state and federal guidelines:

1. Exclusion (Hot) Zone: area with actual or potential contamination and the highest potential for exposure to hazardous substances.
2. Contamination Reduction (Warm) Zone: transition area between the exclusion and support zones. This area is where responders enter and exit the exclusion zone and where decontamination activities take place.
3. Support (Cold) Zone: area of the site that is free from contamination and that may be safely used as a planning and staging area.

The following factors should be considered in the establishment of hazard control zones:

- Wind speed and direction
- Drainage and topography
- Location of Command Post, Staging, and Emergency Medical Treatment areas
- Access control points
- Decontamination/Entry corridors

#### *Decontamination*

1. A decontamination area shall be established for victims and equipment to minimize the spread of contamination.
2. Prior to departing an incident scene, all contaminated personnel and equipment shall be decontaminated as much as possible. Equipment marked for further decontamination must be completely decontaminated before returning to service.
3. It is the Incident Commander's responsibility to see that if decontamination is needed, it is accomplished properly at the scene before any patient is turned over to EMS.
4. Once EMS is on scene, EMS decides patient care in consultation with the BFD HazMat Group Supervisor, Incident Commander, and EMS Medical Director.

#### *Safety and Health*

The Incident Commander shall designate an on-scene Safety Officer who shall ensure that emergency responders use personal protective equipment (PPE) and procedures that comply with local, state and federal regulations.

#### *Mitigating the Incident*

1. The Incident Commander, in conjunction with facility personnel and other technical specialists, shall develop a risk-based response process and carry-out that plan to avoid unnecessary exposure. A risk-based response is a systematic process by which responders analyze a problem involving hazardous materials/weapons of mass destruction (WMD), assess the hazards, evaluate the potential consequences, and determine appropriate response actions based upon facts, science, and the circumstances of the incident (NFPA 472 3.3.57).
2. Containment and Control:
  - a. Qualified emergency responders may perform containment and control tasks to mitigate the incident and to minimize adverse environmental impacts.
  - b. Containment and control may include: closing valves, plugging or patching holes, transferring material from one container to another, damming, diking, booming,



absorbing, neutralizing, diluting, suppressing vapors, extinguishing, and using water spray to keep containers cool.

- c. If flammable vapors and gases are present, combustible gas indicators may be used to determine the potential ignition area. All ignition sources in that area should be eliminated.
  - d. Some materials are water reactive. Water used to extinguish a fire may create a much bigger problem when it becomes contaminated run-off. If hazardous materials are involved in a fire, it may be best to let the fire burn.
3. In cases where contamination of the environment has occurred, the YC DES and the State of Montana Department of Environmental Quality (DEQ) shall be informed so they may evaluate the situation and take appropriate action.
  4. In cases where contamination of a water-supply system has occurred or may occur, YC DES, MT DEQ, RiverStone Health, and the affected downstream water supplier or community shall be informed so they may evaluate the situation and take appropriate action in accordance with the *Yellowstone County Source Water Protection Plan* (2020) and state and federal laws.
  5. In cases where contamination of a sewer system has occurred or may occur, YC DES, MT DEQ, and the affected sewer agency or community, shall be informed so they may evaluate the situation and take appropriate action in accordance with the *Yellowstone County Source Water Protection Plan* (2020) and state and federal laws.

#### *Radio Communications*

Radio Communications are primarily between the incident site and 911 Dispatch for:

1. Dispatch and information exchange among base stations, mobiles, and portables
2. Command of personnel and resources
3. Agency Coordination
  - a. In situations involving mutual aid, or similar multi-agency or multi-jurisdictional response, integration of the various communications systems can be achieved by coordinating information at 911 Dispatch, the Command Post, and/or the EOC.
  - b. If it is necessary to operate a secondary, or alternate communications center, the emergency service agency that regularly controls the channel shall provide personnel to operate the equipment.
4. Support Systems
  - a. Public works, transportation and related agencies have the capacity to provide equipment, vehicles, and personnel to support an incident if needed.
  - b. YC DES can provide a mobile unit with radio, data, and telephone communications equipment designed for Command Post support.
  - c. Amateur radio and TV links can be activated through DES.

#### *Protective Actions*

Evacuation, sheltering-in-place, or a combination should be considered in defining protective actions to reduce or eliminate public exposure to hazardous materials that are released during an incident.

## 1. Evacuation

Evacuating the public is a decision based on information indicating that the public is at greater risk by remaining in or near the hazard area. Information that should be considered in the decision to evacuate includes:

- Severity of dangers
- Population affected
- Availability of resources to evacuate the affected population
- The notification means to provide emergency instructions
- Safe passage for the evacuees, including adequate time
- Availability of reception centers, shelters, and sustenance
- Special needs of evacuees

## 2. Shelter-In-Place

Sheltering-in-place means advising the affected population to seek protection within the structure they occupy or in a nearby structure. Like evacuation, this decision is based upon hazard analysis. If the danger to the public is mitigated by sheltering-in-place, then it should be employed as a protective measure.

With certain hazards, (e.g. short-term exposure, line-of-sight exposure) the best decision may be to shelter-in-place. One distinct advantage of sheltering-in-place is the relative ease of implementation. Some considerations are:

- Availability of resources
- Time available to take protective actions
- Public's understanding of sheltering-in-place

For some hazards, sheltering-in-place can be enhanced by seeking the most protected refuge in the structure. For chemical, radiological, and some biological hazards it is enhanced by reducing the indoor-outdoor air exchange rate.

## 3. Combination Protective Actions

There may be circumstances when using both evacuation and sheltering-in-place is appropriate. For example, when time or resources cannot support the immediate need to evacuate a large population, only those closest to the hazard and at greater danger could be instructed to evacuate, while people outside of the immediate area would be advised to shelter-in-place.

## 4. Implementation of Protective Actions

The Incident Commander(s) shall be responsible to designate personnel in charge of protective actions. Protective actions may require the declaration of a local state of emergency.

- Traffic Control Points and Access Control Points shall be established to direct traffic and people out of the affected area and to prevent entry.
- Sources of transportation capable of supporting an evacuation shall be identified.
- All residents of the affected area should be identified and accounted for.

- Forced entry into homes and businesses shall only be performed if there is a reason to believe that a victim may be inside.
- In the case of persons who refuse to leave their homes during an evacuation order: their names, address, next-of-kin, and time of notification shall be documented.

#### 5. Family Assistance Centers

The evacuees may need to stay at a temporary staging area until a suitable Family Assistance Center can be established. The Family Assistance Center shall be coordinated by the American Red Cross with personnel support from other COADs and/or public health representatives from RiverStone Health.

### Public Alerting

Once a decision has been made to evacuate or shelter-in-place, the Incident Commander(s) shall have YC DES and local law enforcement alert the public.

*See Appendix F for a Sample Evacuation Announcement and Appendix G for a Shelter-in-Place Announcement.*

Public Alerting provides timely and reliable emergency information pertaining to the need for protective actions. For protective actions to be effective, the public must first be alerted that an emergency exists, and second be instructed on what to do. Since a hazardous materials incident is normally a rapidly developing situation, initial public alerting by emergency response personnel is a critical aspect of public safety.

#### 1. When to Alert the Public

- Level 0 – Non-Emergency Condition  
This Level of Magnitude does not normally require Public Alerting. However, the Incident Commander (IC) or designated Public Information Officer (PIO) shall respond to public and media requests for information.
- Level 1 – Controlled Emergency Condition  
This Level of Magnitude may not require Public Alerting. However, the IC or designated PIO shall respond to public and media requests for information.
- Level 2 – Limited Emergency Condition  
This Level of Magnitude may require Public Alerting.
- Level 3 – Full Emergency Condition  
This Level of Magnitude requires Public Alerting.

#### 2. Methods of Public Alerting

- Press Release  
A press release may be relayed by the PIO or through the JIC to media representatives or made directly to on-scene media representatives.
- Route Alerting

Emergency personnel utilizing emergency vehicles, equipped with a siren, a public address system, and appropriate PPE may drive through the affected area and announce the emergency.

- Residential Door-to-Door Alerting

Emergency personnel, equipped with appropriate PPE, may walk through the affected area and announce the emergency situation on a door-to-door basis.

- Integrated Public Alert & Warning System (IPAWS) / CodeRed Emergency Notification System

Activation of IPAWS and/or CodeRed can only be accomplished by YC DES, pre-designated government officials, or the National Weather Service.

An updated roster of IPAWS-certified personnel is maintained at 911 Dispatch and YC DES.

- Mass Notification

Mass notification through the CodeRed Notification System may be initiated by either 911 Dispatch or YC DES.

### 3. Public Alert Message Content

Components of a public alert message may include:

- Affected area
- Health hazards
- Protective actions
- Evacuation routes
- Location of Family Assistance Center(s)
- Medical treatment
- Telephone number for mobility impaired to call for assistance

## Recovery

Recovery immediately follows emergency response. It involves direction to restore the community to normal conditions and may include the following aspects:

- Request by the Governor for a Presidential Disaster Declaration
- Maintaining access control
- Clearing debris
- Restoring public utilities
- Providing emergency social services (shelter, clothing, food, etc.)
- Rebuilding
- Investigating the incident

- Demobilizing emergency personnel and resources, which may include emergency worker counseling
- Adjusting traffic control perimeters
- Continuing public information – general purpose and health-related
- Maintaining security in restricted areas
- Providing long-term counseling for residents
- Continuity planning for business and industry (economic preservation)

Specific short and mid-term recovery actions should include:

1. Cleanup and Disposal

- a. The cleanup and disposal of hazardous wastes will comply with applicable local, state, and federal regulations
- b. The party responsible for the incident is legally and financially responsible for the cleanup and disposal of hazardous wastes
- c. Emergency responders should understand that if they initiate contact with a commercial cleanup company, they may be held responsible for the costs incurred
- d. If the party responsible for the incident is unknown, unwilling, or unable to accomplish cleanup and disposal, MT DEQ may hire a commercial cleanup company with State funds

2. Relocation and Re-Entry

a. Relocation

In cases where contamination of the environment has occurred and the long-term relocation of residents is necessary, the Montana Department of Health and Human Services (DPHHS) may provide relocation assistance.

b. Re-Entry

Re-entry to an area that has been sheltered-in-place or evacuated shall not be allowed until authorized by the Incident Commander(s).

The Incident Commander(s) shall confer with the YC DES and RiverStone Health and other appropriate officials to establish re-entry procedures that will include:

- A time to return
- Safety precautions
- Health precautions
- Decontamination
- Symptoms of illness as a result of exposure

The PIO shall inform the public of the re-entry procedures. This may be done by the following methods:

- Social media

- News release
- Emergency Alert System / CodeRed
- Mass notification system
- Announcements and/or printed materials at reception or congregate care centers
- Printed materials issued at Traffic Control Points and Access Control Points

Traffic Control Points and Access Control Points shall be maintained, as necessary, to ensure an orderly re-entry by the public.

### 3. Incident Evaluation

OSHA Standard 1910.120 requires the Incident Commander(s) to debrief and evaluate the emergency response as soon as possible.

#### a. Incident Debriefing

The IC shall ensure that an incident debriefing occurs as the incident conclusion or as responders leave the scene. The debriefing should include, but not be limited to providing the following information:

- Hazard information
- Exposure signs and symptoms of materials involved
- Name of individual responsible for post-incident medical contact
- Administrative procedures
- Gather name(s) of all outside responders and agencies

#### b. Critique

The IC shall conduct a critique for all Level 1 or greater hazardous materials incidents. Such critique will review the incident with the purpose of identifying both those areas that worked well and those areas that need improvement. (If requested, YC DES will aid with the critique.) The critique process should include, but not be limited to the following:

- Be held after allowing sufficient time for the emergency to be investigated and appropriate information collected.
- Include at least one representative of each agency that played a role in handling the incident.
- May consist of a single multi-agency meeting or various inter-agency meetings.
- The findings of such a critique, and identity of its participants, shall be documented in writing, in an After-Action Report with Improvement Plan.
- Areas of improvement or changes identified in local or community plans or training will be incorporated in local or community activities as appropriate.

## Direction and Control

The Incident Commander(s) will control and direct all activities at the scene in accordance with the Incident Command System (ICS).

If a disaster is declared by the Principal Executive Officer of a political subdivision as described in MCA 10-3-402, the YC DES Director will exercise authority over all disaster operations in the municipality or county in accordance with mission assignments contained in this Plan.

A Command Post will be established by the Incident Commander(s). This is the center from which all emergency operations will be directed. Staffing for the Command Post, as directed by the Incident Commander(s) should be limited to primary responders: fire, law enforcement, EMS, YC DES, communications, and others who may be appointed by the Incident Commander(s).

The news media will assemble at the Joint Information Center (JIC) and when the Incident Commander(s) deems the site accessible, be escorted to the scene staging area (designated by the Incident Commander(s)). If the County's EOC is activated, the EOC Public Information Officer will disseminate information in conjunction with the on-scene PIO.

### 1. Unified Command

In the event of a Level 2 or Level 3 hazardous materials incident (see response descriptions beginning on page 16), the responders shall utilize Unified Command to provide effective leadership, coordination, and unified on-scene command of emergency response forces.

All on-scene actions shall be consistent with the objective of ensuring the safety of all emergency responders and the public.

A hazardous materials incident may require a broad range of on-scene response organizations including, but not limited to: emergency response personnel from all levels of government; industry representatives; private contractors; and the media. The need for specialized equipment and technical knowledge during response may also be extensive, as are the number of critical decisions that must be made in the area of the incident: containment, emergency worker safety, public protective actions and environmental protection.

This Plan addresses the need to ensure control of a multi-jurisdictional/multi-agency response to a hazardous materials incident and highlights the demand for a unified Incident Command System (ICS) under the direction of the Incident Commanders.

The concept of Unified Command simply means that the main agencies that have jurisdictional responsibilities will have an incident commander as part of the unified command system to contribute to the process of:

- Determining overall response objectives
- Selecting response strategies
- Ensuring joint planning and application of tactical and operational activities
- Maximizing use of available resources
- Public alerting and press releases

Incident commanders from main response agencies and with jurisdictional responsibilities include:

- a. First Responder

The primary responsibility of the first responder is to determine the potential hazards to life, health, property, and the environment resulting from the incident. If it is determined that the incident presents a potentially hazardous situation, the first responder should promptly communicate this to 911. The first responder should then initiate the following actions:

- Evacuate all non-emergency personnel from the hazard area
- Attempt to identify the material(s) involved
- Establish a Command Post
- Determine if community notification, sheltering, or evacuation is needed and the geographical area likely to be impacted
- Isolate contaminated persons in a safe location
- When representatives of the Lead Agency having jurisdiction designate an Incident Commander(s), the first responder should brief the Incident Commander(s) on the extent of injuries, damage and the status of efforts to control the incident

b. Incident Commander

As part of the initial response to a hazardous materials incident, the fire department having jurisdiction shall serve as the Lead Agency. A qualified on-scene member of that fire department shall serve as the Incident Commander.

Using a risk-based response process and the incident response descriptions (beginning on page 16), the Incident Commander shall establish a response plan and declare a Level of Magnitude for the incident. If conditions change, the Level of Magnitude may be upgraded or downgraded as appropriate.

When the designation of the Incident Commander(s) needs to be evaluated, the following factors should be considered:

- Declared “State of Emergency”
- Geographic area affected
- Impact upon the community
- Single or multiple jurisdictions affected
- Number of response agencies
- Operational requirements
- Resources commitments
- Scope and technical complexity of the incident

The Incident Commander(s) must ensure that all participating agencies (local, state, tribal, and federal) are effectively communicating within the designated command structure.



If the designation of Incident Commander(s) changes where the Incident Commander(s) is not physically at the scene, it may be necessary to designate an Operations Section Chief.

c. Emergency Operations Center (EOC)

An EOC provides off-site incident coordination and assistance as required.

YC DES maintains procedures for activating Yellowstone County's EOC.

Upon notification of a Level 2 hazardous materials incident, YC DES shall contact the Incident Commander to assess whether Yellowstone County's EOC needs to be activated and the degree to which it should be staffed.

d. Command Responsibilities

Level 0 – Non-Emergency Condition

Implement incident command. The Incident Commander shall:

- Establish contact with a facility representative
- Determine the number and type of response units that are needed to handle the incident
- Evaluate the need to declare a higher or lower Level of Magnitude
- Respond to public and media requests for information

Level 1 – Controlled Emergency Condition

The above activities, plus:

- Establish a Command Post
- Establish liaison with the Facility Emergency Coordinator
- Ensure that all appropriate agencies are represented in the Command Post
- Designate Sections and Section Chiefs, as appropriate

Level 2 – Limited Emergency Condition

The above activities, plus:

- Consult with YC DES about activating the EOC
- YC DES shall notify and brief the PEO of the affected political subdivision
- The PEO of the affected political subdivision shall evaluate the need to declare a State of Emergency, in accordance with MCA 10-3-402

Level 3 – Full Emergency Condition

The above activities, plus:

- The Incident Commander(s), YC DES, Fire Warden, EMS Coordinator, Sheriff, Public Health Director, local officials (including local law enforcement), and the PEO shall reevaluate the existing designation of the Incident Commander
- MT DES coordinates the application of the state's resources in an emergency

## Special Considerations for Weapons of Mass Destruction (WMD) and Other Intentional Releases of Hazardous Materials

Typically, units from law enforcement, fire, and EMS will all be dispatched to a WMD incident in which an intentional nuclear, chemical or biological exposure is claimed to have occurred or is imminent. Priorities for emergency response personnel are similar to other types of hazardous materials event responses. However, there are some special circumstances that should be considered and implemented.

- In incidents involving a known or suspected WMD, a request for the Federal Bureau of Investigation (FBI) should be made. According to the National Response Plan and Presidential Directives, the FBI is the lead federal agency for incidents involving chemical, biological, or nuclear weapons. This means that the incident site should be considered a federal crime scene.
- A request to the Montana National Guard 83<sup>rd</sup> Civil Support Team should be considered.
- A request to the Billings Fire Department Bomb Squad should be considered.
- Increased media attention to these incidents may require an early assignment of a PIO.
- A safe assessment of the entire scene, using extreme caution to avoid exposing or contaminating any additional personnel, should occur.
- Any victims should be medically evaluated, documented, and, when possible, debriefed by law enforcement authorities before leaving the scene.
- Handling any device that is suspected of containing potentially hazardous nuclear, chemical, or biological materials should be kept to an absolute minimum. This is important to both preserve evidence and to reduce the number of people that are potentially exposed to harm. Emergency responders should not handle suspect letters or other materials.
- Personnel should be aware that the device could be "booby-trapped" and that there may be a secondary device in the vicinity.
- Because of the possibility of a secondary explosive device, **do not use radios or cellular phones within 50 feet of the incident scene.**
- Set an appropriate evacuation distance of at least 300 feet.
- Notification to YC DES is required.

## Mission Assignments

### Incident Commander

The senior official from the Lead Agency will, upon arrival, normally serve as the Incident Commander. Assignment of responsibilities to all other emergency response units will be coordinated by this individual. The Incident Commander shall:

1. Establish the Incident Command System (ICS) structure and staff the Command Post to handle the operation. ICS unit responsibilities may include:
  - Life safety and rescue operations
  - Evaluation of incident cause and response risk
  - Scene security
  - Public alerting, evacuation, or shelter-in-place announcements

- Fire suppression
  - Spill containment and leak control
  - Re-entry and recovery
2. Direct on-scene operations to ensure that objectives are identified, and assignments are made including hazard assessment and First Responder briefings
  3. Coordinate actions through support agency representatives who will retain control of their respective forces under the ICS
  4. Designate a hazard area, define its limits, and establish other zones as needed
  5. Determine the need for public alerting, sheltering-in-place or evacuation and notify the appropriate agency representative who will initiate actions
  6. Establish functional sections to support operations, in accordance with the ICS. Functional sections may include:
    - Resources Unit (within the Planning Section)
    - Situation Unit (within the Planning Section)
    - Medical Unit (within the Logistics Section)
    - Communications Unit (within the Logistics Section)

## Fire Service

### 1. Fire Department

As the Lead Agency, the Senior Fire Officer present should take actions to implement the ICS. Fire Department responsibilities may include the identification of materials, bringing fires under control, and the containment of spills. The fire department coordinates and notifies appropriate authorities to implement the safe removal of the product and may monitor the cleanup and decontamination of the site.

### 2. Billings Fire Department Hazardous Materials Response Team:

- BFD HazMat Team will provide overall technical assistance in conjunction with the on-scene qualified industrial representative
- BFD HazMat Team may identify the product, its potential hazards, and provide this information to the Incident Commander
- BFD HazMat Team may make entry into the hot zone to control, contain, and stop the leak and/or spill
- BFD HazMat Team operations and recovery will be conducted in accordance with appropriate state and federal regulations

### 3. County Fire Warden

If requested by the Incident Commander, or if conditions warrant, the Yellowstone County Fire Warden shall:

- Serve as the on-scene fire liaison
- Act as the principal coordinator for mutual aid requests and the BFD HazMat Team
- Provide technical advice and assistance as required

## Law Enforcement

Law enforcement duties may include securing the immediate area and limiting access at the scene of the incident; rerouting traffic; public alerting; and possible incident investigation in the case of accidental or criminal intent.

## Emergency Medical Service (EMS)

EMS will coordinate on-scene emergency and non-emergency medical care, treatment, and transportation for victims of a hazardous materials incident. EMS will assure adequate resources are available for the rehabilitation and treatment of first responders operating at the incident. They will also ensure that EMS mutual aid plans are implemented.

A release of hazardous materials into the environment may cause multiple injuries and/or casualties. EMS may be needed to provide medical care to those injured and/or exposed (e.g., facility employees, emergency responders, the public). Furthermore, a hazardous materials incident may require mutual aid among EMS providers and hospitals.

1. EMS is in charge of all patient care at the scene. Patient care decisions are the providence of the senior EMS provider at the scene and may be made in consultation with a physician via online medical control.

2. Yellowstone County EMS Administrator

The emergency medical responsibilities of the EMS Administrator include the following:

- On scene EMS liaison
- Coordination of EMS activities with the Incident Commander, EMS responders, YC DES, area hospitals, and RiverStone Health, and in accordance with mutual aid agreements, as required
- In response to a mass casualty event, coordination with YC DES to implement mass casualty response procedures outlined in 1) ESF #8 Public Health and Medical Services (2019 EOP), 2) "Mass Fatality Management Procedures" (Appendix I, 2019 EOP) , and 3) *Disaster Medical Health Plan for Billings, Laurel, Broadview, and Yellowstone County* (2011)

3. Hospitals

Hospitals shall provide primary medical care to persons who are injured and/or exposed to hazardous materials.

## Public Health - RiverStone Health

RiverStone Health serves as the Lead Agency for Yellowstone County Public Health. Incident responsibilities include, but are not limited to:

1. Serving as the local representative of the Montana DPHHS
2. Notifying the appropriate state agencies of those incidents that result in the exposure of hazardous materials to the public

## Coroner

Coroner services in Yellowstone County are provided by the Sheriff's Office in conjunction with the Department of Justice Medical Examiner's Office. Coroners shall provide for the management of the deceased in accordance with "Mass Fatality Management Procedures" (Appendix I, 2019 EOP).

## Public Safety Communications (9-1-1 Dispatch)

The Billings City/County 911 Communications Center is responsible for, but not limited, to the following:

1. Serving as the community point-of-contact for persons reporting hazardous materials incidents
2. Activating dispatch/notification protocols for appropriate responders
3. Maintaining communication with the Incident Commander
4. Relaying critical information to responders on their operating channels
5. Maintaining 911 Dispatch communication services for the duration of the incident
6. Ensure notification of pipeline officials via emergency contact numbers **BY REQUEST**
7. Coordinate activation of community warning systems as directed by IC
8. Notify nearby critical operations and vulnerable populations (i.e. schools, hospital, government)

## Disaster and Emergency Services

YC DES responsibilities include, but are not limited to:

1. Designating an on-scene liaison to facilitate response
2. Keeping the Principal Executive Officer fully informed of all operations
3. Supporting emergency response forces at the Command Post
4. Establishing an EOC in accordance with emergency plan protocols or by request of the Incident Commander and/or the Principal Executive Officer
5. Coordinating staffing and functions of the EOC
6. Collecting, displaying, and disseminating information in the EOC
7. Coordinating with MT DES regarding support from state and federal agencies
8. Coordinating support from private agencies and volunteer groups
9. Directing volunteer civil response organizations
10. Coordinate local damage assessment and survey

## Emergency Operations Center

Depending upon the incident other governmental agencies may be required to support containment, control, and recovery. These requests could include transportation, public works, equipment, specialized personnel, materials, and communications. The Incident Commander(s) may request such support directly or via the YC EOC.

The EOC will coordinate:

1. Agencies within County government, city government, the community, and the private sector
2. Command and control on behalf of the Principal Executive Officer (upon MCA 10-3-402 declaration)
3. State and federal agency response

#### Public Information Officer

1. Facilities and public agencies should develop media relations plans. Such plans should designate spokespersons who are available on 24-hour call and who are prepared and authorized to discuss an emergency situation with the media.
2. The spokesperson designated to speak on behalf of the Incident Commander is the Public Information Officer (PIO)
3. The PIO should establish a Joint Information Center (JIC) where the media can obtain information.
  - The JIC should be located in a safe and secure area
  - Allowing media representatives into the Command Post is not recommended, as it can be disruptive to the operation. However, cooperation with the media is essential to ensure that the public is informed of the situation and what precautions and/or protective actions are necessary.
4. As appropriate, the PIO, in conjunction with a facility spokesperson, should make joint media releases
5. The PIO should assist in coordinating media requests for information
6. Facilities and public agencies should not make media releases without coordination with, and approval from, the PIO

#### Facility Operator/Transporter

Representatives are responsible to report a hazardous materials release that is greater than the reportable quantity and/or conditions that could result in an incident that may affect personnel and/or the environment. In addition, a facility operator or transporter representative shall:

1. Implement the facility emergency response plan and provide supplies, trained personnel, and equipment to mitigate the emergency
2. Provide management and technical support to the Incident Commander
3. Coordinate incident remediation and recovery (i.e., clean up company, service restoration)

#### Principal Executive Officer

If a State of Emergency is declared in accordance with MCA 10-3-402, the Principal Executive Officer (PEO) is responsible for, but not limited to, the following functions:

1. Participate with the YC EOC, which coordinates the efforts of volunteer agencies, state and federal authorities, public utilities, and other support agencies during the emergency response, recovery, and re-entry phases
2. Brief other elected and appointed officials about the nature of the emergency

3. Designate a spokesperson who is prepared and authorized to discuss the emergency with the media. The spokesperson and the Incident Command PIO shall make joint news releases as appropriate and coordinate media requests for information.
4. Request state aid through MT DES if the emergency is beyond local capability
5. Ongoing communications with and support to the Incident Commander for on-scene operations

### Locally-Based Resources

The Incident Commander may request support from other local government agencies as required to support the incident response and recovery, e.g. transportation, public works, specialized equipment and personnel, and materials.

### Community Organizations Active in Disasters

1. Montana211 \*2-1-1, [www.montana211.org](http://www.montana211.org)
2. United Way Yellowstone
3. Team Rubicon
4. The Salvation Army
5. American Red Cross

Congress established the American Red Cross as the principal organization to undertake relief activities during time of disaster. Red Cross services include:

- Identifying and staffing emergency shelters
- Providing food for victims and emergency workers
- Assisting with evacuation and distribution of emergency supplies
- Lead Agency to coordinate volunteer relief agencies in disaster operations

### Response Organizations

YC DES and/or BFD maintain a list of qualified cleanup resources. Hazmat Cleanup resources:

### State and Federal Agencies

State and federal laws may require the notification of other governmental agencies. Such notification is generally the responsibility of the facility/transporter responsible for the materials involved in the incident. Generally, the primary role of these agencies will be to assist the local emergency response agencies and ensure that the parties responsible for the incident provide adequate cleanup and decontamination. In most cases, state and/or federal personnel will only be dispatched to the scene of major incidents.

## Support

At the basic level, emergency response operations are initiated with locally-based responders using local procedures and plans. However, any thoughtful planning must recognize the potential need for additional outside resources. Such planning must outline the basic processes and established guidelines which govern the requesting, integration, and management of such aid.

In Montana, there are two major mechanisms in place to solicit outside resources: 1) the emergency declaration process outlined in state statutes, and 2) mutual aid agreements and policies that were established either multilaterally by the state or region, or unilaterally between various agencies.

## Special Requirements

### Hazardous Materials Response Plan - Review

As required by statute, the LEPC performs an annual review of this *Hazardous Materials Response Plan*. Comments, corrections, or suggestions on any part of the Plan should be forwarded to:

Local Emergency Planning Committee  
c/o Yellowstone County Disaster and Emergency Services  
316 North 26th, Room 3201  
Billings, Montana 59101

### Hazardous Materials Response Plan - Distribution Summary

1. State Emergency Response Commission
2. Members of the LEPC
3. All municipalities within Yellowstone County
4. All police, fire, and EMS agencies providing service in Yellowstone County
5. All 'covered facilities' within Yellowstone County (as defined by PL 99-499)
6. The local media
7. Yellowstone County Commissioners
8. The plan is posted on the Yellowstone County LEPC/DES website

### Local Emergency Planning Committee

The YC LEPC complies with structure and process mandates:

1. The Committee carries 11 Core Membership categories that comprise essential PI relationships in addition to General Membership categories that support the LEPC purpose and activities
2. The Committee meets on the second Thursday of each month at 1:30pm, in the Emergency Operating Center, Billings Fire Station #1, 2305 8th Avenue North (in the basement)
3. Committee meeting minutes are disseminated to LEPC members and published on the DES website

Since the LEPC's inception, many new environmental regulations have been passed into law. As environmental legislation has expanded, the LEPC's role has also grown.

1. SARA Title III requires the LEPC to:
  - Maintain emergency plans and community right-to-know programs
  - Improve preparedness through training and education
  - Conduct exercises to test plans and procedures
  - Receive emergency notifications and activate the Plan



- Receive and file SARA Title III reports
2. The Hazardous Materials Transportation Safety Act of 1990 requires the LEPC to:
    - Plan, train, and prepare for transportation incidents involving hazardous materials
  3. The Clean Air Act Amendments of 1990 (including section 112r, Risk Management Planning), requires the LEPC to:
    - Improve coordination of facility and community emergency plans by sharing information
    - Provide information for facility emergency response plans
    - Provide information for facility Risk Management Plans
    - Review plans for SARA Title III related issues
  4. The Occupational Safety and Health Act requires the LEPC to:
    - Improve safety of emergency responders and facility workers through employer activities
    - Provide guidance on response planning and training requirements
    - Provide information for facility process safety plans
    - Provide information for facility emergency response plans
  5. The Oil Pollution Act of 1990 requires the LEPC to:
    - Improve planning and response for oil and hazardous materials discharges to water
    - Coordinate the local community Plan with facility plans
  6. The Pollution Prevention Act of 1990 requires the LEPC to:
    - Reduce risk by promoting source reduction and pollution prevention measures

## Glossary

**Billings Fire Department (BFD) Regional HazMat Team** –Regional hazardous materials response team that provides local expertise for all hazmat events. The Team coordinates with six other regional teams across Montana to respond to hazmat incidents anywhere in the state. They are designated as the “Local Emergency Response Authority” (LERA).

**CBRNE Materials** – Chemical, biological, radiological, nuclear, and explosive materials.

**Chairperson of the Local Emergency Planning Committee (LEPC)** – Principal Officer of the LEPC. The Chairperson shall be subject to the control of the LEPC and shall, in general, supervise and control all of the business and affairs of the LEPC.

**CodeRed** -- The Yellowstone County CodeRed Emergency Notification System provides the public with the ability to receive voice, text, and/or email notifications generated by government and public safety officials. More information is available from the Yellowstone County Emergency Management Information Line at 406-256-2775.

**Command Post (CP)** – The Command Post is the nucleus of the decision-making process at any incident. There is only one CP for the incident. In a Unified Command Structure where Incident Commanders from several agencies or jurisdictions are involved, the responsible individuals

designated by their respective agencies would be co-located at the CP. If needed, planning and logistics functions are also performed at the CP.

**Covered Facility** – see “Facility” definition.

**Disaster and Emergency Services (DES)** – DES is the focal point of emergency services in Yellowstone County for all hazards incidents as well as local, state and national security emergencies. DES develops, maintains, and administers a comprehensive emergency management plan designed to save lives and protect property through prevention, mitigation, readiness, response, and recovery.

**Emergency Manager** – The Director of Disaster and Emergency Services is the Yellowstone County Emergency Manager.

**Emergency Operations Center (EOC)** – When activated, an EOC is a protected site where representatives of government (municipal, county, state, or federal) and private sector agencies convene during disaster situations to make decisions, set priorities, and coordinate resources for response and recovery.

**Emergency Operations Plan (EOP)** – Yellowstone County ICS guidelines are included in the *Yellowstone County Emergency Operations Plan* (2019).

**Extremely Hazardous Substance (EHS)** – Chemical substances that could cause serious irreversible health effects from accidental release. See Appendix A for information resources about the EHS list, known as the “List of Lists.”

**Facility** – (A) Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, placed or otherwise come to be located, at which an extremely hazardous substance is present in an amount in excess of the applicable threshold planning quantity; except for the purposes of the release requirement for which “facility” means any of the items listed in (A) or (B) at which a hazardous chemical is produced, used or stored. The term does not include any consumer product in consumer use or any vessel.

**Fire Warden** – In Yellowstone County, this person is responsible for all rural fire operations, coordination, and response activities.

**Hazardous Chemical** – Any chemical exposure that poses a physical hazard or health hazard.

**Incident Command System (ICS)** – An organized system which defines standard operating procedures and roles and responsibilities used to manage and direct emergency operations as outlined in NIMS and the *Yellowstone County Emergency Operations Plan* (2019).

**Joint Information Center (JIC)** – A JIC is a place which receives and processes information from the Command Post and/or the EOC, about the event for accurate and timely dissemination to the news media and the public. Media representatives report to the JIC for official information about the event.

**Local Emergency Planning Committee (LEPC)** – The Local Emergency Planning Committee.

**National Incident Management System (NIMS)** – The National Incident Management System (NIMS) guides all levels of government, nongovernmental organizations, and the private sector to work together to prevent, protect against, mitigate, respond to and recover from incidents.

**Perceptible Exposure** – Any release of a hazardous substance or extremely hazardous substance which is visible, produces a detectable odor or a distinctive taste, or impacts a human or environmental receptor physically, such as causing irritated eyes, itchy skin, damaged vegetation, chronic injury, etc.

**Principal Executive Officer (PEO)** – The mayor, presiding officer of the county commissioners, or other chief executive officer of a political subdivision (MCA 10-3-103, Item 11).

**Protective Actions** – Official direction to evacuate the area or to shelter-in-place as precaution from harmful exposure.

**Public Alerting** – Decisive action to notify the public and to direct them to take specific actions. Several means can be used by public officials.

**Public Information Officer (PIO)** – This is the spokesperson for the event. This person is responsible to develop information about the incident and release information to the news media and other agencies, after authorization from the Incident Commander(s) or the EOC Manager.

**Release** – Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment (including the abandonment or discarding of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or containment), but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel or pipeline pumping station engine, (c) release of source, byproduct or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under 170 of such Act, and (d) the normal application of fertilizer.

**Reportable Quantity (RQ)** – Determined by the EPA and set forth in Appendix A. For all other hazardous substances, the Reportable Quantity (RQ) is one pound.

**Risk Management Plan (RMP)** – A document that assists the preparer in foreseeing risks, estimated impacts, and define responses to risks.

**Safety Data Sheet (SDS)** – Formerly known as a Material Safety Data Sheet (MSDS). Information sheet(s) about a chemical product including: emergency responder precautions, protective actions, emergency treatment, and the physical characteristics of the product, among others.

**Site** – All contiguous property owned or leased by the owner or operator of the facility at which the release occurred, but does not include property across a public right of way.

**State of Emergency** – In the event of a disaster, rioting, catastrophe or similar public emergency, or in the event of reasonable apprehension of immediate danger, and upon a finding by the Principal Executive Officer (PEO) of a political subdivision that the public safety is imperiled within the territorial limits of the county, city, town or village, the PEO of that political subdivision may proclaim a State of Emergency within any part or all of the territorial limits of such local government. Following such proclamation, the PEO of the political subdivision may promulgate local emergency orders to protect life and property or to bring the emergency situation under control in accordance with MCA 10-3-402).

**Threshold Planning Quantity (TPQ)** – The quantity established by the EPA for each extremely hazardous substance (EHS) stored or processed at an industry facility that can pose a health risk should an accidental release occur. See Appendix A for information resources about EHSs and TPQs.

**Unified Command** – A method for all agencies or individuals who have a jurisdictional responsibility and in some cases for those who have functional responsibility at the incident, to contribute to:

1. Determining overall objectives for a safe resolution of the incident
2. Selecting a strategy to achieve these objectives
3. Ensuring the maximum effective use of all resources

## Appendices

### Appendix A - List of Extremely Hazardous Substances

1. Available by telephone:

The most current edition is available from the Federal Environmental Protection Agency's "Emergency Planning and Community Right-to-Know HOTLINE":

**1-800-424-9346** (select option #4, Monday - Friday, 10:00 a.m. – 5:00 p.m. EST)

Ask for Document EPA 550-B-19-003 (June 2019) which is known as the "List of Lists."

2. Available electronically:

[https://www.epa.gov/sites/production/files/2015-03/documents/list\\_of\\_lists.pdf](https://www.epa.gov/sites/production/files/2015-03/documents/list_of_lists.pdf)

Information at the website includes:

**LIST OF LISTS**

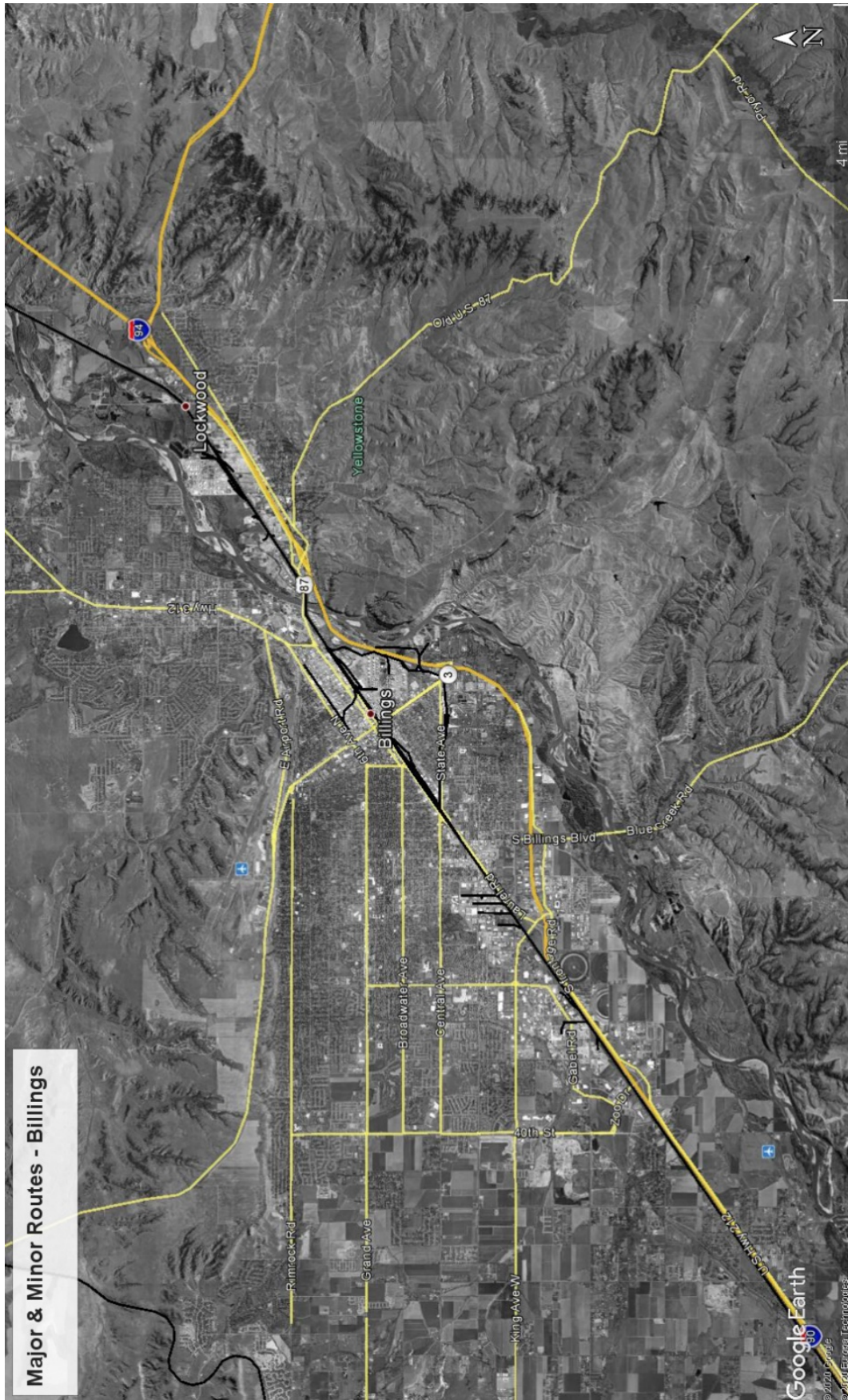
**Consolidated List of Chemicals Subject to the Emergency Planning and Community Right to-Know Act (EPCRA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Section 112(r) of the Clean Air Act**

This consolidated chemical list includes chemicals subject to reporting requirements under the Emergency Planning and Community Right-to-Know Act (EPCRA), also known as Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Section 112(r) of the Clean Air Act (CAA). This consolidated list does not include all hazardous chemicals subject to the reporting requirements in EPCRA sections 311 and 312, for which Safety Data Sheets (SDSs) must be developed under OSHA's Hazard Communication Standard (29 CFR 1910.1200). These hazardous chemicals are identified by broad criteria, rather than by enumeration. There are over 500,000 products that satisfy the criteria. See 40 CFR Part 370 for more information.

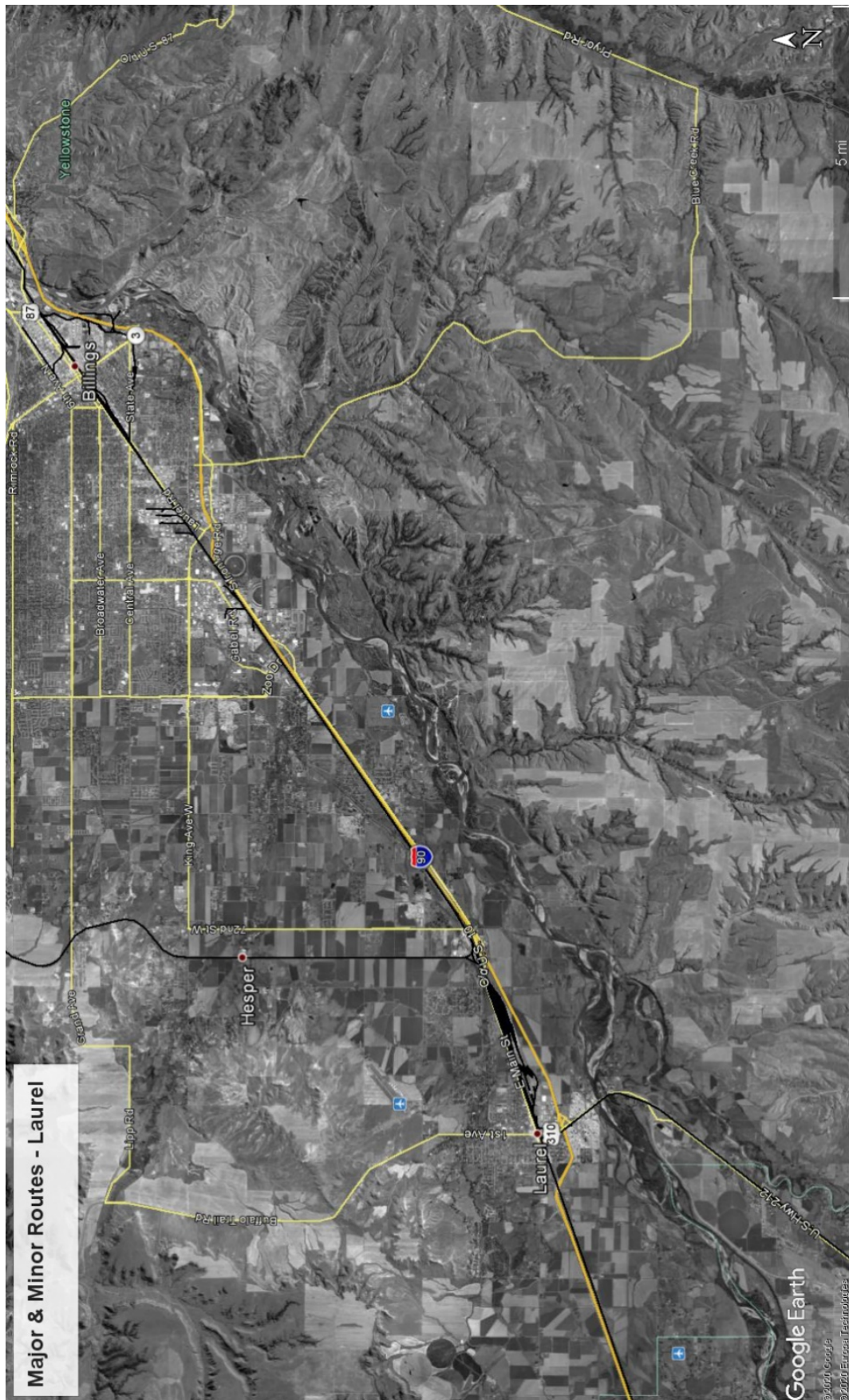
## Appendix B - Map of Major Transportation Routes

The following maps appear in the following pages:

1. Major & Minor Routes – Laurel
2. Major & Minor Routes – Billings
3. Major & Minor Routes – Lockwood











## Appendix C - Telephone Roster

This telephone roster is provided as a summary listing of agencies and organizations that have interest and involvement in chemical emergencies. Plan holders are encouraged to develop an emergency telephone roster to facilitate recall. However, because of update requirements, changes must be made by plan holders on a continuous basis. On an annual basis this appendix will be officially updated. Numbers not preceded by an area code are "406."

Local Emergency Responders	
Police/Sheriff/Fire/EMS From outside Yellowstone County	9-1-1 406-657-8200
Billings Fire Department HazMat Response Team	9-1-1
YC DES After hours & weekends	9-1-1 406-208-0506
YC Fire Warden	406-208-0506
Local Government Agencies	
RiverStone Health / DPHHS	406-247-3200
YC Public Works After hours & weekends	406-208-0555 406-208-9077
Billings Public Works	406-657-8230
Laurel Public Works	406-628-4796
State Agencies	
Montana Highway Patrol	1-855-467-3777
Montana Dept of Transportation	406-657-0217
Montana DES	406-324-4777
Montana DEQ	406-431-0014
Support Organizations	
American Red Cross	1-800-272-6668
ChemTech	1-800-424-9300
Poison control	1-800-222-1222
Industry Resources	
CHS Refinery	406-628-5200
Phillips 66 Refinery	406-255-2560

Exxon Refinery	406-657-5320
Montana Rail	1-800-338-4750 1-800-498-4838
Cenex Pipeline, LLC	1-800-421-4122
ExxonMobil Pipeline Co.	1-800-537-5200 406-657-5320
Front Range Pipeline, LLC	1-800-421-4122
Montana Dakota Utilities Co.	1-800-638-3278
NorthWestern Energy	1-888-467-2669
Phillips Pipe Line Co	1-800-231-2551 1-877-267-2290 406-255-5617
Plains Pipeline, L.P.	1-800-708-5071
WBI Energy Transmission	1-888-859-7291
BNSF	1-800-832-5452

## Appendix D - Requesting Billings Fire Department Hazardous Materials Response Team

**Dial 9-1-1** to request activation or consultation on possible activation of the Billings Fire Department Hazardous Materials Response Team.

Be prepared to provide your name, address, phone number, and incident information.

## Appendix E - Sample Incident Reporting Form

### Hazardous Materials Incident Information Summary

Company Name		Date			
Address					
Name of Person Calling					
Call Back Phone #					
Location of Incident					
Nature/Cause of Release	Leak	Fire	Explosion	Derailment	Traffic Accident
Chemical Name					
Time Release Started/Discovered					
Duration of Release			(could be continuing)		
Estimate of Quantity Released (lbs., gal., etc.)					
Material Released Into: (could be more than one)			Air	Water	Ground
Number of Injuries or Deaths					
Any known or anticipated health risks associated with this release					
If so, what information should be released to news media?					
Suggested precautions (public warning, traffic control, in place sheltering, crowd control, evacuation, down river problems, etc.)					
For further information, contact			Phone		

NOTE: SARA, Title III, Section 304 requires written follow-up report with additional information. Please forward to:

Yellowstone County LEPC  
 c/o Yellowstone County Disaster and Emergency Services  
 316 North 26<sup>th</sup>, Room 3201  
 Billings, Montana 59101

## Appendix F - Sample Evacuation Announcement

### Evacuation Announcement

"The following message is from \_\_\_\_\_. A Hazardous Materials Emergency exists at \_\_\_\_\_ (location) \_\_\_\_\_. All persons must evacuate an area bordered by (North) , (East) , (South) , (West) . ***(Repeat one time, then continue)***

Please follow these main evacuation routes: **(List routes)**

Please cooperate by checking on persons in your neighborhood who may live alone. If they do not have transportation, please assist them. If you know housebound or mobility impaired persons who require assistance, contact \_\_\_\_\_.

You should prepare to spend a minimum of one day away from home. You should take sufficient quantities of personal care items and prescription drugs for this time period.

We remind you to take the following steps:

1. Secure your home and property.
2. Turn off all lights and electrical appliances.
3. Turn down heating systems (or turn-off air conditioning systems).
4. Drive carefully. Proceed calmly to your destination, obeying all traffic laws.
5. Please obey the police and others who will be directing traffic along the evacuation routes.

If you need a place to stay, please go to \_\_\_\_\_ (location) \_\_\_\_\_.

Pets   (will/will not)   be allowed inside the congregate care centers. However, bring your pets and facilities will be provided for their care.

Do not use the telephone except to REPORT emergencies. Do not call government offices. You will be kept informed of the situation through this Emergency Alert Station.

The preceding message is an announcement from \_\_\_\_\_ regarding an order by \_\_\_\_\_ to evacuate all persons living in the affected area. For further information, please stay tuned to this station."

***(This message shall be repeated every five minutes.)***

## Appendix G - Sample Shelter-in-Place Announcement

### Shelter-in-Place Announcement

"The following message is from \_\_\_\_\_. A Hazardous Materials Emergency exists at \_\_\_\_\_ (location) \_\_\_\_\_.

If you live, work, or are traveling within the following area, you should take shelter by going inside a building:

The area is bordered by \_\_\_\_\_ (North) , \_\_\_\_\_ (East) , \_\_\_\_\_ (South) , \_\_\_\_\_ (West) . ***(Repeat one time, then continue)***

If you are traveling through the affected area, roll-up windows, close air vents, turn off heaters and/or air conditioners. If shelter is not immediately available, place a handkerchief, towel or other similar item snugly over your nose and mouth until you can get indoors.

Take shelter indoors and do the following:

Close all doors, windows, shades and drapes, sealing gaps with wet towels or wide tape.

Stay away from windows.

Turn off heating systems, air conditioners or fans.

Extinguish fireplaces and close fireplace dampers.

Keep pets inside.

***(Read this statement only if school is in session:)***

Do not telephone or go to the school your children attend. They are in a covered protected environment. You will be notified when they are bussed home or when it is safe to retrieve them, including instructions on where and how.

Do not use the telephone except to REPORT emergencies. Do not call government offices. You will be kept informed of the situation through this Emergency Alert Station.

The preceding message is from \_\_\_\_\_ advising people affected by this emergency to take shelter. For further information, please stay tuned to this station."

***(Thereafter, this message shall be repeated every five minutes.)***

## Appendix H - Reference List

### Websites

- Agency for Toxic Substances and Disease Registry (ATSDR) Toxicological Profiles  
<https://www.atsdr.cdc.gov/toxprofiledocs/index.html>
- American Chemistry Council (ACC)  
[www.americanchemistry.com](http://www.americanchemistry.com)
- American Petroleum Institute (API)  
[www.api.org](http://www.api.org)
- American Railway Car Institute (ARCI)  
[www.rsiweb.org](http://www.rsiweb.org)
- Association of American Railroads (AAR)  
[www.aar.org](http://www.aar.org)
- Bureau of Explosives (BOE)  
<http://boe.aar.com>
- Chemical Hazards Emergency Medical Management (CHEMM)  
<https://chemm.nlm.nih.gov/>
- Chemical Transportation Emergency Center (CHEMTREC)  
[www.chemtract.org](http://www.chemtract.org)
- The Chlorine Institute (CI)  
[www.chlorineinstitute.org](http://www.chlorineinstitute.org)
- Compressed Gas Association (CGA)  
[www.cganet.com](http://www.cganet.com)
- Department of Homeland Security/Transportation Security Administration (DHS/TSA)  
[www.tsa.gov](http://www.tsa.gov)
- Department of Transportation (DOT)  
[www.dot.gov](http://www.dot.gov)
- Emergency Response Guidebook (ERG)  
<https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2020-08/ERG2020-WEB.pdf>
- Environmental Protection Agency (EPA)  
[www.epa.gov](http://www.epa.gov)  
<https://www.epa.gov/epcra/cercla-and-epcra-continuous-release-reporting>
- The Fertilizer Institute (TFI)  
[www.tfi.org](http://www.tfi.org)
- Montana Code Annotated (MCA)  
<https://leg.mt.gov/bills/mca/index.html>
- Montana Department of Environmental Quality (DEQ)  
<https://deq.mt.gov/DEQAdmin/ENF>
- National Fire Protection Association (NFPA) Standard 472 & 473  
[www.nfpa.org](http://www.nfpa.org)



- National Propane Gas Association (NPGA)  
[www.npga.org](http://www.npga.org)
- National Response Center (NRC)  
<http://www.nrc.uscg.mil/>
- New York State Office of Fire Prevention and Control (OFPC)  
[www.dhSES.ny.gov/ofpc/](http://www.dhSES.ny.gov/ofpc/)
- Nuclear Regulatory Commission (NRC)  
[www.nrc.gov](http://www.nrc.gov)
- Occupational Safety and Health Administration (OSHA)  
[www.osha.gov](http://www.osha.gov)
- Railway Supply Institute (RSI)  
[www.rsiweb.org](http://www.rsiweb.org)
- Radiation Emergency Medical Management (REMM)  
<https://www.remm.nlm.gov/index.html>
- The Sulfur Institute (TSI)  
[www.sulphurinstitute.org/about/index.cfm](http://www.sulphurinstitute.org/about/index.cfm)
- Transport Canada (TC)  
[www.tc.gc.ca](http://www.tc.gc.ca)
- United States Coast Guard (USCG)  
[www.uscg.mil](http://www.uscg.mil)
- Wireless Information System for Emergency Responders (WISER)  
<http://webwiser.nlm.nih.gov/>

### Emergency Telephone Numbers

- CHEMTREC 1-800-424-9300 or 202-887-1255
- CHEM-TEL 1-800-255-3924 or 813-979-0626
- DEC Oil/HazMat Spill Hotline 1-800-457-7362
- Department of Defense (for incidents involving military shipments)
  - Dangerous Goods 1-800-851-8061
  - Explosives & Ammunition 703-697-0218
- National Response Center 1-800-424-8802

### County & Federal Resources

- *Emergency Operations Plan – Yellowstone County, 2019*  
Includes Emergency Support Function (ESF) 10 - Oil and Hazardous Materials Response  
[https://www.co.yellowstone.mt.gov/Des/plans/EOP\\_2019.pdf](https://www.co.yellowstone.mt.gov/Des/plans/EOP_2019.pdf)
- *Yellowstone County MultiHazard Mitigation Plan, 2019*  
<https://www.co.yellowstone.mt.gov/des/plans/>

- *Hazardous Materials Incidents: Guidance for State, Local, Tribal, Territorial and Private Sector Partners*, August 2019  
[https://www.fema.gov/media-library-data/1566393023589-8134367aaf67f65c7a159453c0b8c27b/Hazardous\\_Materials\\_Incidents.pdf](https://www.fema.gov/media-library-data/1566393023589-8134367aaf67f65c7a159453c0b8c27b/Hazardous_Materials_Incidents.pdf)
- *Disaster Medical Health Plan for Billings, Laurel, Broadview and Yellowstone County*, 2011  
Available upon request from YC DES
- *Yellowstone County Source Water Protection Plan*, 2020  
Available upon request from YC DES

## Books

- DOT Emergency Response Guidebook
- Firefighter's Handbook of Hazardous Materials by Charles J Baker
- NIOSH Pocket Guide to Chemical Hazards
- Quick Selection Guide to Chemical Protective Clothing by Kristen Forsberg & S.Z. Mansdorf
- Hazardous Chemicals Desk Reference by Richard J Lewis Sr.
- Hazardous Materials Reference Book Cross Index by Daniel J Davis & Julie A Davis
- Handbook of Hazardous Chemical Properties by Nicholas P Chevemisinoff
- Hawley's Condensed Chemical Dictionary by Richard J Lewis St.
- The Merck Index
- The First Responders' Guide to Agricultural Chemical Accidents by Charles R Foden & Jack L Weddell

## Smartphone Apps

- AskRail
- ERG 2020
- Gas Detection
- EMD PTE
- Hazmat Chemical Suit Guide
- Mobile REMM
- Rail Crossing Locator
- OSHA Heat Safety Tool
- Confined Space and Rope
- FEMA
- WISER
- HazmatIQ eCharts

## Appendix I - Use of Social Media

Yellowstone County DES may utilize social media to communicate evolving incident information to the public, including the use of the YC DES Facebook page. Information released through social media does not replace public alerts sent via CodeRed or IPAWS, such as Shelter-in-Place or Evacuation Announcements.

The BFD HazMat Response Team may utilize social media to communicate evolving incident information to the public in cooperation with the PIO, JIC, and YC DES.

## Appendix J - LEPC By-Laws

LEPC By-Laws are available on the YC DES website: <https://www.co.yellowstone.mt.gov/des/lepc/>. A signed copy is also on record in the Clerk & Recorder's office, recording number 3198806.

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# BY LAWS LOCAL EMERGENCY PLANNING COMMITTEE YELLOWSTONE COUNTY (MT)

Revised and Adopted, December 10, 2014

## ARTICLE I. NAME, PURPOSE & OFFICE

### SECTION 1.1 NAME

The name of this organization shall be the Yellowstone County Local Emergency Planning Committee LEPC, herein after referred to as the "LEPC". All power of the LEPC is vested in its membership with limited powers given to the Board of Directors.

### SECTION 1.2 PURPOSE

The purpose of the LEPC shall be:

1. To carry out for County of Yellowstone and its political subdivisions those responsibilities required of the LEPC pursuant to Public Law 99-499, Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III, and related regulations including but not limited to:
  - Developing, training, and exercising of a hazardous material emergency response plan for Yellowstone County and its political subdivisions;
  - Developing procedures for receiving and storing hazardous material information from Yellowstone County businesses and processing requests from the public under the community Right-to-Know provisions of Title III, SARA; and
  - Establishing provisions for public notification of LEPC activities.
2. To plan, develop, train and exercise community emergency response plans for all other risks and hazards identified in Yellowstone County including but not limited to flooding, wildfires, major structure fires, winter storms, tornadoes, terrorism, etc.
3. To implement further related activities as may hereafter be legally required by the Federal Government, the State Emergency Response Commission (SERC), or the LEPC.
4. To develop and maintain a compliance checklist as an attachment to the bylaws which shall be used in an annual compliance review.

### SECTION 1.3 BUSINESS OFFICE

The organization's principal office shall be located in Billings, Montana. The LEPC's most current Annual Report shall identify the location of the principal office.

## ARTICLE II. MEMBERSHIP

### SECTION 2.1 MEMBERSHIP

#### 1. *Membership.*

Any person or firm engaged in business and who subscribes to the principles and purposes of the LEPC is eligible for membership. If a corporation or other entity holds membership, the entity shall be considered one member though more than one representative may participate and attend meetings.

LEPC membership shall include representatives of entities needed to ensure close mutual aid relationships and effective regulatory compliance and those who support the purpose and activities of the LEPC. This shall include but not be limited to representatives from the following groups or organizations: elected officials, law enforcement, emergency management; fire response; emergency medical services; health officials, local environmental groups, hospital personnel, transportation; owners and operators of facilities subject to reporting under the Emergency Planning and Community Right-to-Know Act (EPCRA); broadcast and/or print media; schools, faith-based groups, and volunteer and public assistance agencies

#### 2. *Membership Appointments*

LEPC members are officially appointed for an indefinite term, and must be reviewed by the SERC annually. A membership application shall be completed and submitted to the Secretary by any group or organization wishing to become a member of the LEPC. At that time, they will be added to the notification distribution list and listed in the annual report for that year as new members. Completion of the Annual Report, submission to the County Commissioners shall constitute official appointment of new members who will be forwarded to the State Emergency Response Commission (SERC) and added to the official roster.

#### 3. *Membership Rights and Expectations*

Membership entitles members to receive notification of meetings, copy of minutes and opportunity to participate in activities, committees and discussions. Members shall support the purpose of LEPC, keep informed and participate when possible in meetings and activities. Only active/voting members may vote.

#### 4. *Membership Categories*

**Active/Voting Members:** Member firms or organizations that have been represented at more than 50% of the regularly scheduled meetings during the previous year and identified as such as of the record date shall be classified as active members with voting privileges. One vote will be accorded each entity regardless of the number of individuals affiliated with that entity who attend meetings and participate.

**At-large Members:** Individuals with expertise in areas of LEPC concerns and not associated with a member organization will be classified as at-large members. These persons do not need to be carried on the official roster.

#### 5. *Termination of members.*

The LEPC may suspend or terminate a member from the LEPC if the LEPC has made a good faith determination that it is in the best interests of the LEPC to do so. In addition, the LEPC may only suspend or terminate a member from the LEPC pursuant to the following procedure, which shall be carried out in good faith. The procedure provides:

- the LEPC must, by first class mail, give the member written notice of the suspension or termination not less than 15 days' prior to the effective date of the proposed action and an explanation of the reasons for it; and
- an opportunity for the member to be heard, orally or in writing, not less than 5 days before the effective date of the suspension or termination by the LEPC.

Notwithstanding the above provisions, the LEPC shall consider a membership terminated if the member fails to make payment of annual dues, if dues are required, or if the member fails to attend meetings for two full calendar years or notify the LEPC of their desire to remain as active members

## **SECTION 2.2 DUES**

The LEPC shall determine the amount of annual dues, if any, to be paid by each member. The LEPC may establish a different amount of dues to be paid by different types of membership. The LEPC may terminate members for non-payment of annual membership dues. The LEPC may notify members of nonpayment of dues and may provide a grace period in which to pay dues.

## **SECTION 2.3 MONTHLY MEMBERSHIP MEETING**

The members shall convene monthly meetings on the second Thursday of each month, at the hour of 1:30 o'clock P.M., or at another time on another day within the month that the LEPC agrees upon. Meetings shall be open to the public and persons attending who do not wish to become members shall sign-in as a guest. Unless otherwise indicated, all minutes are considered public record. Matters of confidentiality and vulnerability shall not be included in public record minutes.

## **SECTION 2.4 SPECIAL MEMBERSHIP MEETINGS**

The Chairperson, the Board, or the members may call a special membership meeting for any purpose or purposes described in the meeting notice.

## **SECTION 2.5 PLACE OF MEMBERSHIP MEETING**

The LEPC may designate any place as the meeting place for any monthly, annual or special meeting of the members. The members may change the meeting place if a majority of the members entitled to vote at the meeting agree to another location. If the LEPC does not designate a meeting place, then the members shall meet at the principal office of the organization.

## **SECTION 2.6 NOTICE OF MEMBERSHIP MEETING**

*Required notice.* The Secretary of the LEPC shall deliver notice of the membership meeting to each record member.

*Manner of Communication.* The Secretary of the LEPC may deliver to member's notice of the membership meeting by e-mail, written notice, through a regular publication, or by a newsletter of the organization. The notice must be given in a fair and reasonable manner; it must be in writing and state the place, day and hour of any monthly, annual or special membership meeting. If the LEPC determines that e-mail, or a written notice, or notice by a regular publication or a newsletter of the membership meeting is impracticable, the Secretary of the LEPC may give notice of the membership meeting by means of a newspaper of general circulation in the area where it is published.

*Adjourned Meeting.* If the members adjourn any membership meeting to a different date, time, or place, the Secretary need not give notice of the new date, time and place, if the new date, time, and place are announced at the meeting before adjournment. However, if the LEPC fixes a new record date for the adjourned meeting, or must fix a new record date, then the Secretary must give notice, in accordance with the requirements of paragraphs (b) of this section, to those persons who are members as of the new record date.

*Contents of Notice* The notice of meetings shall include a description or agenda indicating the meeting's purpose or purposes. If the purpose of the meeting is to amend bylaws or adopt policies a copy or summary of information to be presented shall be sent prior to the meeting.

## **SECTION 2.7      FIXING OF RECORD DATE**

The LEPC has fixed, in advance, a date, referred to as the record date, for the purpose of determining which members, as of a certain date, are entitled to receive notice of a member meeting. The LEPC may also fix specific rights for members of record as of the record date. The record date shall be the December meeting unless otherwise determined.

## **SECTION 2.8      MEMBERSHIP LIST**

*Contents of List.* After the LEPC fixes a record date for notice of a meeting, the officer maintaining the LEPC's record books, shall prepare a complete record of the members entitled to the notice of the meeting and provide the list to the SERC.

*Inspection.* The membership list must be available for inspection by any member, beginning 2 business days after the Secretary gives notice of the meeting for which the list was prepared. The list shall be located for inspection at the LEPC's principal office. A member, the member's agent, or attorney is entitled, on written demand, to inspect the list during regular business hours. The member shall be responsible for any reasonable inspection expenses.

*Limitations on Use of Membership List.* Without consent of the LEPC, a membership list or any part of it may not be obtained or used by any person for any purpose unrelated to a member's interest as a member of the LEPC. Membership lists shall not be distributed to members except for the sole purpose of conducting LEPC business.

## **SECTION 2.9      MEMBERSHIP QUORUM**

For the purpose of official LEPC business, a quorum shall be considered 40% of LEPC active/voting members present at the meeting. Once a vote is represented for any purpose at a meeting, the LEPC shall deem it present for quorum purposes for the remainder of the meeting and for any adjournment of the meeting unless a new record date is or must be set for that adjourned meeting.

## **SECTION 2.10    VOTING OF MEMBERSHIP**

Each member (subject to the provisions of section 2.1.4) is entitled to one vote on each matter voted on by the Active/Voting Members. If a membership (one entity) stands of record in the names of two or more persons, the vote of one name shall bind all names on that one membership. Three-fourths (3/4) affirmative vote is required for member approval of LEPC merger and dissolution, and for major asset transfers. A majority vote shall carry on other matters requiring member action, unless otherwise stated in these bylaws.

## **SECTION 2.11 LEPC RECORDS**

The LEPC shall keep a permanent record of the minutes of all meetings of:

- its members
- the board of directors

The LEPC shall maintain appropriate accounting records, including a quarterly report of fiscal balances to the membership.

## **ARTICLE III. BOARD OF DIRECTORS**

### **SECTION 3.1 GENERAL POWERS**

All LEPC powers shall be exercised by or under the authority of the members of the LEPC. The Board of Directors shall exercise only those powers given to it by the members of the LEPC and consists primarily of conducting the business and affairs of the LEPC when the LEPC cannot meet.

### **SECTION 3.2 COMPOSITION OF THE BOARD**

The current officers of the LEPC and the past chairperson of the LEPC, if still active and involved, shall compose the Board. Each director shall have one vote on any matter that comes before the Board. Each director shall hold office for the period of time they are officers *or* until removed in accordance with section 3.3. All Directors shall represent Active/Voting members of the LEPC and it is desired that the directors represent different member organizations/agencies.

### **SECTION 3.3 REMOVAL OF DIRECTORS**

A director (officer) may be removed if a majority of the LEPC members present at a duly constituted meeting vote for the removal.

### **SECTION 3.4 DIRECTOR VACANCIES**

If a vacancy among the directors occurs on the Board, the LEPC may fill the vacancy, by appointing another officer. If the directors remaining in office constitute less than a quorum of the Board, they may continue to conduct business as needed.

### **SECTION 3.5 REGULAR MEETINGS OF THE BOARD OF DIRECTORS AND NOTICE**

The Board shall hold regular meetings as necessary in the absence of the meetings of the LEPC. The Board's Secretary shall give oral, electronic or written notice of any director meeting at least 2 days before the meeting. The notice shall include the meeting place, day and hour.

### **SECTION 3.6 DIRECTOR QUORUM**

A majority of the number of directors shall constitute a quorum for the transaction of business at any Board meeting.

## **ARTICLE IV. OFFICERS**



#### **SECTION 4.1      NUMBER OF OFFICERS**

The officers of the LEPC shall be a Chairperson, a Vice-Chair, a Secretary, and a Treasurer. The LEPC shall elect these officers. In addition to the duties specifically set forth in these bylaws, each officer shall perform any other duties that the LEPC may assign to the officer. The LEPC may appoint other officers and assistant officers, as it deems necessary. The same individual may simultaneously hold more than one office in the LEPC.

#### **SECTION 4.2      ELECTION AND TERM OF OFFICE**

The LEPC shall elect officers of the LEPC for a two year term unless determined otherwise by the LEPC at the time of election. There are no limits on the number of terms that may be served. In the event of failure or lack of opportunity to hold elections, the existing officers shall remain in office until new officers are installed.

#### **SECTION 4.3      NOMINATION OF OFFICERS**

The chair shall appoint a nominations committee to facilitate the election of officers. A slate will be announced one month prior to elections. If there is a desire to submit additional nominations these must be submitted to the nominating chair in writing, and signed by a nominator and seconder, at least 10 days prior to the election.

#### **SECTION 4.4      REMOVAL OF OFFICERS**

The LEPC may remove any officer in the manner specified in section 3.3.

#### **SECTION 4.5      CHAIRPERSON**

The Chairperson shall be the principal officer of the LEPC. The Chairperson shall be subject to the control of the LEPC, and shall, in general, supervise and control, in good faith, all of the business and affairs of the LEPC. The Chairperson presides at all meetings of the LEPC. The Chairperson may sign, with the Secretary or any other proper officer of the LEPC, any formal or legal LEPC documents requiring authorized signature on behalf of the LEPC. The chairperson also shall facilitate the development and presentation of an annual report, serve as the public liaison/contact for the LEPC and the TIER II reporting contact along with the secretary.

#### **SECTION 4.6      VICE-CHAIR**

The Vice-Chair shall perform, in good faith, the Chairperson's duties if the Chairperson is absent, dies, is unable or refuses to act. If the Vice-Chair acts in the absence of the Chairperson, the Vice-Chair shall have all the Chairperson's powers and be subject to all the restrictions upon the Chairperson. If the Vice-Chair is unable or refuses to act, then the ~~Secretary~~ *Treasurer or another designated active member* shall perform the Chairperson's duties.

Annually, during the first quarter of the calendar year, the Vice Chair shall be responsible for ensuring Bylaws and Compliance reviews are conducted and results reported to the LEPC.

#### **SECTION 4.7      SECRETARY/INFORMATION COORDINATOR**

The Senior Administrative Coordinator of the Billings Fire Department shall serve as secretary/information officer of the LEPC unless for some reason it is determined that another active member needs to be selected.

The Secretary shall:

1. Attend meetings & create and maintain the minutes of the proceedings of the Board and of the LEPC

2. Provide that all notices are served in accordance with these bylaws or as required by law
3. Be custodian of the LEPC records
4. When requested or required, authenticate any records of the LEPC
5. Keep a current register of the post office and e-mail address of each member
6. Distribute minutes of meetings and other relevant information to the LEPC membership
7. In general perform all duties incident to the office of Secretary.
8. By virtue of the role, the Secretary shall serve as the Information Coordinator for the LEPC. In this role, the Secretary shall be responsible for processing requests for information from the public under Section 324 of the EPCRA, including Tier II information under Section 213. Requests for information shall be documented and the Chairperson shall be notified of such requests.

#### **SECTION 4.8      TREASURER**

The Yellowstone County Director of Emergency Services shall serve as Treasurer of the LEPC unless for some reason it is determined that another Active/Voting member needs to be selected.

The Treasurer shall:

1. Have charge and custody of and be responsible for all funds and securities of the LEPC
2. Receive and give receipts for monies due and payable to the LEPC from any source, and deposit all moneys in the LEPC's name in banks, trust companies, or other depositories that the LEPC shall select
3. May sign and issue all LEPC checks, drafts or other orders for payment of money, and notes or other evidence of indebtedness
4. Submit the books and records to a Certified Public Accountant for annual audit or review
5. Provide a quarterly fiscal report to the membership
6. In general perform the entire duties incident to the office of Treasurer.

#### **SECTION 4.9      PAST CHAIRPERSON**

In order to keep continuity in the LEPC and its proceedings, the Past Chairperson, may serve on the Board of Directors.

### **ARTICLE V.      SUBCOMMITTEES**

Work may be divided among subcommittees to facilitate planning and allow members to specialize and help the LEPC work on several projects at once. The number and type of subcommittees created shall depend on the need and goals of the LEPC. Subcommittees may be formed or disbanded as needed. Subcommittee membership does not need to be limited to LEPC members.

#### **SECTION 5.1      STANDING SUBCOMMITTEES**

*Standing Subcommittees of the LEPC are those with an on-going responsibility and shall include*

- Exercise Design
- Grants
- CAER [Community Awareness and Emergency Response] / Citizens Corps
- Health & Medical Advisory Group (HMAG)
- Conference
- Crisis Communication/PIO
- Communications
- Training

The LEPC shall utilize these standing subcommittees to more narrowly focus on critical hazardous material, safety and/or disaster planning issues. These committees report their activities and recommendations to the LEPC. The Chairperson of the LEPC, with the approval of the LEPC, shall appoint subcommittee chairpersons who must represent Active/Voting members

## **SECTION 5.2 MEMBERSHIP OF THE STANDING SUBCOMMITTEES**

All members of the LEPC are encouraged to volunteer to serve on at least one Standing Subcommittee. The LEPC Chairperson shall ensure that all committees have sufficient participation to carry out their assigned tasks. The Standing Subcommittees may have non-voting, non-LEPC members as necessary for advice and expertise.

## **SECTION 5.3. MEETINGS OF THE STANDING SUBCOMMITTEES**

Each Standing Subcommittee may hold a meeting between consecutive monthly membership meetings of the LEPC. Additional meetings of the Standing Subcommittees may be called by the chairperson of those subcommittees or by the Chairperson of the LEPC as deemed necessary. The subcommittee chair shall make certain that reasonable participation occurs for discussion and decision-making. Activities shall be reported to the LEPC and recommendations for actions that obligate the LEPC or its members shall be presented for approval.

## **SECTION 5.4 DUTIES OF THE STANDING SUBCOMMITTEES**

### *The Exercise Design Subcommittee.*

The Exercise Design Subcommittee is responsible for planning, coordinating and conducting annual or semiannual exercises that reflect on the hazards that pose a risk to Yellowstone County. The Yellowstone County Disaster and Emergency Services Director is a required member of this committee by nature of his/her duties.

### *The Grants Subcommittee.*

This Grants Subcommittee may seek out, apply for and accept grant funds on behalf of the LEPC. Such grants will adhere to the purpose of the LEPC and include but are not limited to:

- promote/enhance public awareness of emergency response activities,
- provide awareness, training and exercising of emergency response personnel,
- enhance public alerting, warning and notification and provide equipment for emergency
- support hazardous material and other natural disaster response capabilities

### *The Community Awareness and Emergency Response (CAER) ~ Citizens Corps Council Subcommittee.*

The CAER/CCC Sub-committee shall coordinate and oversee activities designed to fulfill the purpose of CAER and Citizens Corps which is:

- Promote and encourage citizen participation and awareness to make Yellowstone County safer and more secure through personal preparedness, training and volunteer service.
- Offer citizen education through the Community Emergency Response Team (CERT) program designed by the Department of Homeland Security (DHS).
- Provide coordination of national CCC programs such as CERT; Medical Reserve Corps (MRC); Volunteers in Police Service (VIPS); Neighborhood Watch Program (NWP) and others on an as needed and as funded basis.
- Promote community awareness about potential hazardous materials, natural disasters, and other emergencies
- Advise the public of appropriate actions to take in hazardous, man-made, environmental and natural emergencies and disasters.

### *Health & Medical Advisory Group (HMAG)*

The mission of the Health & Medical Advisory Group is to ensure the coordination of the Yellowstone County public health system for the purpose of preventing, preparing, responding, and recovering from events that may impact the health of our community. The HMAG acts as a liaison in the area of awareness for both first responders and the public in the event of large or small scale health related issues. A Community Psychological First Aid Committee shall serve as a sub-committee of the HMAG.

#### The Conference Subcommittee.

This Conference Subcommittee is responsible for arranging, coordinating and conducting an annual LEPC conference at the request of the LEPC. If the opportunity arises, the Conference Subcommittee may choose to combine an LEPC conference with another closely-related conference with approval of the LEPC.

#### Communications Subcommittee

The Communications Subcommittee is charged with the development of plans / protocols for emergent communications in Yellowstone County, including maintaining a list of resources. The plans / protocols should address the concept of "who communicates what when on what system/device."

#### Crisis Communications / Public Information Officers (PIO)

The Crisis Communications / Public Information Officers (PIO) Subcommittee shall develop and maintain the protocols, procedures and structure for a Joint Information System (JIS) that can be used to provide information in a timely, accurate and accessible manner to the public, local officials, responders and the media during a disaster while maintaining information security concerns when communicating about potentially vulnerable communities during times of crisis.

The Joint Information System includes plans for a Joint Information Center (JIC) as well as identification of a jurisdiction lead Public Information Officer and a plan to incorporate social media regionally and geographically to extend the effectiveness of safety alerts that the public needs most during emergencies.

#### Training Subcommittee

The Training Subcommittee is responsible to promote/enhance LEPC member awareness of training opportunities and/or facilitate training to the membership. The training subcommittee should ensure records are being maintained of training, including NIMS obligations.

### **SECTION 5.5. AD HOC COMMITTEES.**

The Chairperson may establish/dissolve ad hoc committees as necessary to perform specific *short-term* functions of the LEPC and to address unique LEPC issues as needed. The Chairperson of the LEPC, with the approval of the LEPC, shall appoint the Chairperson and members of ad hoc committees. The LEPC shall provide a specific charge, a defined scope of work, time constraints, reporting actions, and other appropriate requirements for each ad hoc committee.

## **ARTICLE VI. MISCELLANEOUS**

### **SECTION 6.1 CONTRACTS**

The LEPC may authorize any officer or officers, agent or agents, to enter into any contract or execute or deliver any instruments in the name of and on behalf of the LEPC and such authorization may be general or confined to specific instruments.

## SECTION 6.2 FISCAL YEAR

The fiscal year of the LEPC shall begin on July 1 of each year and end on June 30<sup>th</sup> of the following year. The LEPC administrative year shall be 12 consecutive months beginning on January 1<sup>st</sup> each year.

## SECTION 6.3 ANNUAL REPORT

The LEPC shall generate an annual report of activities and accomplishments following its December business meeting. Each sub-committee shall generate independent reports that will contribute to the total LEPC report. The report shall be considered public record and be provided to the County Commissioners and the City Councils of each incorporated city in the county.

## SECTION 6.4 AMENDMENTS

- *General.* Any amendment to these bylaws must be approved by a majority vote of the Voting members of the LEPC.
- *Notice of Meeting to Vote on an Amendment.* If the LEPC or the members seek to have the amendment approved by the members at a membership meeting, the Secretary of the LEPC shall give written or electronic notice to the members of the proposed meeting, in accordance with section 2.6.

## ARTICLE VII. REVISION AND ADOPTION

REVISED AND ADOPTED THIS 10th DAY OF December, 2014, EFFECTIVE UPON ADOPTION.

\_\_\_\_\_  
\_\_\_\_\_, CHAIR

\_\_\_\_\_  
\_\_\_\_\_, VICE-CHAIR

ATTEST:  
\_\_\_\_\_, RECORDING SECRETARY

## Annex – Reporting Facilities

A list and maps of Tier II Reporting Facilities in Yellowstone County, as received into E-Plan by September 15, 2020, is available as an Annex to this Hazardous Materials Response Plan.

For security purposes, the Annex is not included with the Plan or posted on the YC DES website. Freedom of Information Requests should be addressed to:

Yellowstone County Clerk and Recorder  
PO Box 35001  
Billings, MT 59107  
Phone: (406)256-2785

**File Attachments for Item:**

13. Resolution No. R20-77: A Resolution To Approve The Conditional Use Of The Property Located At 1009 East 6th Street In Laurel For The Construction And Operation Of A Union Meeting Hall At Such Address Within The City Of Laurel.

**RESOLUTION NO. R20-77**

**A RESOLUTION TO APPROVE THE CONDITIONAL USE OF THE PROPERTY  
LOCATED AT 1009 EAST 6<sup>TH</sup> STREET IN LAUREL FOR THE CONSTRUCTION AND  
OPERATION OF A UNION MEETING HALL AT SUCH ADDRESS WITHIN THE  
CITY OF LAUREL.**

WHEREAS, the application has been made to the City of Laurel by United Steelworkers Local 11-443 (“Union”) for authorization to demolish and construct a new meeting hall at 1009 East 6<sup>th</sup> Street; and

WHEREAS, the Union has continuously utilized the location and property as its union hall for meetings and other social events for a substantial number of years; and

WHEREAS, the existing non-conforming use of the existing structure dates back to the 1920s and the structure now requires demolition and reconstruction; and

WHEREAS, applicant Steve Jansma filed the application with the City on behalf of the Union and the application was reviewed by Staff and the City County Planning Board, sitting as the City’s Zoning Commission; and

WHEREAS, a public hearing was held by the Zoning Commission and no opposition to the application was received; and

WHEREAS, the Zoning Commission recommends the City Council’s approval of the Conditional Use Application subject to the conditions contained in the Staff Report which is attached hereto and incorporated herein; and

WHEREAS, the City Council held a public hearing on November 10, 2020 and received public comment and input regarding the application.

NOW THEREFORE the City Council of Laurel hereby adopts the recommendation of the Zoning Commission and hereby approves the proposed and continued conditional use for the property located at 1009 East 6th Street; and

BE IT FURTHER RESOLVED, that such approval is subject to City Ordinances, Rules and applicable Regulations and the specific Conditions contained in the Staff Report which is adopted by the City Council and incorporated herein as part of this resolution.

Introduced at a regular meeting of the City Council on November 10, 2020, by Council Member \_\_\_\_\_.

PASSED and APPROVED by the City Council of the City of Laurel this 10<sup>th</sup> day of November 2020.

APPROVED by the Mayor this 10<sup>th</sup> day of November 2020.



CITY OF LAUREL

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Thomas C. Nelson, Mayor

ATTEST:

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Bethany Langve, Clerk-Treasurer, Clerk-Treasurer

Approved as to form:

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Sam Painter, Civil City Attorney



## LAUREL CITY-COUNTY PLANNING DEPARTMENT

### STAFF REPORT

TO: Laurel City-County Planning Board / Zoning Commission  
FROM: Nicholas Altonaga, Planning Director  
RE: Conditional Use Permit – USW Local 11-443  
DATE: October 28, 2020

### DESCRIPTION OF REQUEST

A Conditional Land Use application was submitted by Steve Jansma on behalf of the United Steelworkers Local 11-443. USW Local 11-443 proposes to demolish the existing union meeting hall and construct a newly designed and updated structure in its place. An approval of a conditional land use is required to rebuild and continue the use of the site as a union meeting hall because this use is not described or defined within the zoning district it resides in.

Owner: Pace Pioneer Local 8-443  
Legal Description: NUTTING SUBD, S10, T02 S, R24 E, BLOCK 6, Lot 13 - 24  
Address: 1009 East 6<sup>th</sup> Street  
Parcel Size: 42,000 sqft.  
Existing Land Use: Union Meeting Hall  
Proposed Land Use: Union Meeting Hall  
Existing Zoning: Residential Limited Multi-Family

### BACKGROUND AND PROCEDURAL HISTORY

- Resolution 13-50 was approved on August 6, 2013 which granted a three-year window for the Union to enlarge, update, and reconstruct the existing Union Hall which was then classified as a nonconforming use within the RLMF zoning district.
- Planning Director met with the Applicant on September 9, 2020 to review the application form and required documentation.
- Planning Director met with the Applicant on September 23, 2020 to receive the Application Fee and conceptual design images of the proposed conditional use.
- A public hearing for the Conditional Land Use took place at the October 21, 2020 Planning Board meeting.

- The Planning Board voted on October 21, 2020 to approve the Conditional Land Use application with the suggested staff conditions.
- A public hearing for the Conditional Land Use has been placed on the November 10, 2020 City Council meeting agenda.
- The public hearing requirements of 1762.030 have been met.

#### **STAFF FINDINGS:**

The Applicant is requesting approval of a conditional land use to reconstruct and operate a union meeting hall on the property of 1009 East 6<sup>th</sup> Street in Laurel. This use is not specifically delineated or defined within Chapter 17 of the Laurel Municipal Code. As such, a Conditional Land Use Application was required to conduct the proposed rebuild of the site and continue to operate the property as its existing use as a union meeting hall. The following findings have been noted by the Planning Department after reviewing the Conditional Land Use application and supplementary documents.

- USW Local 11-443 has operated a union hall at 1009 E 6<sup>th</sup> Street for many years without an interruption in its use.
- The long-term operation of the union meeting hall at 1009 East 6<sup>th</sup> Street has had little to no known impact on the quality of life of surrounding residents.
- The reconstruction of the union meeting hall will include improved paved parking areas and landscaping.
- The current meeting hall building dates back to the 1920s and is in dire need of repairs.
- The current Union Hall building would require significant repairs and revitalization to continue functioning as it stands.
- The current Union Hall building and associated parking areas and landscaping are not aesthetically pleasing.
- The current use of the building and its lack of definition under the LMC as a union hall does not allow the Union to perform improvements or upgrades to the site.
- The Applicant has prepared conceptual plans to include adequate access and off-street parking.
- The demolition of the current structure and proposed new union meeting hall will include updated landscaping and parking on site.

#### **PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA:**

“17.62.020 – Requirements” contains the review criteria for the Zoning Commission to discuss and recommend actions on conditional land uses. The text of this subchapter is included below.

No structure or land use may be used for any purpose other than those allowed within a zoning district as specified in the zoning ordinance unless either a variance has been granted (under Chapter 17.60 or 17.64 of this code) or a conditional land use permit therefor has been provided. The zoning commission may recommend and the city can require any information that will allow the decision makers to comprehensively evaluate and decide on applications for conditional uses brought before them. The zoning commission may recommend and the city can require, after consideration of the application for

conditional use, those conditions under which such land use may be allowed to include but not be necessarily limited to the following:

- A. Adequate ingress and egress with concern for vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access as reviewed and approved by the city public works director;
- B. Adequate off-street parking and loading with attention to vehicular and pedestrian safety and traffic flow;
- C. Conditions that control, specify, or plan for the generation of odors, noise, hours of operation, signage, or impact on the neighborhood of natural systems;
- D. Adequate landscaping, screening, mitigation of impact on adjacent property and buffering; and
- E. Compatibility with adjacent and neighborhood land uses and Laurel's GMP.

#### ***STAFF SUGGESTED CONDITIONS:***

The Planning Director recommends the approval of the Conditional Land Use application to operate a union meeting hall at 1009 East 6<sup>th</sup> Street in Laurel. The Planning Director suggests the Planning Board/Zoning Commission and City Council consider the following conditions of approval.

Condition seven (7) was added by request of Planning Board members and the applicant was notified of this new condition.

- 1. No land uses shall be established on site that are not specifically included in this approval.
- 2. Any land use not specifically included in this approval shall be considered a violation of the City of Laurel zoning ordinance.
- 3. New construction regarding the approved conditional use shall apply for building permits when applicable.
- 4. The approved land use shall comply with the zoning requirements of the district the property falls within.
- 5. The approved land use shall comply to the City of Laurel Sign Code
- 6. The approved land use shall comply with the City of Laurel off-street parking requirements
- 7. Landowner will work with the city if noise abatement becomes an issue for the surrounding neighborhood

#### ***ATTACHMENTS:***

- 1. Conditional Land Use Application
- 2. Map of 1009 E 6<sup>th</sup> Street with 150ft buffer
- 3. List of property Owners within 150ft of 1009 East 6<sup>th</sup> Street
- 4. Public Hearing Notice
- 5. USW Union Hall Concept Plan
- 6. USW Union Hall Concept Image
- 7. LMC 17.16 – Residential Districts
- 8. LMC 17.62 – Conditional Land Uses
- 9. Resolution R13-50



**AGENDA  
CITY OF LAUREL  
CITY/COUNTY PLANNING BOARD  
WEDNESDAY, OCTOBER 21, 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: 5:35PM

Evan Bruce  
Roger Giese  
Dan Koch  
Jon Klasna  
Judy Goldsby  
Nick Altonaga (City of Laurel)  
Ron Benner (arrived at 5:40PM)

**General Items**

1. Public Hearing: USW Conditional Land Use for 1009 East 6th Street

The Chair moved the USW Conditional Land Use Public Hearing to the front of the agenda.

The chair opened the public hearing and asked the Planning Director to present the item. The Planning Director presented the items included in the agenda packet and summarized the situation and department findings.

The Chair called for proponents.

Steve Jansma, 2618 North Ramshorn Laurel, MT 59044

Mr. Jansma acted as a representative for the USW on the project. He provided additional information on the building and the situation. The building dates back to the 1920s. They are looking to reconstruct the building. We had previously gone through the neighborhood in 2013 and got signatures and approvals but were not able to make the time frame for the reconstruction. The design provided in the packet is very close to what they are hoping to finish at that time.

Keith Crookston, 3719 West Old Highway 10.

Local Union President. I think its been 10-15 years since the city came in and basically condemned the building. The building is not handicapped accessible, no means of egress, and prior to that we used to rent that hall out on a consistent basis for events but after that instruction by the city came out we basically could not do that.

It will give the city a nice building where those kinds of things can be held. We did that in the past and we are looking forward to doing it again. It will look nice and be a nice addition to the community.

The chair called for proponents.  
None came forward.

The chair called for proponents.  
None came forward.

The chair called for opponents.  
None came forward.

The chair called for opponents.  
None came forward.

The chair called for opponents.  
None came forward.

The Chair closed the Public Hearing.

Planning Board members discussed the situation.

Ron: On the design, are there any plans for noise abatement for any evening events?

Keith Crookston: we normally have allowed for events during the daytime hours, but years ago no one ever had made complaints about the activities.

Since 2013 there has been more construction and residences created.

Ron: At other union meeting halls they have basically functioned as a private bar, will that be the case here?

Keith Crookston: there will be no regular bar function. There is alcohol served at union meetings but not like that. For many years there was not a problem with noise or alcohol with the surrounding neighborhood.

Judy: Was here in 2013, the parking was on the north side of the building, how will this work?

Keith Crookston: The new building will be built to the north of the existing building, plan to demolish the existing building, and adapt that are into more parking.

Dan: To go along with the abatement, would there be any fencing installed?

Keith: Will think on that because we have had the same situation for many years without a fence present.

Nick provided his suggested conditions for approval. These could include the possibility of abatement installed in the future.

The Chair entertained a motion on the conditional land use.

Dan motioned to approve the conditional land use with an additional condition that there will be noise abatement through fencing and/or visual guard.  
Ron seconded.

Discussion took place on this motion.

Keith Crookston: What is there now has been there for many years, and what we are required to do for more funds. Do not like to be mandated for something which may not be needed.

Planning Director mentioned that the condition can be situational, not a mandate. Stated like: "Will work with the city if noise abatement becomes an issue for the surrounding neighborhood."

Motion was amended to suite this situation.

Dan Koch motioned to approve the conditional land use with an additional condition that the property owner will work with the city if noise abatement becomes an issue for the surrounding neighborhood.  
Ron Seconded.  
Motioned Carried.

## 2. Public Hearing: Variance for Street Continuity for the Proposed Goldberg Sporting Estates Subdivision

The Chair opened the public hearing. The Chair directed the Planning Director to present the item.

The Planning Director presented the Variance 1 items that were included in the agenda packet and summarized the situation and department findings and background in the staff report.

Initial discussions by members took place on related but unaddressed issues stemming

Evan: Would like to see the existing roadway (previously called Ponderosa) to be extended.

Ron: What is south of the current Mulberry Avenue?

The Planning Director reviewed the YC GIS and found an existing structure present on the lot south of Mulberry Ave.

Jon: Question about extending the roadway.

Ron: Getting through town is tough enough, and if they want it to be an isolated area, they need to know that there are already traffic and access problems. Traffic flow is a major concern. There is no good controlled access. Thinks it should align with Mulberry.

Ron: If this realigns with Mulberry it could prompt new development for E 7<sup>th</sup> Street.

Evan: Have read that the winding roads of a subdivision have impacted emergency response vehicles. Kind of disagree with some points in the staff report.

The Chair opened the floor to public comment.

The Chair called for proponents.  
None came forward.

The Chair called for proponents.  
None came forward.

The Chair called for proponents.  
None came forward.

The Chair called for opponents.

Ed Onaszko – 1602 E 8<sup>th</sup> Street, Adjacent property owner. I know that people are going to want to develop this property. Our main concern is the safety of that size of a development. Dr. Benner brought up the traffic amounts coupled now with Regal trailer court. This could be 300+ vehicles added to the roadway. How will the traffic pattern change along E 8<sup>th</sup> and the surrounding roadways? I have been there for 40 years and have seen the area change. This planned subdivision will bring in more children. Safety is a concern for all of us. It doesn't seem like it will impact me or my property other than the traffic. And what is going to happen to East 8<sup>th</sup> to accommodate that traffic? The Middle School is west down East 8<sup>th</sup> street. Will sidewalks and road be redeveloped all the way down to the school? With the increase in traffic lately, cars move 40-60 miles an hour. We are concerned about that.

The Planning Director responded to the comment. As properties along East 8<sup>th</sup> Street annex into the city and develop or are redeveloped, they will be required to bring the adjacent roadway and pedestrian areas up to city standards. This includes curbing, gutter, sidewalks.

Dan: Eleanor Roosevelt portion is considered a trail in some sources, and no one even knows the specifics. The East 8<sup>th</sup> street portions need to be figured out and established. We need to establish the routes of East 8<sup>th</sup> and Eleanor Roosevelt and figure out how to access those lots before we go further with that. Can we hold off on this until the city or developer can figure out the situation?

The Planning Director responded to the comment. The developer/owner has previously provided a title report on the segment of roadway that is immediately near the proposed subdivision. This area is where we should focus on for these discussions.

Ed Onaszko: It might be advantageous to have a straight shot into the subdivision which would alleviate some of the pressure off of East 8<sup>th</sup> Street.

Board members discussed how this redesign could be a better solution to traffic flow.

The Chair asked for opponents.  
None came forward.

The Chair asked for opponents.  
None came forward.

The Planning Director provided a summary of the departments and the board's decision-making and suggested conditions.

Since there is no further public comment, the Chair closed the public hearing



The Board had additional thoughts on the variance application.

Roger: What I find disturbing is that they have submitted this 3 times, and none of the parties have been here at the hearings to provide additional information. I have questions I want to ask them, but they aren't here. It shows a bit of disrespect for the board. And this is a big project, its not just a couple of houses.

Roger suggested the Board move forward with a motion.

Roger Motioned to deny the variance request for Street Continuity with the staff recommendations as discussed.

Jon Seconded

Motion Carried.

Ron added one more point to the discussion: The idea and concept is good, but the street alignment needs to happen, for both Krieghoff and towards the corner near East Main Street.

3. Public Hearing: Variances for Roadway Widths and Right-of-Way Dedication for the Proposed Goldberg Sporting Estates Subdivision

The Chair opened the public hearing. The Chair directed the Planning Director to present the item.

The Planning Director presented the Variance 2 and Variance 3 items that were included in the agenda packet and summarized the situation and department findings and background in the staff report. The two variances involve right-of-way widths and right-of-way dedication.

Planning Board members had minor questions about the situation, with clarifications needed for items presented in the Staff Report.

The Chair opened the floor for public comment.

The Chair called for proponents.  
None came forward.

The Chair called for proponents.  
None came forward.

The Chair called for proponents.  
None came forward.

The Chair called for opponents.  
None came forward.

The Chair called for opponents.  
None came forward.

The Chair called for opponents.  
None came forward.

The Chair directed the Planning Director to respond to any responses.

With there being no public comment or board questions, the Chair closed the public hearing.

Ron motioned to deny the variance applications for right-of-way widths and right-of-way dedication with the recommended staff conditions.

Dan Seconded.

Roger Seconded

Motion Carried.

#### 4. Public Hearing: Growth Management Policy Review and Approval

The Chair opened the public hearing on the Growth Policy review and approval.

Chair directed the planner to present the item.

The Planning Director presented the current draft of the plan. This is much the same as the recent meetings, with slight changes. There are some alternations needed prior to finalization at City Council. These will be worked out between the Planning Director and the city contractors at KLJ Inc.

The Chair called for proponents.

None came forward.

The Chair called for proponents.

None came forward.

The Chair called for proponents.

None came forward.

The Chair called for opponents.

None came forward.

The Chair called for opponents.

None came forward.

The Chair called for opponents.

None came forward.

With there being no proponents or opponents present or questions from board members, the Chair closed the public hearing.

Ron Motioned to approve the Laurel 2020 Growth Management Policy with amendments to be completed prior to City Council approval.

Evan Seconded.

Motion Carried.

#### **New Business**

#### 5. Approve Meeting Minutes: September 16, 2020

Ron Motioned to approve the meeting minutes from September 16, 2020.

Evan Seconded.

Motion Carried.

## **Old Business**

### **Other Items**

6. Meeting Scheduling: Officially set for 3rd Wednesday

Nick presented the current schedule of meetings. The board will need to officially vote to change it to 3<sup>rd</sup> Wednesdays of each month.

Evan Motioned to have the official meeting date of Planning Board be the 3<sup>rd</sup> Wednesday of the month.

Jon Seconded.

Motion Carried.

Discussion on Regal debris and trash and fencing that doesn't allow kids to get soccer balls.

Jon asked about the 8<sup>th</sup> Avenue affordable housing. Nick presented the update that It was just recently approved for funding.

### **Announcements**

7. Next Meeting: November 18, 2020

Roger moved to adjourn

Jon Klasna

**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**

USW Conditional Land Use Application - Property Owners within 150ft			
Owner name	Tax Code	Legal Description	Address
PENNY, ARTHUR W & CAROL P	B01679C	NUTTING BROS SUBD, S10, T02 S, R24 E, BLOCK 2, Lot 7	701 BIRCH AVE
SUNHAVEN LLC	B01680	NUTTING BROS SUBD, S10, T02 S, R24 E, BLOCK 3, Lot 1 - 45, AMND BLK 3-4	1102 SUNHAVEN DR
FORSYTH, MARJORIE A	1002848	S10, T02 S, R24 E, 1999 BONNAVILLA 15X75 TITLE: E503230 SN: NEB99A27570 100*	1002 SUNHAVEN DR
BARSTAD, TAMMY HOTH	1004081	S10, T2S, R24E, SERIAL 11217, TITLE # AA0258978, MAKE CHAMPION, MODEL LIFESTYLE*	1004 SUNHAVEN DR
COTTER, JAMES MICHAEL	1008070	S10, T2S, R24E, SERIAL # G3064, TITLE # AA2491792, MAKE GALLATIN, YEAR 1979, SI*	1006 SUNHAVEN DR
LANDOR, CLARISSA J	1008222	S10, T02 S, R24 E, SERIAL # R50272, TITLE # M794947, MAKE MARLETTE, YEAR 1975, *	1008 SUNHAVEN DR
PIERSON, FRANK E	1008914	S10, T02 S, R24 E, 1972 CENTURY 14X76 TITLE: M442079 SN: 11215 1010 SUNHAVEN*	1010 SUNHAVEN DR
ME BALLINGER TRUST	1000651	S10, T02 S, R24 E, SERIAL # 137000HC500310A, TITLE # AA2400168, MAKE COMMANDER, *	1012 SUNHAVEN DR
LARSON, BRUCE	B00816	NUTTING SUBD, S10, T02 S, R24 E, BLOCK 10, Lot 1 - 2	520 COTTONWOOD AVE
HOLLEY, DENNIS W & HEATHER M	B00828	NUTTING SUBD, S10, T02 S, R24 E, BLOCK 11, Lot 3 - 4	518 DATE AVE
FELLER, WILLIAM L & DARLENE I &	B00827	NUTTING SUBD, S10, T02 S, R24 E, BLOCK 11, Lot 1 - 2	520 DATE AVE
WAGNER, COLE M &	B00838	NUTTING SUBD, S10, T02 S, R24 E, BLOCK 11, Lot 22, E2 LT 22-24	1008 E 6TH ST
HOMEWOOD, DANIEL	B00837	NUTTING SUBD, S10, T02 S, R24 E, BLOCK 11, Lot 22, W2 LT 22-24	519 COTTONWOOD AVE
HAGLAN, WILLIAM & WENDI	B00798	NUTTING SUBD, S10, T02 S, R24 E, BLOCK 7, Lot 11 - 12	917 E 6TH ST
VRALSTED, TIMOTHY J	B00797	NUTTING SUBD, S10, T02 S, R24 E, BLOCK 7, Lot 9 - 10	604 COTTONWOOD AVE
SMITH, TONY C & SHAWNA E	B00796A	NUTTING SUBD, S10, T02 S, R24 E, BLOCK 7, Lot 6 - 8	610 COTTONWOOD AVE
MULLANEY, SHAWN & AMY MAYE	B00796	NUTTING SUBD, S10, T02 S, R24 E, BLOCK 7, Lot 4 - 5	616 COTTONWOOD AVE
TAYLOR, FRANK W & CHARITY L	B00795	NUTTING SUBD, S10, T02 S, R24 E, BLOCK 7, Lot 1 - 3	624 COTTONWOOD AVE
SYDES-FNIDLAY, LISA J	B00793	NUTTING SUBD, S10, T02 S, R24 E, BLOCK 6, Lot 11 - 12	602 DATE AVE
SANDAU, CHARLES D & CAROLINE D	B00792	NUTTING SUBD, S10, T02 S, R24 E, BLOCK 6, Lot 9 - 10	608 DATE AVE
CAHHAL, TERRY D &	B00791	NUTTING SUBD, S10, T02 S, R24 E, BLOCK 6, Lot 7 - 8	610 DATE AVE
LEHMAN, JAMES D	B00790	NUTTING SUBD, S10, T02 S, R24 E, BLOCK 6, Lot 5 - 6	614 DATE AVE
COOLEY, MATTHEW	B00789A	NUTTING SUBD, S10, T02 S, R24 E, BLOCK 6, Lot 3 - 4	618 DATE AVE
SWECKER, JON D	B00789	NUTTING SUBD, S10, T02 S, R24 E, BLOCK 6, Lot 1 - 2	622 DATE AVE
PACE PIONEER LOCAL 8-443	B00794	NUTTING SUBD, S10, T02 S, R24 E, BLOCK 6, Lot 13 - 24	1009 E 6TH ST

## PUBLIC HEARING NOTICE

The Laurel City-County Planning Board and Zoning Commission will conduct a public hearing on a conditional land use application submitted by Steve Jansma of United Steel Workers 11-443 for operating a Union Hall at 1009 East 6<sup>th</sup> Street Laurel, MT which is zoned Residential Limited Multi-Family (RLMF). The Zoning Commission hearing is scheduled for **5:35 P.M., in the City Council Chambers at City Hall, 115 West 1st Street, Laurel, Montana, on Wednesday, October 21, 2020.**

Additionally, the City Council has scheduled a public hearing and consideration of approval for the conditional use. The City Council hearing is scheduled for **6:30 P.M., in the City Council Chambers at City Hall, 115 West 1st Street, Laurel, Montana, on Tuesday, November 10, 2020.**

The United Steel Workers Local has maintained the union hall at 1009 East 6<sup>th</sup> Street for many years. They have proposed to demolish and replace the aging building currently on site with an up-to-date building with improved facilities. Union Halls and other meeting halls are not described in Chapter 17.16 – Residential Districts. This lack of description requires a conditional land use permit to be approved prior to any demolition and construction activities to develop a new facility for future use.

The conditional land use permitting process is intended to provide a detailed and comprehensive review of the proposed use and ensure that the interest of the public, the community, and surrounding neighborhood are protected. Conditional uses that are granted by the city are site specific and run with the land. Land use changes not specifically included in the approval of the conditional use are a violation of the city zoning ordinance.

Public comment is encouraged and can be provided in person at the public hearings on October 21<sup>st</sup> and November 10<sup>th</sup>. Public comment can also be made via email to the Planning Director, or via letter to the Planning Department office at 115 West 1<sup>st</sup> Street Laurel, MT 59044. A copy of the conditional use application and supporting documentation is available for review upon request at the Planning Department office. Questions regarding this public hearing may be directed to the Planning Director at 628.4796 ext. 5, or via email at [cityplanner@laurel.mt.gov](mailto:cityplanner@laurel.mt.gov).

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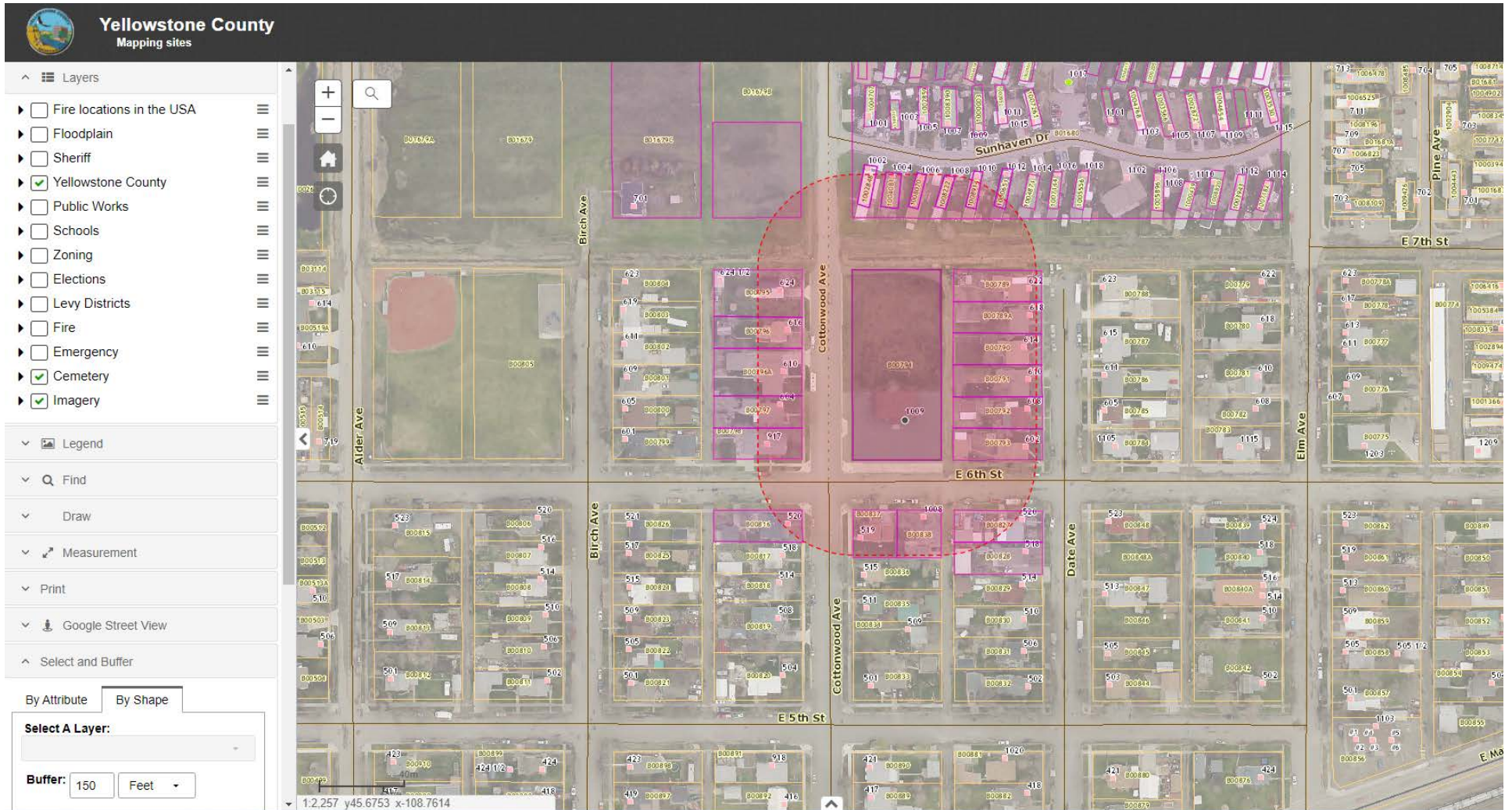
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USW Conditional Land Use Application – Exterior Concept Image





## USW Conditional Land Use Application - 1009 East 6<sup>th</sup> Street with 150ft buffer





## **RESOLUTION NO. R13-50**

### **A RESOLUTION OF THE CITY COUNCIL GRANTING A VARIANCE FROM THE CITY'S NONCONFORMING USE REGULATION.**

WHEREAS, LMC 17.56.030 states that no building used for a nonconforming use shall be enlarged, extended, reconstructed or structurally altered; and

WHEREAS, the owners of property located at 1009 East 6<sup>th</sup> Street seek a variance to tear down the current structure and reconstruct a new building at the present location due to the building's dilapidated condition; and

WHEREAS, the owners submitted their request for a variance to the Laurel-Yellowstone City-County Planning Board. The Planning Board held a public hearing on the matter no protests were heard; and

WHEREAS, the Laurel-Yellowstone City-County Planning Board considered all of the documentary evidence in the applicant's file and the testimony of the owners and recommends the approval of the variance, subject to the following conditions:

1. The variance shall be good for three years from approval on unimproved property.
2. The applicant shall apply for a building permit.
3. Property shall be kept free of noxious weeds.
4. All storm water must be kept on site.

WHEREAS, the City Council held a public hearing concerning this matter on August 6, 2013. No objections were noted or received into the record.

WHEREAS, the City Council of the City of Laurel hereby finds it is in the best interests of the residents of the City of Laurel to allow the variance since:

1. granting the variance in this case relates only to a special condition that is specific to the applicant;
2. the current hardship was not created by the applicant;
3. the variance requested appears to be within the spirit, intent and purpose of the zoning regulations; and
4. granting the variance will not injure or result in an injustice to others.

NOW THEREFORE, BE IT RESOLVED that the owner's request for a variance from the nonconforming use zoning requirement is hereby approved for the property located at 1009 East 6<sup>th</sup> Street.

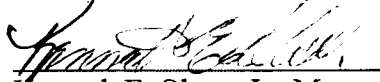
BE IT FURTHER RESOLVED, that the variance is site specific to this address, and the variance granted herein is subject to the four conditions listed herein.

Introduced at a regular meeting of the City Council on August 6, 2013, by Council Member Poehls.

PASSED and APPROVED by the City Council of the City of Laurel, Montana this 6<sup>th</sup> day of August, 2013.

APPROVED BY THE MAYOR this 6<sup>th</sup> day of August, 2013.

CITY OF LAUREL

  
Kenneth E. Olson, Jr., Mayor

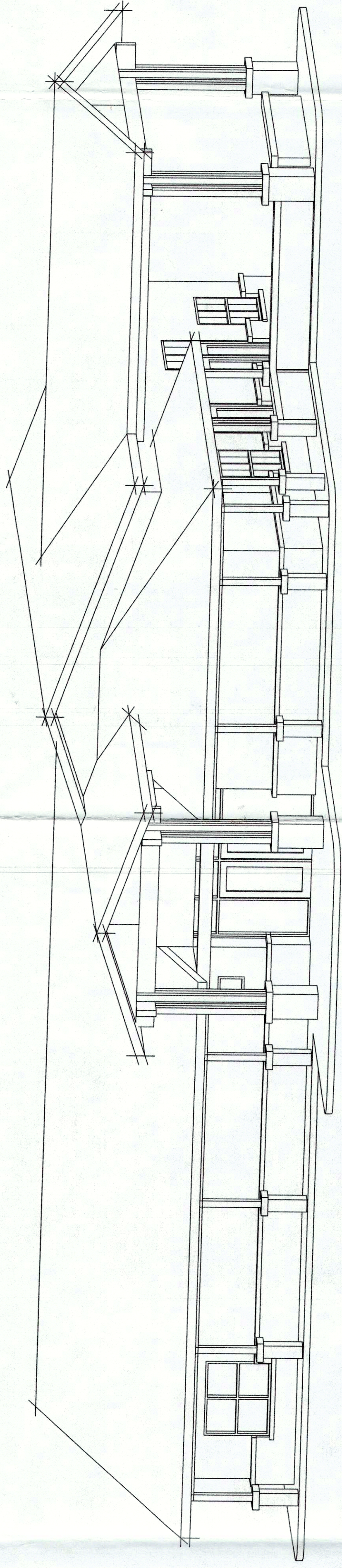
ATTEST:

  
Shirley Ewan, Clerk/Treasurer

APPROVED AS TO FORM:

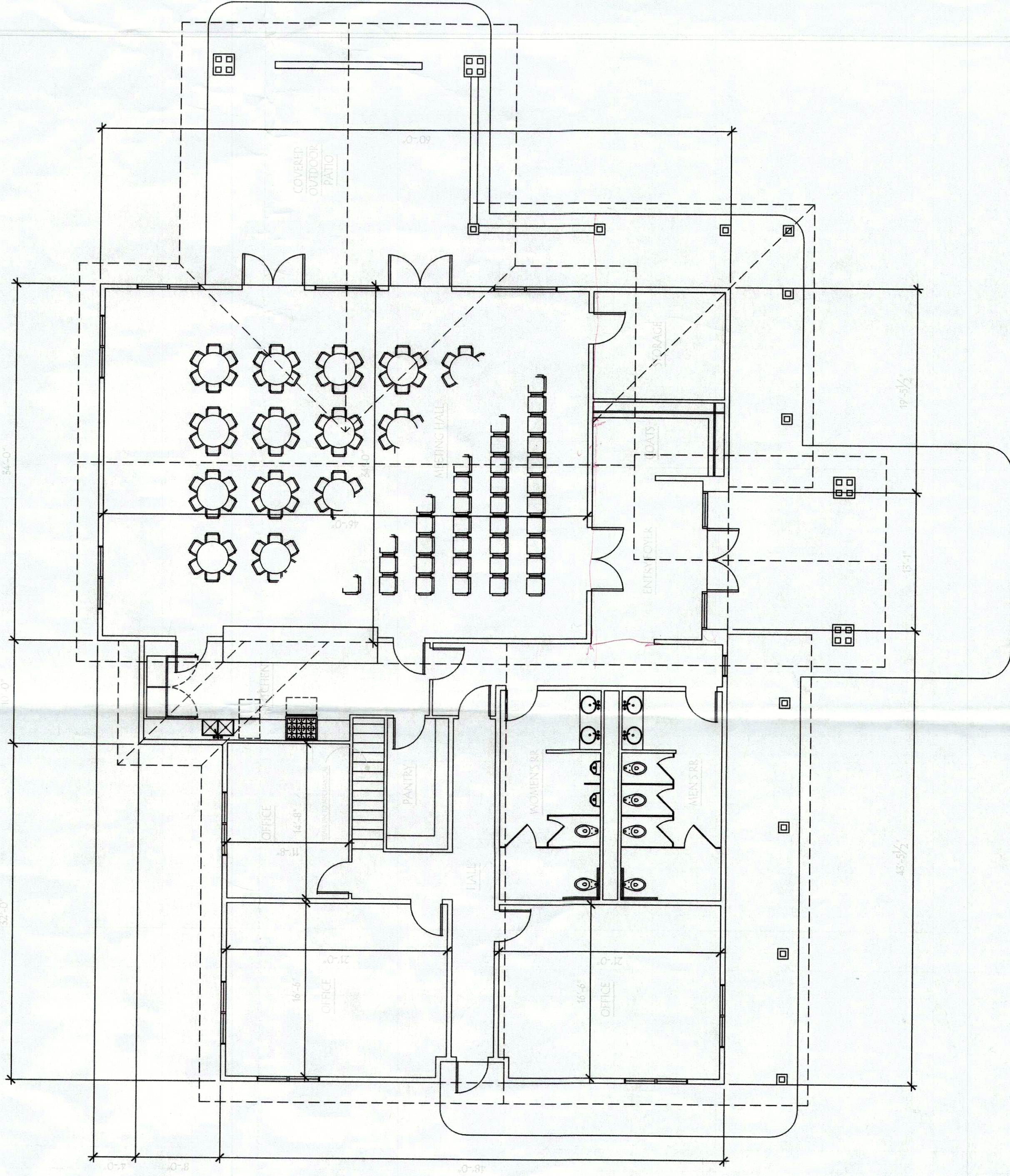
  
Sam S. Painter, Civil City Attorney





ENTRY PERSPECTIVE

South View

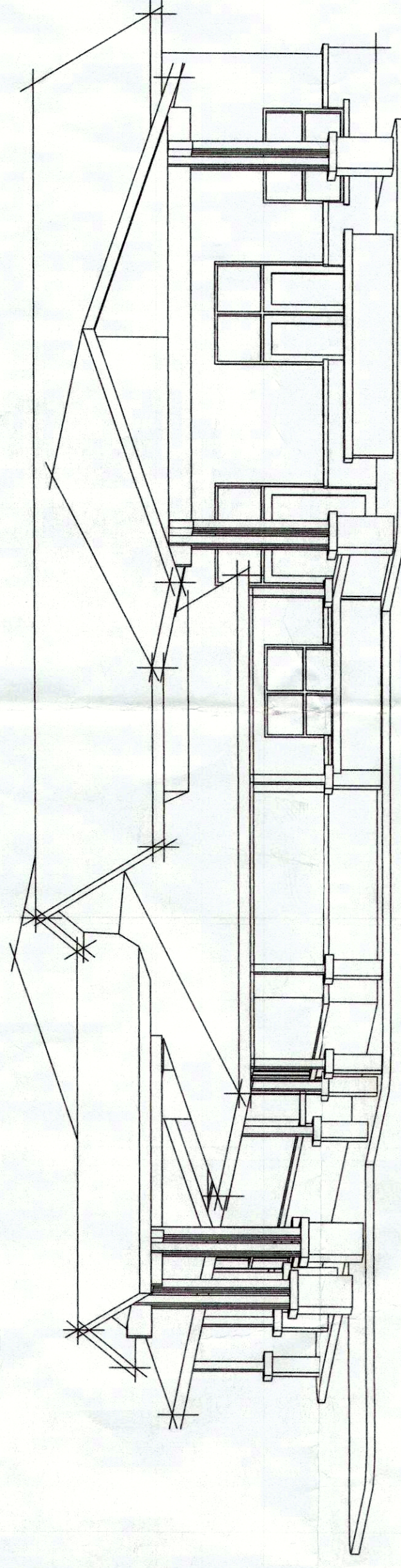


FIRST FLOOR PLAN

SCALE 1/8" = 1'-0"  
MEETING ROOM (CIRCULAR)  
DINING ROOM (RECT.)  
KITCHEN (RECT.)



400' 31"  
NORTH



COVERED PATIO PERSPECTIVE

# UNITED STEEL WORKERS LOCAL #11-443 UNION HALL LAUREL, MONTANA